MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 23, 2011

PRESENT: Frank A. de la Fe, Hunter Mill District
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: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:15 p.m. by 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

Chairman Murphy announced that retired Planning staff member, Richard Faubion, had passed away on Wednesday, March 16, 2011, in Falls Church. He said Mr. Faubion is survived by his wife, four children, eight grandchildren, and five great-grandchildren. He noted that Mr. Faubion was a retired U.S. Navy Captain who had previously worked as Deputy Director and also Acting Director of the Office of Comprehensive Planning (now Department of Planning and Zoning). On behalf of the Planning Commission and staff, Chairman Murphy expressed deepest sympathies and condolences to the Faubion family.

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Commissioner Lawrence noted that Sprint offered Sprint Drive First, an application on a wireless mobile device that blocked text-messages and auto-responded to the sender that the recipient was currently unavailable while driving.

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Chairman Murphy announced that the Planning Commission's Telecommunications Committee would meet on Thursday, May 5, 2011, at 7 p.m., in the Board Conference Room of the Government Center, to continue discussion on proposed modifications to Objectives 42 and 43

of the Policy Plan, Mobile and Land-Based Telecommunication Services, as outlined in the strawman document prepared by staff.

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Telecommunications Committee Recommendation on Radio Frequency (RF) Analysis

Chairman Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT BASED ON THE AFOREMENTIONED RATIONALE, THE REQUEST INITIATED BY SUPERVISORS HYLAND AND HERRITY REQUIRING RF ANALYSIS, BE AMENDED TO INDICATE THAT WHILE THE BOARD SUPPORTS A PLANNING COMMISSIONER'S RIGHT TO SEEK AN INDEPENDENT RF ANALYSIS FROM THE APPLICANT, AND NOTES THAT APPLICANTS MAY PROVIDE SUCH INFORMATION WITHOUT SOLICITATION TO INCLUDE WRITTEN AND/OR ORAL OR VISUAL AID INFORMATION, IT NOT BE A COUNTY REQUIREMENT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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FSA-L96-72-2 – AT&T MOBILITY, 6209 Rose Hill Drive (John Marshall Library)

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-L96-72-2, LOCATED AT 6209 ROSE HILL DRIVE, IS A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Sargeant abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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MARKUP ON FY 2012-2016 FAIRFAX COUNTY ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) (With Future Fiscal Years to 2021) (Decision Only) (The public hearing on this item was held on March 10, 2011. A verbatim transcript of the decision made is in the date file.)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE ADVERTISED FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2012 THROUGH 2016, WITH FUTURE YEARS TO 2021, WHICH INCLUDES A BOND PROGRAM DESIGNED TO:

- CONTINUE TO FUND PROJECTS CURRENTLY UNDERWAY;
- INCLUDE COUNTY BOND REFERENDA IN FALL 2012 FOR $120 MILLION;
- INCREASE SCHOOL BOND SALES FOR FISCAL YEAR 2013 AND BEYOND FROM $130 MILLION to $155 MILLION PER YEAR;
- INCLUDE IN FALL 2014, $100 MILLION FOR ROADS AND TRANSIT IN LIGHT OF THE TYSONS AREA TRANSFORMATION;
- MAINTAIN A STEADY LEVEL OF SCHOOL BOND REFERENDA AT $240 MILLION IN FALL 2011, 2013, AND 2015;
- FUND LIMITED PAYDOWN PROGRAM FOR CRITICAL PROJECTS AND BEGIN TO ADDRESS DEPARTMENT OF JUSTICE REQUIREMENTS FOR ADA IMPROVEMENTS;
- CONTINUE THREE-YEAR SHORT-TERM BORROWING PLAN TO ADDRESS RENEWAL BACKLOGS; AND FINALLY,
- IDENTIFY SIGNIFICANT FUTURE REQUIREMENTS, INCLUDING A PUBLIC SAFETY HEADQUARTERS TO REPLACE THE MASSEY BUILDING, REQUIREMENTS ASSOCIATED WITH THE TYSONS CORNER REDEVELOPMENT PLAN, AND SUPPORT FOR THE DULLES RAIL PROJECT.

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

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2232-L11-1 – T-MOBILE NORTHEAST, LLC (Decision Only)
(The public hearing on this application was held on March 16, 2011. A verbatim transcript of the decision made is in the date file.)

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND 2232-L11-1, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Flanagan seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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SE 2010-DR-024 – DISCOVERY WOODS LEARNING COMMUNITY, LLC (Decision Only)
(The public hearing on this application was held on March 16, 2011. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-DR-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 23, 2011.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE CONSTRUCTION OF THE ON-ROAD BICYCLE LANE REQUIREMENT ALONG LEESBURG PIKE, IN FAVOR OF THE RIGHT-OF-WAY DEDICATION.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE CONSTRUCTION OF FRONTAGE IMPROVEMENTS ALONG LEESBURG PIKE AND TOWLSTON ROAD, IN FAVOR OF THE RIGHT-OF-WAY DEDICATION.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG LEESBURG PIKE.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG PARCEL 19.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENTS ALONG LEESBURG PIKE.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE CONSTRUCTION OF THE TRAIL REQUIREMENTS ALONG LEESBURG PIKE AND TOWLSTON ROAD, IN FAVOR OF THE RIGHT-OF-WAY DEDICATION IN GRANTING OF EASEMENTS.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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2232-S09-26 and SEA 99-S-012-03 – THE COUNTRY CLUB OF FAIRFAX, INC. AND T-MOBILE NORTHEAST LLC (Decisions Only)
(The public hearing on these applications was held on March 10, 2011. A verbatim transcript of the decisions made is in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-S09-26, AS AMENDED BY T-MOBILE, TO CONSTRUCT A TELECOMMUNICATIONS FACILITY ON THE PROPERTY OF THE COUNTRY CLUB OF FAIRFAX, SATISFIES THE CRITERIA OF CHARACTER, LOCATION, AND EXTENT, AS SPECIFIED BY *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried by a vote of 6-0-2 with Commissioners Donahue and Flanagan abstaining; Commissioner Hart recusing himself from the votes; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 99-S-012-03, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Litzenberger seconded the motion which carried by a vote of 6-0-2 with Commissioners Donahue and Flanagan abstaining; Commissioner Hart recusing himself from the votes; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS REAFFIRMATION OF THE FOLLOWING WAIVERS AND MODIFICATIONS, WHICH WERE PREVIOUSLY APPROVED UNDER SEA 99-S-012-02:

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE SE PLAT;
- WAIVER OF THE BARRIER REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE SE PLAT;
- WAIVER OF THE SERVICE DRIVE REQUIREMENTS ON ROUTE 123;
- MODIFICATION OF PARAGRAPH 2, SECTION 9-528, TO PERMIT THE LOCATION OF THREE STRUCTURES AND TENNIS COURTS WITHIN 50 FEET OF A LOT LINE; AND
- WAIVER OF THE REQUIRED CONSTRUCTION OF FRONTAGE IMPROVEMENTS ON ROUTE 123 IN ASSOCIATION WITH THIS APPLICATION.

Commissioner Litzenberger seconded the motion which carried by a vote of 6-0-2 with Commissioners Donahue and Flanagan abstaining; Commissioner Hart recusing himself from the votes; Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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ORDER OF THE AGENDA

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

1. CSPA 2003-HM-046 – WOODLAND PARK CROSSING RETAIL, LLC AND WOODLAND PARK APARTMENTS, LLC
2. 2232-D11-3 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (Fisher Avenue Train Control Room)
3. SE 2010-DR-030 – SHELTER DEVELOPMENT, LLC

This order was accepted without objection.

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CSPA 2003-HM-046 – WOODLAND PARK CROSSING RETAIL, LLC AND WOODLAND PARK APARTMENTS, LLC – Appl. to amend the Comprehensive Sign Plan for CSP 2003-HM-046 to permit an additional monument sign. Located in the N.W. quadrant of the intersection of Sunrise Valley Dr. and Woodland Pointe Ave. on approx. 7.88 ac. of land zoned PDC. Tax Map 16-4 ((23)) C and R. HUNTER MILL DISTRICT. PUBLIC HEARING.

Commissioner de la Fe asked that Chairman Murphy ascertain whether there were any speakers on this application. Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that presentations by staff and the applicant were not necessary.

Answering a question from Commissioner de la Fe, Sara Mariska, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, explained that on Sheet 1 of 3 in the staff report, the color of the sign had been referenced incorrectly as "Russet Brown" but it should have been identified as "Metallic Silver" as depicted on a corrected slip sheet provided to staff.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 2003-HM-046, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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2232-D11-3 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to consider the proposal by the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of the Washington Metropolitan Area Transit Authority, to construct a Train Control Room located south of Fisher Ave. in the VDOT right-of-way, Falls Church, VA. Tax Map 40-4. Area II. DRANESVILLE DISTRICT. PUBLIC HEARING.

Leanna O'Donnell, Planning Division (PD), Department of Planning and Zoning (DPZ), 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.

Commissioner Donahue announced his intent to defer the decision on this application after the close of the public hearing.

In response to a question from Commissioner Donahue, Ms. O'Donnell said staff had determined that the proposed Train Control Room (TCR) would be co-located within the Virginia Department of Transportation (VDOT) right-of-way with the existing Traction Power Substation (TPSS).

Commissioner Donahue questioned whether the TCR would actually be co-located with the TPSS because the eastern edge of the TCR would be located over 150 feet away from the TPSS. Addressing this concern, Ms. O'Donnell cited Policy b under Objective 4 of the Public Facilities element of the Comprehensive Plan: "Co-locate public facilities whenever appropriate to achieve convenience and economies of scale, as long as the integrity of the Comprehensive Plan is not impinged."

Commissioner Donahue also questioned whether the proposed 15-foot tall screen wall would actually buffer visual impact because it would be totally out of character with the adjacent residential neighborhood.

Ms. O'Donnell replied to questions from Commissioner Hart regarding the existing sheds located in the backyards of two residential properties fronting Osborn Street directly across Fisher Avenue, as depicted on the Proposed Location Landscape Plan in the staff report.

Jonathan Rak, Esquire, with McGuireWoods LLP, stated that the proposed TCR would house the equipment needed to safely operate track crossovers on the existing Metrorail Orange Line and track turnouts for the new Metrorail Silver Line. He noted that the application sought to shift the previously-approved location of the TCR to a different location on the same site and said if it was not approved it would delay the Silver Line project schedule. He described the design of the TCR and said it would be located near the tie-in of the Silver Line to the Orange Line, which would also allow maintenance workers to observe the performance of the switching system. Mr. Rak indicated that a letter dated March 9, 2011, from Charles S. Carnaggio, Project Director, Dulles Corridor Metrorail Project, explained that the TCR needed to move to the proposed location due to the following reasons:

- Clear and direct line of sight to the switch location on the rail line;
- No conflict with any utilities;
- Shorter distance for the high voltage electrical duct bank connecting to the TPSS;
- Located within 10 feet of the Fisher Avenue curb;
- Reduced construction and maintenance burdens and decreased risk of damage due to the underground cable;
- No need to dig a trench for the high voltage electrical duct bank along Fisher Avenue;
- Increased distance from the closest house to 110 feet;
- Located across from storage sheds in the backyards of two adjacent residential properties; and
- Provided greater screening.

(A copy of Mr. Carnaggio's letter is in the date file.)

Mr. Rak said the applicants believed the proposed location was safer, technically superior, and would have less impact on the residential neighbors than what was previously approved. He noted that the project team had met with the neighbors although they still had some concerns. He explained that the proposal was in conformance with the criteria of location, character, and extent as specified in Section 15.2-2232 of the *Code of Virginia* in the following ways:

- Location: The facility would be within the limits of the Interstate 66 (I-66) right-of-way;
- Character: Significantly increased the setback to 25 feet from the Fisher Avenue curb and provided greater opportunity for landscaped screening to mitigate visual impact; and
- Extent: The facility was less intense than what was permitted by the Zoning Ordinance and its scale was the minimum necessary to support the transit system.

Mr. Rak said the applicants also believed the application demonstrated that the facility was entirely in accord with the adopted Comprehensive Plan.

Replying to questions from Commissioner Donahue, Mr. Rak noted that there would be a glass front in the doorway of the TCR. He said the proposed location would enable Metro workers to visually confirm the track switching process, which would enhance safety operations. He indicated that the TCR would be located 25 feet away from the Fisher Avenue curb.

Commissioner Donahue expressed concern that the 25-foot setback might be reduced because only approximate dimensions of the building were cited in the staff report.

In response to another question from Commissioner Donahue, Mr. Rak said he thought that the original application had been based on limited engineering information and the applicants had to respond to more detailed information as it evolved.

Commissioner Donahue said he was perplexed that the applicants had failed to adequately address Policy d under Objective 5, "Evaluate engineering considerations, such as slopes and soils and other factors pertinent to knowing the extent of the site's development cost," regarding the originally approved site. He said, however, he believed that the TCR could be constructed on the current site. Mr. Rak replied that the Commission was required to evaluate the character, location, and extent of the proposed site only, in accordance with the *Code of Virginia* standards.

Mr. Rak answered questions from Commissioners Donahue and Hart regarding the proposed tree plantings.

Responding to more questions from Commissioner Hart, Richard Stevens, Dulles Rail Project Coordinator, Fairfax County Department of Transportation (FCDOT), explained that if this application was not approved, it would delay the Silver Line project for nine months, which meant that the first phase of the rail line would open in 2014 instead of December 2013. He said the TCR must be operational before the Silver Line opened. He noted that the latest the Commission could make a decision on this proposal without causing a delay was April 6, 2011.

Commissioner Lawrence commented that the 15-foot tall screen wall would call attention to the TCR and said he thought that landscaping would be a better option for screening.

In reply to questions from Commissioner Lawrence, Mr. Rak said he would provide additional information about the operations of the switches and signals that would transfer trains from the Orange Line to the Silver Line. He noted that maintenance workers would visit the site on a weekly basis to monitor the equipment and make adjustments as necessary. Mr. Rak explained that an operator would not have to be on-site moving the trains back and forth because the equipment would operate automatically. He said the TCR would have a light above the secured doorways to comply with Metro standards to enable workers to find the door in the dark. Commissioner Lawrence expressed concern that this would waste electricity.

Answering a question from Commissioner Sargeant, Mr. Rak explained that the TCR must be located near the switching equipment; therefore, it could not be located at the West Falls Church Metro Station.

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

Jon Kaufmann, 6706 Fisher Avenue, Falls Church, spoke in opposition to the proposal citing concerns about encroachment of an industrial use into the adjacent Brilyn Park community; lack of justification for moving the facility; deteriorated quality of life of the residents; close proximity of the building setback to the Fisher Avenue curb; and need for an additional driveway for maintenance vehicle access to the facility. He also claimed that the applicants had not exercised due diligence in conducting an unbiased, rigorous, and transparent analysis of feasible alternative sites and had not shown good faith in their discussions with the Brilyn Park Neighborhood Association and community residents. (A copy of Mr. Kaufmann's remarks is in the date file.)

Susan Barth, 6638 Fisher Avenue, Falls Church, representing the Brilyn Park Neighborhood Association, expressed strong objection to the facility citing concerns about encroachment of an industrial use into a residential community; failure of the applicants to perform due diligence to obtain an adequate cost to work around the existing conditions of the previously-approved site; loitering, criminal and suspicious activities, graffiti, and litter in the community; incompatibility with the residential character of the community; close proximity of the building setback to the Fisher Avenue curb; intrusive eyesore; inadequate analysis of possible alternative locations; lack of consideration of the community's concerns and requests for information; significant loss of mature shade trees; additional paved driveway; and increased heat island effect. (A copy of Ms. Barth's remarks is in the date file.)

Answering a question from Chairman Murphy, Ms. O'Donnell said staff had not considered the proposed use as an industrial use in a residential district because it was allowed by-right in the VDOT right-of-way.

William Barth, 6638 Fisher Avenue, Falls Church, said he opposed the proposal citing concerns about industrial intrusion in a suburban neighborhood; unwillingness by the applicants to correct errors, failure to make an honest effort to work with the community, and seriously consider alternative sites; incompatibility with the residential character of the community; negative visual impact; excessive scale and height of the screen wall; close proximity of the building setback to the Fisher Avenue curb; and loitering, criminal and suspicious activities, graffiti, and litter in the community. He commented that the proposed trees could not be planted so close to the curb because they would destroy the curb and street as they grew. Mr. Barth also pointed out that if the TCR was located closer to the existing TPSS, Metro workers would be better able to see the track switching through a camera lens than through their naked eye from the proposed location. (A copy of Mr. Barth's remarks is in the date file.)

In response to questions from Commissioner Flanagan, Mr. Barth said that even if the new building was designed to look like a single-family house, it would always look different because it would be located too close to the street. He suggested that the building be located down the hill where it would not be visible from the neighborhood. He pointed out that the applicants had claimed that it would not be practical to change the appearance of the building.

Replying to a question from Commissioner Lawrence, Mr. Barth claimed that the applicants had identified three site options: 1) the previously-approved location, 2) 10 feet downhill from the previously-approved location, and 3) the proposed location.

Sandee Haskell, 6707 Fisher Avenue, Falls Church, indicated her objection to the application citing concerns about incompatibility with the surrounding homes; close proximity to her property; insufficient justification for moving the building; loitering by gangs, criminal activity, graffiti, trash, violence, unwanted non-neighborhood visitors, and homeless individuals in the community; severe encroachment into the neighborhood; detrimental impacts on the quality of life and safety of the residents; and adverse visual impact. She also expressed concern about a broken chain link fence along the rear of her property. Throughout her presentation, Ms. Haskell showed photographs of graffiti on the existing vacant TPSS building. She suggested that the new building be attached to the existing building with brick installed around it and designed to look like a house. (Copies of Ms. Haskell's remarks and photographs are in the date file.)

Responding to questions from Chairman Murphy, Ms. Haskell said she had contacted the Police about the graffiti and there was a neighborhood watch group in her community.

Troy Welck, 6639 Fisher Avenue, Falls Church, described his suggested revisions to the applicants' Assessment of Alternatives chart:

- Assessed the community criteria from the community's perspective;
- Evened out the number of community and technical criteria;
- Added a priority and weighted score; and
- Translated the symbols to scores.

Mr. Welck indicated that the most important priorities to the Brilyn Park community were security; aesthetics, including no extra driveway, not including a new structure; and preserving home values. He expressed strong objection to the proposed building because it would attract more graffiti, loitering, criminal activities, and litter in the community; provide inadequate security measures; result in significant tree loss; be incompatible with the low-density residential character of the neighborhood; decrease the quality of life of the residents; and lower home values. He also commented on the lack of willingness by the applicants to work with the community to address their concerns. (Copies of Mr. Welck's suggested Assessment of Alternatives chart and remarks are in the date file.)

In reply to a question from Commissioner Litzenberger, Mr. Welck said he preferred that the new building be located at the previously-approved location with no screening.

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), said the MCA believed that the proposed relocation of the TCR did not meet the character and location standards. He explained that the MCA strongly recommended that the applicants locate the TCR adjacent to the TPSS, preserve existing vegetation to the greatest extent possible, and improve the appearance of the overall facility, especially the TPSS, in keeping with the character of the neighborhood. Mr. Zetts also questioned how denial of this application would delay the Silver Line project for nine months. (A copy of the MCA resolution dated March 2, 2011, is in the date file.)

Chairman Murphy pointed out to Mr. Zetts that the duration of the permitting and approval stages would cause the delay to be as long as nine months. Mr. Zetts claimed that the applicants would not need a VDOT permit for the previously-approved site because it was not in the VDOT right-of-way. Chairman Murphy said this issue needed clarification but he still believed that the process would probably take as long as nine months. Mr. Zetts said he was inclined to believe that a project of this priority would be expedited and not be subject to a difficult approval process.

Concluding his remarks, Mr. Zetts noted that the applicants had denied the neighborhood's request to design the building to look like a house because it was a limited access facility that needed a fence or tall wall around it, which would obstruct the view. He questioned the applicants' justification for relocating the facility to the new site and said the original site was more appropriate.

James Bellora, 6633 Fisher Avenue, Falls Church, also spoke in opposition to the proposal citing concerns about the applicants' unacceptable design approach, insufficient assessment of alternative locations, lack of justification, inadequate community outreach, and disregard for the neighborhood impact, and negative impacts on the residential character, property values, and quality of life of the community. He suggested that the TPSS be renovated or expanded to limit impacts to the community. Mr. Bellora questioned how the applicants could draft an initial design without knowledge of the existing underground utilities. He pointed out that relocating

the utilities was a standard engineering procedure and the applicants were simply trying to avoid this additional cost. (A copy of Mr. Bellora's remarks is in the date file.)

Commissioner Lawrence explained that rather than filling and building a retaining wall at the proposed location, the building could be lowered somewhat down the slope toward I-66, which would require a smaller amount of fill and a small side hill cut. He said this would save the cost of relocating the utilities, lower the profile of the building, and with additional vegetation it would be virtually invisible to the adjacent residences. Mr. Bellora said the applicants had dismissed this option based on the cost of site preparation to install the concrete slab as the foundation for the prefabricated building. Commissioner Lawrence questioned this justification because the difference in the site preparation cost between relocating the building somewhat down slope and making the building flush with the crest was incremental. Mr. Bellora concurred with this statement.

Jon Burns, 6636 Fisher Avenue, Falls Church, said he was strongly opposed to the proposal because it did not make sense and would damage the character of the neighborhood, pose a safety risk, and negatively impact the quality of life of the residents. He indicated his support for moving the facility down the slope. (A copy of Mr. Burns' remarks is in the date file.)

John Ruoff, 6620 Gordon Avenue, Falls Church, also said he was opposed to the facility because it would attract graffiti, be out of scale and character with the adjacent residential community, and be directly visible from his and his neighbors' properties. He also questioned the applicants' justification for relocating the facility to the proposed site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Rak.

Addressing the questions and concerns raised by the speakers, Mr. Rak stated that if the TCR was constructed adjacent to the existing TPSS, it would not allow sufficient space for landscaping between the structure and Fisher Avenue. He pointed out that if the new location was approved, additional landscaping would be planted in front of the TPSS to help mitigate the visual impact of that building. Mr. Rak explained that the proposed screen wall would obstruct the view of the TCR and also act as a sound barrier to help mitigate the noise from I-66 as it would be of a similar dimension and appearance to the sound walls along the I-66 right-of-way. He also noted that the driveway would not be visible to vehicles on I-66 or the adjacent residences because they would predominantly see vegetation obscuring the wall.

In response to a question from Commissioner Hart, Mr. Rak explained that graffiti would be removed from the buildings and prickly holly bushes would be planted against the screen wall to help deter graffiti.

Answering a question from Commissioner Litzenberger, Mr. Rak said he would determine whether security cameras could be installed at the site.

In reply to questions from Commissioner Flanagan, Mr. Rak explained that the applicants had considered relocating the facility somewhat down the slope as suggested by Commissioner Lawrence but this solution was not feasible because it would require maintenance access from I-66 and steps down to the ground level of the building, which would pose a problem for workers moving heavy equipment.

Responding to a question from Commissioner Migliaccio, Mr. Rak said he would provide the cost estimate of building the TCR on the already-approved site compared to building it on the proposed site.

Replying to more questions from Commissioner Migliaccio, Mr. Stevens said he believed that the applicants had determined not to use the original site in 2009 when they had discovered the underground utilities. He noted that community outreach had begun in September 2010 after it had been determined that administrative approval could not be granted for the new site.

Commissioner Lawrence commented that it was difficult for him to believe that steps were a complete deal breaker for moving the building down the slope and suggested that a generally sloping ramp be built to address this issue.

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 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 ON 2232-D11-3, AS AMENDED, TO A DATE CERTAIN OF APRIL 6, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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The Commission went into recess at 10:40 p.m. and reconvened in the Board Auditorium at 10:54 p.m.

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SE 2010-DR-030 – SHELTER DEVELOPMENT, LLC – Appl. under Sects. 3-104, 4-804, 9-301, and 9-601 of the Zoning Ordinance to permit a medical care facility and an increase in Floor Area Ratio (FAR) from .5 to .7 (on the C-8 portion) on approx. 3.56 ac. of land

zoned C-8 and R-1. Tax Map 12-4 ((1)) 32. DRANESVILLE DISTRICT. PUBLIC HEARING.

Greg Riegle, Esquire, with McGuireWoods LLP, reaffirmed the affidavit dated February 17, 2011. There were no disclosures by Commission members.

Commissioner Donahue announced his intent to defer the decision on this application after the close of the public hearing.

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.

Mr. Riegle identified the location of the subject property and existing uses in the immediate walking distance of the property. He described the design, layout, and amenities of the proposed assisted senior living development. He noted that the proposed use would generate less traffic and parking and provide a needed service to the community compared to the alternatives permitted by-right under the C-8 zoning. Mr. Riegle pointed out that the applicant would make a substantial financial contribution to the Friends of Colvin Run Mill to be used for capital projects in coordination with the Dranesville District Supervisor, as depicted in Development Condition Number 12. He said the applicant agreed to all the proposed conditions except Condition Number 8 regarding frontage improvements because these improvements would adversely affect an existing specimen tree, as indicated by the community. He noted that the Great Falls Citizens Association and Fairfax County Health Care Advisory Board (HCAB) supported the proposal.

In response to a question from Commissioner Donahue, Mr. Riegle explained that 56 parking spaces would be provided on-site in accordance with the minimum number allowed by the Zoning Ordinance; the majority of the senior living development residents would not drive; the parking mainly accounted for visitors and staff; and the currently approved office use would provide 90 surface parking spaces with an additional 30 spaces underground. He noted that the applicant was committed to green building practices that included an energy-efficient HVAC system and recycling program, and said he would provide the Commission and staff with more information.

Commissioner Donahue expressed appreciation to the applicant for agreeing to make a financial contribution to the Friends of Colvin Run Mill.

In reply to a question from Commissioner Hart, Mr. Riegle said he would verify whether the trail was within the Virginia Department of Transportation (VDOT) right-of-way and if so, VDOT would be responsible for maintenance.

Responding to questions from Commissioner Flanagan, Mr. Riegle indicated that the portion of the property that was located within the R-1 District would remain zoned R-1 and the remainder would be commercially zoned in the C-8 District. He said the proposed medical care facility use was permitted by Special Exception (SE) in both the R-1 and C-8 Districts.

Answering a question from Commissioner Lawrence, Mr. Riegle said all the rooms would be wired for broadband access.

Chairman Murphy called the first listed speaker and noted that the rules for public testimony previously-cited still applied.

Robert Lundegard, 950 Carya Court, Great Falls, representing the Friends of Colvin Run Mill, recommended that the applicant seek comments and approval by the Fairfax County Architectural Review Board (ARB). He said he supported the proposal because it would fit into the concept of the Colvin Run Village. He also suggested that the applicant seek every opportunity to improve the existing walkways or encourage others to help create a system of walkways that would enable the free and safe movement of people throughout the village. (A copy of Mr. Lundegard's remarks is in the date file.)

Wendell Van Lare, 1226 Colvin Meadows Lane, Great Falls, Vice President of the Colvin Meadow Estates Homeowners Association, expressed opposition to the proposed development citing concerns about nonconformance to the applicable Zoning Ordinance and Comprehensive Plan; incompatibility with the residential character of the adjacent community; excessive intensity and scale of the building; negative impacts on the tranquility, quality of life, and property values of the neighborhood; constant noise; hazardous traffic conditions on Colvin Run Road; and absence of a need for another assisted senior living development in the area. He said the community preferred an office building. (A copy of Mr. Van Lare's remarks is in the date file.)

Chairman Murphy pointed out to Mr. Van Lare that the Planning Commission could not legally deny an application on the basis of "restriction of trade," in that the number of existing assisted senior living facilities nearby could not be considered when evaluating this application.

In response to questions from Commissioner Sargeant, Kristen Abrahamson, ZED, DPZ, stated that the Colvin Run Historic District was determined to be eligible for the National Register of Historic Places but it had never been finalized. She noted that the boundaries of the National Register-eligible district overlapped with the boundaries of the Colvin Run Historic Overlay District but they were not contiguous. She showed the Proposed Historic District Boundary Map, as depicted on page 4 of the memorandum dated February 17, 2011, from Linda Cornish Blank, Historic Preservation Planner, in Appendix 8 of the staff report, noting that it had not been approved and was subject to participation of the property owners. Ms. Abrahamson explained that the application property was not within the boundaries of the Colvin Run Historic District but was in the immediate vicinity, which required certain protections and proposed ways to ensure compatibility but did not prohibit all use of the property. She indicated that the historic significance of the structure proposed to be removed was integrally tied to that of the demolished Feighery Store/Thelma’s Ice Cream. She said staff was satisfied with the photographic documentation provided by the applicant.

Replying to a question from Commissioner Hart, Mr. Vanlare said he thought that the minimum four percent provision of beds for residents who were eligible for the Virginia Department of Social Services' Auxiliary Grant program was minimal.

Answering questions from Commissioner Flanagan, Ms. Abrahamson explained that there had been a proposal to expand the Colvin Run Historic District, which would have included this property, but it had not been pursued and there was no pending application to designate the site at the present time. She noted that although the Fairfax County Park Authority (FCPA)'s archeologist had stated that archaeological study was not necessary, the applicant had agreed to submit photographic documentation of the existing standing structures and their surroundings, as recommended by Ms. Blank.

Responding to a question from Commissioner Litzenberger, Ms. Abrahamson said there was a definite shortage of senior housing in Fairfax County.

Suresh Pandellapalli, 10204 Colvin Run Road, Great Falls, voiced objection to the development because it would exacerbate traffic congestion and cause dangerous traffic conditions in the area; not address a need in the area; be incompatible with the residential character of the neighborhood; and harm property values. He also expressed concern that the headlights of the vehicles entering and exiting the site during late night shift changes would disrupt the tranquility of the neighborhood. Mr. Pandellapalli claimed that he was never contacted by the applicant.

In reply to questions from Chairman Murphy, Mr. Pandellapalli said the shift changes would generate 52 vehicles entering and/or exiting the property and their headlights would shine into the bedroom windows of the adjacent homes late at night. He indicated that the adjacent commercial development contained small offices, retail stores, and restaurants that closed by 10 p.m.

Dianne Van Volkenburg, 11164 Rich Meadow Drive, Great Falls, Chair of the Great Falls Citizens Association's (GFCA) Land Use Zoning Committee, said she had not received an e-mail, letter, or phone call opposing the proposal. She noted that the applicant had hosted several neighborhood outreach meetings. She spoke in favor of the proposal because it would be the most optimal use for the site; serve Great Falls and the surrounding communities; be a softer transition for the community than the currently-approved office building; provide a trail designed to prevent water runoff into the stream beds, further protect the ponds, conform to the historic nature of the community, and complement the natural stone trail to the west of the site; and allow the GFCA's Environmental Committee to assist in selecting plantings that were native in species.

Ms. Van Volkenburg recommended that the following conditions be met:

- Preserve the large oak tree located at the site entrance, which had been evaluated by an arborist and reported to be healthy;
- Install a national wildlife habitat community within the Resource Protection Area on-site, which had been agreed to by the applicant;

- Support the applicant in its submittal of the optional road frontage without VDOT improvements relative to the site frontage, as shown on Sheet 2 of 18 of the SE Plat in the staff report;
- Do not support recommendations for dedicating road frontage and improvements along Colvin Run Road because they would denigrate the heritage resource and scenic character and jeopardize the National Register of Historic Places designation for Colvin Run Road. In addition, there were no improvements planned for Colvin Run Road so there was no need for the dedication of roadway frontage and the proposed use would not warrant any additional road improvements; and
- Invite Karen Washburn, of the Great Falls Historical Society, and the nominator of the National Register of Historic Places to work with the Planning Commissioners, County staff, and the applicant to develop a resolution for the road frontage. (A copy of Ms. Van Volkenburg's remarks is in the date file.)

Answering a question from Chairman Murphy, Ms. Van Volkenburg said she thought that the proposed use was better than the currently-approved office building, which would be 126,000 square feet and 3 stories tall with underground parking.

Replying to questions from Commissioner Litzenberger, Ms. Van Volkenburg said she believed that the proposed development would not affect property values in the adjacent community. She noted that most of the residents would not be able to drive due to medical conditions.

Joseph Sartiano, 1124 Walker Road, Great Falls, expressed strong objection to the facility citing concerns about incompatibility with the rural setting of Great Falls; 24-hour/7-days-a-week/365-days-a-year operations; increased traffic congestion; nonconformance to the applicable Zoning Ordinance and Comprehensive Plan standards for the Great Falls area; detrimental impacts on the property values and quality of life of the residents; contamination of his well water caused by stormwater runoff from the site; light pollution; and constant noise. (A copy of Mr. Sartiano's remarks is in the date file.)

In response to a question from Chairman Murphy, Mr. Sartiano said he and his neighbors would prefer an office building on the site as it was currently zoned. Chairman Murphy said he did not understand how a three-story office building would complement a rural setting.

Answering questions from Commissioner Flanagan, Mr. Sartiano said the proposed development would be spread out over three acres versus an office building located on only one acre. He added that the development would not be harmonious with the adjacent residences.

Michal Yu, 10202 Colvin Run Road, Great Falls, distributed a handout listing 10 senior living communities in Fairfax County, noting that there were several vacancies in these facilities. He said he opposed the proposal because there was not a demonstrated need for an assisted senior living facility and the building would be too close to the street line and abutting lot lines. (A copy of Mr. Yu’s handout is in the date file.)

Chairman Murphy reiterated that the Planning Commission could not legally deny an application on the basis of "restriction of trade."

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegle.

Mr. Riegle stated that the applicant would meet with Mr. Yu and some of his immediate neighbors on Saturday, March 26th, to address their concerns. He explained that the proposed use was not commercial and the majority of medical care or assisted senior living facilities in the County had been established in residentially-zoned districts, similar to schools and day care centers. He pointed out that the facility would generate roughly one-fourth to one-third of the total vehicle trips generated by a commercial development; therefore, there would be no traffic issues. Mr. Riegle said the overnight shift consisted of seven employees, which was a fairly nominal number in the context of the other permitted alternatives. He explained that the applicant had committed to address the architectural design for compatibility with the surrounding community; provide landscaping improvements as recommended by the County; display a tribute to the demolished Feighery Store/Thelma's Ice Cream; and submit photographic documentation of the existing structures, cultural landscape, and relationship of the site to Colvin Run Road prior to development and/or demolition. Mr. Riegle noted that although the application property was not subject to ARB review because it was not in the Colvin Run Historic District, the applicant would present the final building design and architecture to the ARB to obtain its input, as recommended by Mr. Lundegard.

Responding to a question from Commissioner Lawrence, Mr. Riegle explained that the applicant expected to use cementitious siding products, such as Hardiplank, for the exterior façade treatments, which was considered a higher quality than vinyl or plastic.

In reply to a question from Commissioner Flanagan, Mr. Riegle said the applicant was confident of the need and demand for an assisted senior living facility in the Great Falls community.

Answering a question from Commissioner Donahue, Mr. Riegle said he believed that the proposed financial contribution to the Friends of Colvin Run Mill would benefit the residents and guests of the development. He stated that the applicant would work with staff and Commissioner Donahue on drafting development condition language addressing a suggestion by the Dranesville District Supervisor's Office that the FCPA oversee how these funds were allocated.

Replying to questions from Commissioner Litzenberger, Ms. Abrahamson explained that the HCAB reviewed rezoning and SE applications for medical care or assisted senior living facilities and made recommendations regarding the proposal to the Planning Commission and Board of Supervisors. She said the Fairfax County Redevelopment and Housing Authority reviewed only low-income housing projects or residential developments that contained affordable or workforce housing, including independent living facilities.

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 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 ON SE 2010-DR-030 TO A DATE CERTAIN OF APRIL 6, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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The meeting was adjourned at 12:14 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: Kara A. DeArrastia

Approved on: April 18, 2012

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