

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 16, 2011**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

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

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COMMISSION MATTERS

Commissioner Sargeant announced that the Planning Commission's Capital Improvement Program (CIP) Committee had met earlier this evening to discuss the FY 2012 - FY 2016 CIP proposal. He announced that the Commission's CIP Markup would occur on Wednesday, March 23, 2011 at 8:15 p.m., in the Board Auditorium of the Government Center.

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Chairman Murphy announced that the Planning Commission's Telecommunications Committee would meet on Wednesday, March 23, 2011, at 7:00 p.m., in the Board Conference Room.

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Commissioner Alcorn MOVED THAT THE FOLLOWING ADDITIONAL 2011 COMMISSION APPOINTMENTS BE MADE TO DESIGNATED COMMISSION SLOTS ON THE FOLLOWING BOARD OF SUPERVISORS' APPOINTED COMMITTEES:

- EARL FLANAGAN - AIRPORTS ADVISORY COMMITTEE; AND
- JAY DONAHUE - ECONOMIC ADVISORY COMMISSION.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Harsel absent from the meeting.

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FS-P10-51 – NEW CINGULAR WIRELESS D/B/A AT&T MOBILITY, 1430 Spring Hill Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND FS-P10-51, NEW CINGULAR WIRELESS DOING BUSINESS AS (D/B/A) AT&T MOBILITY, IN SUBSTANTIAL ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Harsel absent from the meeting.

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FSA-P01-13-2 – AT&T MOBILITY, 2230 George C. Marshall Drive

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND FSA-P01-13-2, AT&T MOBILITY, IN SUBSTANTIAL ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Harsel absent from the meeting.

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ORDER OF THE AGENDA

In Secretary Harsel’s absence, Chairman Murphy established the following order of the agenda:

1. 2232-L11-1 – T-MOBILE NORTHEAST, LLC
2. SE 2010-DR-024 – DISCOVERY WOODS LEARNING COMMUNITY, LLC

This agenda was accepted without objection.

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2232-L11-1 – T-MOBILE NORTHEAST, LLC – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to construct a telecommunications facility and related equipment

located at 5419 Oakwood Road, Alexandria. Tax Map: 81-2 ((3))
33. Area IV. LEE DISTRICT. PUBLIC HEARING.

Leanna O'Donnell, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

In response to a question from Commissioner Migliaccio, Ms. O'Donnell clarified that the height of the lowest limb on the tree pole would be 20 feet.

Frank Stearns, Esquire, Donahue & Stearns, PLC, representing T-Mobile, indicated that handheld devices like the Kindle, Nook, and smartphones had increased demand for wireless data services. He stated that search rings were getting smaller, shrinking from a two-mile radius to a one-mile radius. He noted that the proposed site for the telecommunications tower would be along the edge of Oakwood Road near Van Dorn Street and Interstate 495 (I-495). He said that the facility would enable data service to expand into the Brookland and Bush Hill Woods neighborhoods. Mr. Stearns described how T-Mobile worked with both communities to reduce the size of the telecommunications tower from 160 feet to 125 feet, move the tower closer to Oakwood Road, and construct a tree pole instead of a monopole. He stated that T-Mobile had entered into an agreement with the Brookland-Bush Hill Civic Association to escrow \$5,000 for additional screening to lessen the visual impact of the tower. Mr. Stearns described three balloon tests over the proposed construction site and photo simulations that assessed visual impact. He also stated that the telecommunications tower would not have any lights. Mr. Stearns showed photos taken around the site and said T-Mobile had provided them to the surrounding communities, who had endorsed the proposal. He indicated that this telecommunications facility was needed since there had been more than 33,000 dropped calls in the area.

Replying to questions from Commissioner Migliaccio, Mr. Stearns said the alternate sites for the proposed telecommunications tower were mostly in residential areas and an area within the I-495 right-of-way. He stated that the Virginia Department of Transportation would not allow T-Mobile to access the I-495 site because it was reserved for a road widening project. Mr. Stearns said that T-Mobile could not use the sites across from Oakwood Road because the lots were too small. He said the equipment compound would sit at approximately 190 feet above mean sea level (MSL) and the property lines of the adjacent houses were located at approximately 230 MSL, so it was a steep climb at a difference of 40 feet over a 400-foot stretch. Mr. Stearns clarified that the trees depicted in the staff report were 6 feet in height, but T-Mobile was committing to 10 feet.

In response to questions from Commissioner Hart, Mr. Stearns said the drawing on sheet Z-7 of the staff report addendum was an artist's rendering of the tree pole. Ms. O'Donnell said the property was zoned C-3 and construction of the tree pole would not preclude development in the area. She stated that she did not know if there were any unresolved violations on the proposed site. Mr. Stearns clarified that T-Mobile could not obtain a building permit until the proposed

site was brought into compliance. Ms. O'Donnell commented that 2232 reviews could not be conditioned and it was outside the County's capacity to require the applicant to clean up the proposed site.

Responding to a question from Commissioner Flanagan, Mr. Stearns clarified that the location of the facility would not preclude future development because the project used only 2,200 square feet while the site encompassed 87,000 square feet. He noted that the telecommunications tower would not be in the front area of the lot. He stated that the equipment compound would be approximately 35 feet by 35 feet. Ms. O'Donnell clarified that the Zoning Ordinance Administration Branch had reviewed the proposed design for the equipment compound and determined that it was in compliance with Fairfax County requirements.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Karen C. Davis, 5791 Westchester Street, Alexandria, expressed support for the proposal. She noted that there was an issue with a construction company that had completely stripped the land behind her lot. She explained that she and surrounding residents worked out an arrangement where they could plant trees on their own property rather than relying on the property owner to do so.

Jeffery Snow, 5419 Oakwood Road, Alexandria stated that he was trying to raise \$42,000 to help clean up the lot for the proposed project.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Stearns for rebuttal but he declined. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR 2232-L11-1, T-MOBILE NORTHEAST, LLC, TO A DATE CERTAIN OF MARCH 23, 2011, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Sargeant and Hart seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Harsel absent from the meeting.

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SE 2010-DR-024 – DISCOVERY WOODS LEARNING COMMUNITY, LLC – Appl. under Sect. 3-104 of the Zoning Ordinance to permit a childcare center and private school of general education with a total enrollment of 26 students. Located at

9224 and 9232 Leesburg Pike on approx. 1.48 ac. of land zoned R-1. Tax Map 19-4((1)) 6 and 11. DRANESVILLE DISTRICT.
PUBLIC HEARING.

Keith Martin, Esquire, Tramonte, Yeonas & Roberts, PC, reaffirmed the affidavit dated December 1, 2010. There were no disclosures by Commission members.

Suzianne Zottl, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to questions from Commissioner Donahue, Ms. Zottl assured there were no violations due to the presence of animals or accessory structures issued for the property. She affirmed that the application was in accordance with the appropriate County provisions. She said at site plan review, the applicant could be required to conduct tests for stormwater management. Ms. Zottl confirmed that if the proposal was approved, the family residing in the existing house would have to vacate because it would become a commercial use.

Responding to questions from Commissioner Lawrence, Ms. Zottl said that the applicant would work with the site reviewer to shift the recreation area outside the screening yard. She said that staff would verify the screening required for the widening of Route 7.

In reply to questions from Commissioner Hart, Ms. Zottl said that the structures housing the animals could be moved, which might require a Special Exception Amendment (SEA). Cathy Lewis, ZED, DPZ, stated that the reason the applicant sought a SE was because the proposed number of animals was over what was permitted on the site. Ms. Zottl said staff could include a condition that would specify a time period for a decision by the Board of Zoning Appeals. She affirmed that a well was underneath the footprint of one of the proposed buildings that housed the animals.

Mr. Martin addressed some questions posed earlier by the Commissioners. He stated that the applicant was leasing four acres, one of which was not part of the proposal. He said that the facility contained a small pen for miniature goats and a small chicken coop. Mr. Martin said the applicant did not file a special permit because staff wanted to know if they had a SE before filing another plat. He said that if the proposal was accepted, the applicant would immediately file a request for a special permit. He stated that the facility fully conformed to the Zoning Ordinance in terms of keeping animals.

In response to a question from Commissioner Donahue, Mr. Martin said that the applicant had a permit for a family daycare home. He said that the permit would remain valid until the applicant applied for a Certificate of Occupancy in pursuing a SE.

Mr. Martin continued addressing questions posed earlier by the Commissioners, stating that the students entered the play area within age groups, typically composed of six to eight children

each. He stated that there would be four staff members present with the children. Mr. Martin noted that Discovery Woods was a scientific-based educational program where students would spend most of the day outside. He said the program advocated environmentally-conscious policies that would maintain the property. He said there would be no exterior changes to the existing structure. Mr. Martin said the enrollment would be limited to 26 children. He said the applicant had implemented a pick-up/drop-off condition that had been used successfully by other preschools in the area.

Responding to questions from Commissioner Sargeant, Mr. Martin said that if a parent missed the designated drop-off time, that parent would have to wait until another time slot opened up. He stated that parents were assigned different time slots based on their availability.

In response to questions from Commissioner Donahue, Ms. Lewis said that the animals were not necessary for Discovery Woods to remain operational. Mr. Martin stated that the permitted use of animals would be invalid if the facility was deemed a commercial use. He clarified that some students were dropped off earlier in the day before parents went to work and some had to stay later after the general school day. He stated that those who were dropped off at 8:30 a.m. became general education students and at 3 p.m. they became child care participants.

Replying to a question from Commissioner Lawrence, Mr. Martin said a larger number of vehicles per segment during drop-off were scheduled to ensure flexibility in case parents were late.

Mr. Martin responded to questions from Commissioner Hart regarding the well and animal shelters. Responding to more questions from Commissioner Hart, Mr. Martin said that the applicant was operating on a 4-acre lease and the special permit would be based on a 1.5 acre area and required a modification of the animal use permit. He said the permit would allow for a small pen for goats and a small chicken coop. Mr. Martin stated that if the permit was accepted, the applicant would retain the rest of the land, but would not use it for school purposes.

Chairman Murphy called the first listed speaker.

Larry Huffman, 1282 Towlston Road, Great Falls, representing the Bradley Oaks Homeowners Association, expressed opposition to the application because it would increase traffic on Towlston Road and set a precedent for establishing commercial enterprises on the property. He stated that the applicant had not sought approval from the Bradley Oaks Homeowners Association to expand the driveway.

Responding to questions from Commissioner Donahue, Mr. Huffman agreed to contact Dranesville District Supervisor John Foust's office to arrange a meeting with members of his homeowners association so they could learn why their concern about setting a precedent for future commercial development was not valid.

In reply to questions from Commissioner Sargeant, Mr. Huffman said the driveway was being relocated to the west side of the property. He stated that the applicant was leasing the property from the family of the deceased owner. Ms. Zottl stated that Parcel 19 was subject to the Bradley Oaks Homeowners Association covenants, which were not included in the application.

In response to questions by Commissioner Litzenberger, Mr. Huffman explained that he estimated the increase in students would necessitate 75 additional trips for drop-off/pick-up at the site and the materials used to calculate this estimate came from the McLean Citizens Association.

Commissioner Alcorn stated that he understood Mr. Huffman's concern about the potential increase of commercial development in the area, particularly in proximity of Tysons Corner, but pointed out that this proposal was an institutional use, not a commercial one.

Commissioner Hart explained to Mr. Huffman that the Planning Commission could not make decisions regarding the driveway and how it violated the Bradley Oaks Homeowners Association covenant. He said that this dispute would have to be settled between property owners or a judge.

Susannah Rosenberg, 9304 Shouse Drive, Vienna, Vice President, Shouse Village Community Association, stated that the applicant should work closer with the Bradley Oaks Homeowners Association to resolve their dispute. She expressed concerns about the traffic along Towlston Road.

Jill Braunstein, 1012 Gelston Circle, McLean, spoke in favor of the proposal. She stated that she had two children who attended Discovery Woods and had a positive experience.

Commissioner Lawrence explained to Ms. Braunstein that the Planning Commission could only rule on land use issues.

In response to a question from Commissioner Sargeant, Ms. Braunstein said that she was under contract with the school to get her children to Discovery Woods by a designated time, but if they were late they were reminded by the school of their obligations so they could make the appropriate adjustments.

John Studer, 9215 Vernon Drive, Great Falls, said he was the closest neighbor of Discovery Woods and was in favor of the proposal. He said his main concern about the property was that it be properly maintained. He stated that to date, the applicant had adequately maintained the property.

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), said his association supported the proposal, but expressed concerns about traffic. He said the MCA proposed some development conditions, including a staggered drop-off/pick-up

schedule. He stated that this staggered schedule worked in other cases with larger schools. Mr. Zetts said that the traffic along Towlston Road would not be heavily impacted by this proposal.

Frank Gentges, 9251 Wood Glade Drive, Great Falls, President, Glen Haven Farm Homeowners Association, expressed concerns about traffic, stating that the intersection at Towlston Road and Route 7 was heavily congested in the morning. He stated that the plan for staggered drop-off/pick-up times was unrealistic. He also expressed concern about the precedent this proposal would set, noting that it would undermine the residential nature of the surrounding neighborhood. Mr. Gentges expressed objection to the proposal, stating that more study was needed to address the outstanding issues.

Responding to questions from Commissioner Sargeant, Mr. Gentges clarified that the right-turn lane was an issue during heavy traffic. Ms. Zottl noted that the Virginia Department of Transportation stated that the proposal would not necessitate any transportation improvements. Mr. Gentges said that he disagreed with staff's assessment because the proposal would add more traffic to an area that was already burdened.

Commissioner Hart explained to Mr. Gentges that the Planning Commission could include development conditions when they evaluated a SE proposal, but did not have the authority to impose development conditions that did not mitigate the impacts of the proposed land use. He stated that the addition of 26 students would not significantly contribute to the traffic at the Towlston Road/Route 7 intersection.

Jennifer Tabola, 311 Kent Street, Falls Church, spoke in support of the proposal. She stated that she had two children attending the school and they had a generally positive experience.

Responding to questions from Commissioner Litzenberger, Ms. Tabola said there were times where traffic variations affected her ability to drop off her children on time, but she was able to arrive within a 10-minute period. She said traffic within the last half-mile of the school was not a concern.

Laura Mitchell, on behalf of Lori Carbonneau, 10203 Castlewood Lane, Oakton, read an email dated March 16, 2011 that supported the proposed school expansion. She stated that an estimated 60,000 vehicles passed through the Towlston Road/Route 7 intersection daily and the increase in traffic by the proposal would be minimal. (A copy of Ms. Carbonneau's email is in the date file.)

Laura Wilson, P.O. Box 9212, McLean, Vice President, Towlston Meadow Community Association (TMCA), expressed similar concerns regarding increased traffic and precedent for changing the designation of the property from residential to commercial use that had been raised by previous speakers.

Chairman Murphy clarified that the property would not be rezoned to commercial use and would be designated for institutional use. He said a SE allowed the land to be used as an institutional use, but did not change its zoning.

Ms. Wilson stated that since the TMCA had not spoken with members of their association they could not oppose or support the proposal.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Martin for rebuttal remarks.

Mr. Martin reiterated that the rigorously enforced staggered drop-off/pick-up proposal would ensure that the impact on traffic would be minimal. He stated that there was precedent from the United States Supreme Court that gave the local Board of Supervisors the authority to select the proposals for which to grant SEs.

Chairman Murphy called for closing comments from the Commission and staff.

In reply to a question from Commissioner Donahue, Mr. Martin said that parents utilized onsite parking for events not related to dropping off or picking up their children. He said the applicant would arrange for offsite parking and shuttles if necessary.

Commissioner Hart restated that approval of a SE to allow for a non-residential use on residential property would not change the zoning of the property.

Chairman Murphy closed the public hearing and recognized Commissioner Donahue for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2010-DR-024, DISCOVERY WOODS LEARNING COMMUNITY, LLC, TO A DATE CERTAIN OF MARCH 23, 2011, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners de la Fe, Hall, and Harsel absent from the meeting.

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The meeting was adjourned at 10:37 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

March 16, 2011

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

Meeting taken by: Jeanette Nord

Minutes by: Jacob Caporaletti

Approved on: April 18, 2012

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission