

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 13, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large
John C. Ulfelder, Dranesville District

ABSENT: None.

The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, March 20, 2014, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center to continue the discussion on the draft for the White Paper on Electric Vehicle Charging Station Infrastructure. He added that all were welcome to attend.

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Commissioner Sargeant noted that the Workshop on the Advertised Fairfax County Capital Improvement Program (CIP) for Fiscal Years (FY) 2015 through 2019 would take place on Wednesday, March 12, 2014, and announced the schedule for upcoming meetings as follows:

- Thursday, March 20, 2014 – CIP Public Hearing
- Thursday, March 27, 2014 – CIP Committee Meeting
- Wednesday, April 2, 2014 – CIP Mark-Up

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PCA 2000-MV-034/SEA 80-L/V-061-02/2232-V13-18/2232-V13-17 – FURNACE ASSOCIATES, INC. (Decision Only) (The public hearing on this application was held on February 27, 2014.)

Commissioner Flanagan: Yes, thank you, Mr. Chairman. As I alerted you last night, over 200 members of the South County Federation met last Tuesday night with Supervisor Bulova,

Supervisor Hyland, Planning Commissioner At-Large Sargeant, and myself to discuss the Furnace Associates, Inc. application that was the subject of our public hearing with 56 registered speakers on February 27 and 28. Chairman Bulova then announced that she an Supervisor Hyland will form a group including community, staff, and the applicant members to investigate alternative solutions to the current application. Commissioner Sargeant and I agreed. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR THE FURNACE ASSOCIATES, INC. APPLICATIONS SEA 80-L/V-061-02, 2232-V13-18, PCA 2000-MV-034, AND 2232-V13-17, TO A DATE CERTAIN OF APRIL 3 OF THIS YEAR, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to continue the decision only of the aforementioned applications to a date certain of April 3rd, with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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SEA 2009-LE-028 – CLAUDE A. AND BETTY J. WHEELER

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one public hearing scheduled for this evening; however, the Lee Land Use Committee met on Monday night to take action on this case. The applicant has sent a letter today asking for a deferral so they can digest the Lee Land Use vote on that Monday night, and they are going to make their decision sometime in the future. They understand where the community is on this issue and we may or may not have this brought back. So, since I'm not quite certain what the action of the applicant will be on this, I'm going to defer it to an indefinite date. So, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 2009-LE-028, BY CLAUDE AND BETTY WHEELER, INDEFINITELY.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to defer this application indefinitely, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. PCA 85-D-081-02 – FEDERAL REALTY INVESTMENT TRUST
2. RZ 2013-SP-011 – VAN METRE COMMUNITIES, LLC

This agenda was accepted without objection.

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PCA 85-D-081-02 – FEDERAL REALTY INVESTMENT TRUST
– Appl. to amend the proffers for RZ 85-D-081 previously approved for retail uses to permit associated modifications to proffers with an overall Floor Area Ratio (FAR) of 0.37 and waiver of minimum lot width requirement. Located at 6252 Old Dominion Dr., McLean, on approx. 18,474 sq. ft. of land zoned C-6. Comp. Plan Rec: Retail and Other Commercial Uses. Tax Map 31-3 ((1)) 112B.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated January 30, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had had a pending case with Ms. Mariska's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Carmen Bishop, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application PCA 85-D-081-02.

Commissioner Ulfelder asked Ms. Bishop to explain where on the property the modification of the transitional screening was needed. Ms. Bishop noted that there was a 15-foot wide storm sewer easement with an existing fence between an existing building on the subject site and a church on the adjacent property. She noted that this was the primary reason for agreeing to the modifications of the plantings, adding that the location of the storm sewer made it impossible to fully comply with the Zoning Ordinance provisions. In addition, she confirmed that the revised proffers, dated March 12, 2014, included a proffer to provide additional landscaping referencing Appendix 8 of the staff report, Commissioner Ulfelder asked if there was a response to comments made by the County Urban Forester regarding the interior parking lot landscaping. Ms. Bishop explained that the applicant had stated that there would be six parking spaces, whereas the Zoning Ordinance required interior parking lot landscaping in lots with 20 or more parking spaces.

Commissioner Hart asked if there were any outstanding Zoning Ordinance violations on the subject property. Ms. Bishop stated that there were none.

Ms. Mariska explained that the application proposed to modify a proffer to provide greater marketability for a very small portion of the existing shopping center. She noted that the current site had been consistently vacant over the years and said that the applicant wanted to modify the permitted use to better lease that portion of the shopping center and hold it to the same standards as the rest of the center. She stated that the applicant had met with the McLean Citizens Association (MCA) on three occasions and, based on discussions with them and surrounding community groups, committed to a number of improvements to the shopping center property as well as the adjacent property, including a pedestrian walkway that would connect an existing signalized crosswalk across Old Dominion Drive and provide a pedestrian path to this portion of the shopping center. In addition, she noted that an existing bus pad would be improved and a cross walk conforming with the Americans with Disabilities Act (ADA) would be added in the main portion near the front of the shopping center. Further, she said the applicant had proffered to coordinate and provide an ADA-compliant path on the application site that would connect the subject property to the main shopping center if and when the main shopping center were to redevelop. Ms. Mariska said that the landscaping on the site was challenging because of the existing transformer, meter room, and the easement; however, she said that the applicant committed to supplementing the existing trees with shrubs and additional trees wherever possible. She also confirmed that additional landscaping would be installed, should the easement be vacated. She added that the application had received support from the MCA and county staff and asked for the Commission's support.

Chairman Murphy called the one listed speaker for this case and recited the rules for testimony.

Mark Zetts, 6640 Kirby Court, Falls Church, representing McLean Citizens Association, noted that the applicant had met with MCA's planning and zoning committee four times and stated that the MCA was in support of the proposed use. He reiterated that there were chronic vacancies at the site, and noted that the applicant had been very generous with proffer commitments, pointing out that a much needed sidewalk with staircase would be installed. He reiterated many of the improvements noted by Ms. Mariska and then read the MCA's resolution in support of the proposal.

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The Commission went into a short recess at 8:51 p.m. and reconvened in the Board Auditorium at 8:55 p.m.

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Commissioner Ulfelder noted that the existing fence had a gate to access the back of the neighboring church property and asked how the church used it. Mr. Zetts said he did not know, but noted that because the ground was often wet, its use would be limited. Commissioner Ulfelder thanked Mr. Zetts and commended the MCA for its collaboration with the applicant.

Commissioner Litzenberger asked whether residents from the nearby Vinson Hall Retirement Community walked to the shopping center. Mr. Zetts confirmed that they did, noting the importance of the sidewalk and staircase.

Commissioner Lawrence asked where the staircase was located. Mr. Zetts explained that it was incorporated, with eight steps, into the pedestrian path to the shopping center and would have a railing to ensure safety.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Mariska, who pointed out that the stairwell, with the handrail, was in the proffer commitments.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Chairman Murphy: The public hearing is closed. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-D-081-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 12TH, 2014, AND THE REAFFIRMATION OF WAIVERS OF MINIMUM LOT SIZE AND WIDTH, AND APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING, AND THE WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE.

Commissioners Litzenberger and Hall: Second.

Chairman Murphy: Seconded by Ms. Litzenberger and Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 85-D-081-02, with the two waivers and one modification, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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Because the following case was in the Springfield District, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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RZ 2013-SP-011 – VAN METRE COMMUNITIES, LLC – Appl. to rezone from R-1 to R-3 (Cluster) to permit residential development with a total density of 2.33 du/ac. Located on the E. side of Gambrell Rd. approx. 600 ft. S. of its intersection with Hooes Rd. on approx. 7.72 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 89-3 ((1)) 39

and 42. Also under the Board's consideration will be the applicant's Water Quality Impact Assessment Request #5072-WQ-001-1 and a Resource Protection Area (RPA) Encroachment Exception Request #5072-WRPA-001-1 under Section 118-6-9 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit the encroachment within an RPA for the purpose of Storm Water Management and related improvements.

SPRINGFIELD DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated January 6, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Mariska's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application RZ 2013-SP-011.

Ms. Mariska noted that the application proposed 18 single family homes, resulting in a density of 2.33 dwelling units per acre, which was well within the planned recommended density for the area and consistent with the surrounding developments. She added that the application had the support of the county staff and asked for the Commission's favorable consideration.

Vice Chairman de la Fe called the first listed speaker and recited the rules for testimony.

Randy Becker, 7513 Candytuft Court, representing Middle Valley Civic Association Springfield, made three requests before the Planning Commission:

- Add four more façades to Proffer Number 19, Architectural Features, as follows: the south facing rear of Number 2; the south facing rear of Number 1; the north facing side of Number 17; and the north facing side of Number 16.
- The development should honor the Hall family and name streets and/or buildings after them, given their long history in Fairfax County. And,
- Consider a possible alternative to the closure of the sidewalk along Gambrell Road during the installation of the water/sewer line and construction of the turn lane, because residents would otherwise have a difficult time getting to the existing bus stop.

Commissioner Murphy asked Mr. Becker where his community was located in relation to the subject site. Mr. Becker indicated the location on a county tax map provided by staff.

Roger Rutherford, 7404 Gambrell Road, Springfield, noted that he had experienced severe runoff on his property as a result of poor drainage and detention. He stated that after having described these challenges at a meeting in September 2013, the applicant immediately responded by

proposing stormwater improvements now included in the staff report. He also noted that Virginia Department of Transportation (VDOT) personnel had also been to the site to consider additional options that were not included in the current proposed improvements. He thanked the applicant for his timely response and help in resolving the problem.

Commissioner Murphy also commended the applicant for its responsiveness to Mr. Rutherford's issues.

Thomas J. Smedley, 7406 Gambrell Road, Springfield, supported the development of new modern homes, but said that a traffic study must be performed. He said that Gambrell Road was challenging for drivers and suggested a raised or vegetated median to mitigate traffic speeds as well as enhance the neighborhood. He also suggested that the applicant provide connections to a nearby county park and trail. In addition, he echoed Mr. Becker's remarks regarding the additional façades in Proffer Number 19 and suggested additional modernization initiatives. He also agreed that the applicant should honor the Hall family by using the name for streets.

Kathleen Neuman, 7476 Westcreek Court, Springfield, noted that she lived in the adjacent Westwater Point community, which experienced severe runoff problems. She reiterated earlier concerns regarding the traffic and the sidewalk to the bus stop and requested that a vegetated buffer be put in place along the border of the community during the construction.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Ms. Mariska, who first addressed the additional four façades and pointed out that the substantial buffering and heavy tree save options proposed in the application would limit their visibility. With respect to the sidewalk along Gambrell Road, she stated that Proffer Number 4C ensured access to the park and ride facility throughout the construction, adding that the proposed improved connectivity from the adjacent communities to the park and ride would be safer than the existing route.

Commissioner Murphy requested copies of the citizen testimony prior to the Board of Supervisors' public hearing for the applicant to incorporate additional suggestions.

Commissioner Hurley noted that care should be taken with the street names to prevent repetition within the county. Ms. Mariska ensured that street names would not be identical.

Mr. Gorney acknowledged that the applicant had committed to buffering, but noted that the neighboring property to the south of Lots 1 and 2 was cleared and belonged to a separate owner. He added that the residents might want to collaborate with that owner to determine what could be done to provide additional buffering to the subject site. Ms. Mariska pointed out, however, that while the photograph of the property in the staff report showed a cleared property, the applicant's site was in fact planted with vegetation.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

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Vice Chairman de la Fe: The public hearing is closed. This is in the Springfield District; Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I would MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2013-SP-011 AND THE ASSOCIATED GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 12TH, 2014.

Commissioner Hall: Second.

Vice Chairman de la Fe: Seconded by Ms. Hall. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RPA EXCEPTION 5072-WRPA-001-1 AND WQIA 5072-WQ-001-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 5TH, 2014.

Commissioner Hall: Second.

Vice Chairman de la Fe: Seconded by Ms. Hall. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Each motion carried by a vote of 12-0.

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Chairman Murphy resumed the chair and adjourned the meeting.

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The meeting was adjourned at 9:42 p.m.

Peter F. Murphy, Chairman

Janet R. Hall, Secretary

CLOSING

March 13, 2014

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: October 22, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission