

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 25, 2015**

PRESENT: Peter F. Murphy, Springfield District
Julie Strandlie, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Frank A. de la Fe, Hunter Mill District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 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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COMMISSION MATTERS

Commissioner Hart MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO RELEVANT TELECOMMUNICATIONS CASE LAW, PURSUANT TO THE *CODE OF VIRGINIA*, SECTION 2.2-3711.A(5).

Commissioner Litzenberger seconded the motion, which carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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Upon returning from the closed session, Commissioner Hart MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, THAT ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS, AND ONLY SUCH MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH A CLOSED MEETING WAS CONVENED, WERE HEARD, DISCUSSED, OR CONSIDERED DURING THE CLOSED SESSION.

Commissioner Migliaccio seconded the motion, which carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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Chairman Murphy noted that Commissioner Litzenberger would be assuming the chairmanship of the Planning Commission's Capital Improvement Program (CIP) Committee during Commissioner Sargeant's absence.

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Commissioner Hart announced that the Commission's Environment Committee had met earlier this evening to receive a presentation by staff on electric vehicle charging stations. He added that the committee would meet again at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on the following dates:

- April 16 – Building Energy
- May 20 – Electric Vehicle Charging Station Infrastructure

He added that everyone was welcome to attend.

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RZ 2014-PR-018 – THE EVERGREENE COMPANIES, LLC

Commissioner Lawrence: I have two deferrals to move this evening: RZ 2014-PR-018, IN THE NAME OF THE EVERGREENE COMPANIES, LLC – THE PUBLIC HEARING IS TO BE DEFERRED TO APRIL 16TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there any discussion? All those in favor of the motion to defer the application to a date certain of April 16th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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PCA/FDPA 2005-PR-041-04 – ESKRIDGE (E&A) LLC

Commissioner Lawrence: Next, I MOVE THE DEFERRAL OF PCA/FDPA 2005-PR-041-04, ESKRIDGE (E&A) LLC PUBLIC HEARING TO APRIL 22ND, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor to defer the application, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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FS-B13-20 – SMARTLINK, LLC d/b/a AT&T, 8100 Braddock Road

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION FS-B13-2 [*sic*] THAT THE NEW ANCILLARY EQUIPMENT, INCLUDING NEW PANELS AND A GENERATOR, PROPOSED BY SMARTLINK, LLC, DOING BUSINESS AS AT&T, AND TO BE LOCATED AT THE EXISTING TELECOMMUNICATIONS FACILITY INSTALLATION WITHIN WAKEFIELD PARK AT 8100 BRADDOCK ROAD, IS SUBSTANTIALLY IN 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 Migliaccio: Second.

Chairman Murphy: Seconded by Mr. – Mr. Migliaccio. I – is that -2 or -20?

Commissioner Hurley: -20.

Chairman Murphy: Okay. All those in favor of the motion to concur with the "feature shown" amendment [*sic*] FS-B13-20, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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FS-M14-35 – VERIZON WIRELESS, 7212 Early Street

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S RECOMMENDATION FOR APPLICATION FS-M14-35, THAT NEW

ANCILLARY EQUIPMENT, INCLUDING NEW PANELS AND A GENERATOR, PROPOSED BY CELLCO PARTNERSHIP, DOING BUSINESS AS VERIZON WIRELESS [*sic*], AND TO BE LOCATED AT THE EXISTING TELECOMMUNICATIONS FACILITIES INSTALLATION WITHIN BROYHILL CREST RECREATION CLUB AT 7212 EARLY STREET, IS SUBSTANTIALLY IN 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 Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to concur with the “feature shown” determination in FS-M14-35, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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PUBLIC HEARING ON THE FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM – FY 2016 - 2020 (w/Future Fiscal Years to 2025) (Decision Only) (The public hearing on this application was held on March 11, 2015.)

Commissioner Litzenberger: Thank you, Mr. Chairman. CIP Workshop Committee completed their deliberations last week and we’ve come up with a motion and there were several amendments. Basically, we focused on the CIP and the budgets as it relates to land use and will – I know there’s been – there are two commissioners who would like to propose additions to our motion, so I’ll let them go ahead. Commissioner Hurley.

Commissioner Hurley: Thank you. As brought up in the –

Chairman Murphy: Maybe we should make a motion to approve the CIP and then add the motions to that. I think we – go ahead.

Commissioner Litzenberger: All right. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE ADVERTISED FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2016 THROUGH 2020, WITH FUTURE FISCAL YEARS TO 2025.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? Ms. Hurley. Commissioner Hurley: Thank you, Mr. Chairman. As brought up in the Planning Commission’s CIP discussions, the Northern Virginia Training Center is scheduled to close next March, but as

yet no solid plan is in place to re-house all the current residents. Intermediate care facilities address the need for homes within which highly intense residential services are provided but are not slated to appear in the bond referenda until 2024. I therefore wish to introduce a small amendment, after which if it is seconded I will ask staff from assisted and community residential services to provide a brief explanation of the Department of Justice's mandate to the Commonwealth of Virginia and how Fairfax County plays a role in this evolving issue. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT FEASIBILITY STUDY FUNDING BE CONSIDERED IN THE NEAR TERM TO ADDRESS THE LONG-TERM REQUIREMENTS FOR INTERMEDIATE CARE FACILITIES AS A RESULT OF THE IMPENDING CLOSURE OF THE NORTHERN VIRGINIA TRAINING CENTER AND THE OTHER CENTERS ELSEWHERE IN THE STATE THAT CURRENTLY HOUSE AND SUPPORT FAIRFAX COUNTY RESIDENTS IN THE INTELLECTUAL DISABILITY PROGRAM.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion and the amendment? All those in favor –

Commissioner Hurley: I would just briefly like to invite Ms. Cummins Eisenhower and Ms. Hartman, to come down and explain. Supposedly, the state is supposed to fix this – why it is suddenly needed – that we need some sort of feasibility study.

Commissioner Lawrence: And Mr. Chairman?

Chairman Murphy: Remember, we're on verbatim and I would ask you to be brief, okay.

Commissioner Lawrence: Mr. Chairman, while they're coming down, point of parliamentary order: this is an amendment to the motion, so the maker of the motion and the seconder need to accept the friendly amendment.

Commissioner Litzenberger: Second.

Chairman Murphy: Okay.

Commissioner Hart: If it's a friendly –

Chairman Murphy: Well, we just did it as a motion, so that will be fine. Okay.

Jean Hartman, Assistant Deputy Director, Community Services Board: Thank you. As you know, the State of Virginia entered into a settlement agreement with the Department of Justice in 2012. As part of that settlement agreement, the state made certain decisions that have significant impact on the citizens of Fairfax County who are residing at the Northern Virginia Training Center, as well as their families, who are also in the county. As part of that settlement agreement, they had decided to close all but one training center in the State of Virginia. The Northern Virginia Training Center is slated to close in March of 2016. Individuals then need to move out into the community into other settings, other homes that can support them in more integrated

settings. Our challenge is that there is not sufficient capacity to do that in Fairfax County, so as a result many families are having to move their individuals far, far away. We have - since this started 38 individuals from Fairfax County have moved out of the Training Center, but of those 38, 22 have been discharged to placements outside of Fairfax County. Of those 22 individuals, only 3 have been within an hour's drive of their families' homes. Most of these individuals, again, have lived in the Training Center most of their lives. Their family members, their parents, now are in their 70s and 80s. Siblings there have been taking care of them, so we - they visit their individuals once a week, sometimes daily, and now individuals are moving to places like Goochland and Petersburg and Newport News and so forth. So we are hoping to move this feasibility study up to make some other options available to them in a way that would not be a cost burden for the county.

Chairman Murphy: Okay, thank you very much. All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Let's make this a friendly amendment and I would just ask the maker of the motion and the seconder to approve it. Ms. Strandlie. Thank you very much, ladies.

Ms. Hartman: Thank you.

Commissioner Strandlie: Thank you, Mr. Chairman. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE THAT THE BOARD OF SUPERVISORS SERIOUSLY CONSIDER RAISING THE ANNUAL BOND SALE LIMIT FROM \$275 MILLION TO \$300 MILLION. THIS INCREASE WOULD BE SUBJECT TO THE ADHERENCE TO THE COUNTY'S TEN PRINCIPLES OF SOUND FINANCIAL MANAGEMENT AND DEBT CAPACITY RATIOS AND HAVE NO NEGATIVE IMPACT ON THE COUNTY'S TRIPLE-A BOND RATING.

Chairman Murphy: Does the maker of the motion and the seconder agree with that?

Commissioner Flanagan: Second.

Chairman Murphy: Okay. All right. Thank you very much. All right, thank you. Are there any other friendly amendments or otherwise? Okay, all those in favor of the motion to recommend to the Board of Supervisors that it approve the FY16 - FY 2020 Advertised Capital Improvement Program, with future fiscal years to 2025, as amended by Ms. Strandlie and Ms.

Commissioners: - Hurley.

Chairman Murphy: Hurley, yes. Say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Sargeant were absent from the meeting.

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SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS CHURCH, VA LIMITED PARTNERSHIP (Decision Only) (The public hearing on this application was held on March 12, 2015.)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the Planning Commission will make a decision regarding SE 2014-MA-069, the Seven Corners Shopping Center's request for a special exception to exceed the Sign Ordinance. The Planning Commission held a public hearing on this matter on March 12th, 2015. I moved to defer the decision twice until tonight to clarify the Mason District Land Use Committee's and the community's position on the height of the proposed sign. Everyone agrees that proposed sign design is a huge improvement and welcome improvement; however, there was concern about the height, as it being too tall. Just a little background, back in January, the Seven Corner Shopping Center sign special exception was on the Mason District Land Use Committee's agenda as an information item. For those unfamiliar with the committee process, that means the applicant would make a presentation and would come back for a decision, generally the next month, and the staff - - after the staff report was issued. The applicant made a presentation and the Committee was so enthusiastic about the appearance of the proposed sign, the Committee voted to approve the application on the spot, including the design and a 10-foot, 11-inch increase in frame height. However, when the staff report came right before the Planning Commission's March 12th, 2015 hearing, the staff recommended the sign be limited to no more than 24 feet. At that time I became starkly aware of just how big this proposed sign, at 30 feet, really was. Before the Planning Commission hearing the applicant, after working with staff, did agree to reduce the sign to 25 feet. No one did – from the community came forward at the Planning Commission in opposition and no one submitted letters in opposition; however, I was not comfortable moving a decision because I was concerned and the staff was concerned that 20 – the 25 feet as requested, and even 24 feet, was too tall. Further, I attended the January 2015 Land Use Committee meeting and I questioned whether the Committee specifically considered the actual increase in height from 19 feet, 1 inch to 30 – to 30 feet – at about three times the square footage. Therefore, I wanted to provide an opportunity for the land use committee to clarify, or verify, its position regarding the height of the proposed sign. In the interim the Vice President of the Bailey's Crossroads Revitalization Corporation, on her own behalf since the VCRC had not – had been unable to take a vote – and the Mason District Council, by their land use Chair, Carol Turner, submitted last minute letters of opposition. Last night, the Land Use Committee considered the application, again as an information item, since this was before the Planning Committee [*sic*]. The applicant attended and had a chance to re-brief the Committee and the public. Although the Committee did not take another vote, it was clear from the discussion that they did not support 30 feet and, furthermore, they did not support 24 feet. So where are we now? We have since received letters asking the Planning Commission to deny the application. Others have suggested 22 feet. The staff again supports 20 – the staff report again supported 24 feet. After considering this information, I will make a motion to approve the application at 23 feet, which I believe is a workable compromise. At 23 feet, the sign would be 7 feet shorter than the original requested 30; 2 feet shorter than the their reduced – reduced request of 25; and 1 foot less than the staff report. The sign would also be 2 feet shorter

than the Home Depot sign across the street and 17 feet shorter than the Williston sign to the east on Route 50. So approving this special exception at 23 feet would not create a precedent to approve even taller signs. Mr. Chairman, would you please call the applicant up and ask them if they agree to the 23-foot sign limitation and height for the Arlington boulevard sign?

Chairman Murphy: Ms. Mariska, please.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. I'm Sara Mariska with the law firm of Walsh, Colucci, and unfortunately, we – we do not agree to the 23-foot sign. We're still requesting the 24 feet. We do think that the compromise from our original position is a reduction from the public hearing that was held, so that's our position as it stands. As Ms. Strandlie mentioned, the Land Use Committee had the opportunity to take a vote last night. They did not. They reaffirmed their original position that supported a 30-foot sign. I'm happy to answer any questions.

Chairman Murphy: Okay, thank you very much. So noted. Ms. Strandlie.

Commissioner Strandlie: Thank you for your statement. I feel – still feel strongly that this much – about this height limitation and would therefore like to make a motion. I MOVE THAT THE PLANNING COMMISSION APPROVE SE 2014-MA-069, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 18TH, 2015, WITH A CHANGE IN DEVELOPMENT CONDITION 4 TO READ, “THE PROPOSED SIGN ON ARLINGTON BOULEVARD SHALL BE REDUCED TO AN OVERALL HEIGHT OF 23 FEET, WIDTH THE 14 FEET, AND DEPTH OF 18 INCHES. ARCHITECTURAL TREATMENT OF THE SIGN SHALL BE CONSISTENT WITH THE SIGN ELEVATION DETAIL SHOWN ON THE SPECIAL EXCEPTION PLAT. THE SIGN SHALL BE INTERNALLY LIT. THE COLORS SHALL MATCH THE UPDATED FAÇADE TREATMENT WITHIN THE SHOPPING CENTER.”

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: Unfortunately, I won't be able to be supporting Commissioner Strandlie's motion. I'll be abstaining this. I feel that the applicant and staff were pretty much on the same page. They went – the applicant went from 30 down to 25; staff is supporting 24; it's in a CRD - a CRD. Staff supports the 24 and I think that it might put a chilling effect on future applicants that they go through this process in a CRD and come up with this result. So I'll be abstaining rather than voting no. Thank you.

Chairman Murphy: Further discussion? The Chair also is going to abstain. I had a special exception where I approved a 29-foot sign in a very similar situation and in a more bucolic area

than Bailey's Crossroads, and I feel – I feel that this sign is not out of order at that particular height the applicant requested.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I'm going to support the motion because it's an improvement over what's there; although, I would also have gone a couple feet higher, given the context; given whatever - - everything else that's going on in Seven Corners and the desire to improve things. I don't think necessarily 24 or 25 would have been unreasonable, given everything we've seen. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MA-069, with the change of the height in the sign to 23 feet, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Mr. Migliaccio and the Chair abstain.

The motion carried by a vote of 8-0-2. Commissioners Migliaccio and Murphy abstained; Commissioners de la Fe and Sargeant was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2014-LE-062 – BILA HAMDAL CRANE/BILA'S CHILD CARE
2. SEA 01-M-038-02 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS; BROYHILL CREST RECREATION CLUB INC.
3. PFM AMENDMENT (UNDERGROUND DETENTION FACILITIES)
4. RZ 2014-PR-020 – ADNAN ASHKAR

This agenda was accepted without objection.

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SE 2014-LE-062 – BILA HAMDAL CRANE/BILA'S CHILD CARE – Appl. under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 7739 Sullivan Cir., Alexandria, on approx. 1,600 sq. ft. of land zoned

PDH-4 and NR. Tax Map 99-2 ((10)) (4) 325A. LEE DISTRICT.
PUBLIC HEARING.

Bila Hamdael Crane, Owner, Bila’s Child Care, reaffirmed the affidavit dated October 5, 2013.

There were no disclosures by Commission members.

Commissioner Migliaccio asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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Chairman Murphy: Public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Can I have the applicant, please, back to – yes – to the podium and, just on the record, do you agree and understand the development conditions dated February 3rd in the staff report?

Bila Hamdael Crane, Owner, Bila's Child Care: Yes.

Commissioner Migliaccio: Thank you very much. Thank you, Mr. Chairman. This case is for a home daycare. It has our professional staff’s support, it has our Lee District Land Use Committee support, and it has my support. Therefore, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-LE-062, SUBJECT TO – TO DEVELOPMENT CONDITIONS DATED FEBRUARY 3RD, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there any discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-LE-062, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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SEA 01-M-038-02 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS; BROYHILL CREST RECREATION CLUB INC. –
Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 01-M-038 previously approved for a telecommunications facility to permit site modifications and associated modifications to site

design and development conditions. Located at 7212 Early St., Annandale, on approx. 2.47 ac. of land zoned R-3. Tax Map 60-3 ((24)) 9B. MASON DISTRICT. PUBLIC HEARING.

Benjamin Pelletier, Applicant's Agent, Cellco Partnership d/b/a Verizon Wireless, reaffirmed the affidavit dated September 29, 2014.

There were no disclosures by Commission members.

Commissioner Strandlie asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this case.

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Chairman Murphy: Public hearing is closed; recognize Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I MOVE THAT PLANNING COMMISSION APPROVE [*sic*] SEA 01-M-038-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 20TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of the motion? All those in favor of the motion to recommend that the Board of Supervisors that approve SEA 01-M-038-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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PFM AMENDMENT (UNDERGROUND DETENTION FACILITIES) – The proposed amendment revises the process for approving the use of underground detention facilities. Specifically, the amendment proposes two options to revise the PFM as follows: Option 1: Retain a portion of the current Board waiver process for residential and mixed-use developments with less than 50 units/lots and expand the use to such by-right developments, subject to Board approval via the waiver process. Use of underground detention facilities in residential and mixed-use developments greater than or equal to 50 units would be by approval of the Director of the Department of Public Works and Environmental

Services ("the Director"). The Board's approval of a waiver shall consider impacts to the environment and the maintenance burden to prospective owners. Option 2: Revise the current process to allow the Director to approve all residential and mixed-use plans that seek to use underground facilities. Both options also require that the use of underground detention facilities require a private maintenance agreement executed before the construction plan is approved, shall not be located in a County Stormwater easement, and that the maintenance agreement shall be recorded in the property's chain of title. Both options also clarify that underground detention facilities may consist of reinforced concrete box-shaped vaults or reinforced concrete, metal, or plastic pipe that meet PFM requirements. Both options further provide that upon the submission of supporting data that establishes that the facility functions in the manner intended by the PFM, the Director may approve a non-standard facility ("product modification"). In such instances, a developer shall be required to post an escrow to a property owner's association equal in amount to the cost of a 20-year maintenance cycle and a 40-percent replacement cost. In addition, in Option 1, this escrow shall be required for all residential and mixed-use developments that are less than 50 units, regardless of whether the facility was approved for a product modification. No escrow shall be required for a product modification for industrial or commercial development. Both options further detail construction and installation requirements for these facilities, including certification by a professional engineer with structural and geotechnical specialization. Such certification shall provide that the facility was constructed per manufacturer's specifications. Both options further provide that the certification, material delivery tickets, certifications from material suppliers, and results from tests and inspections shall be submitted to the County with as-built plans or, if no such plans are required, prior to the issuance of use permits. In either event, all such documents and information must be submitted to the County before bond release.

COUNTYWIDE. PUBLIC HEARING.

John Matusik, Land Development Services, Fairfax County Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of Option #2 of the Proposed Amendment to the Public Facilities Manual Regarding the Use of Underground Detention Facilities in Residential and Mixed-Use Developments.

Commissioner Hart acknowledged staff's recommendation of Option #2, but asked for a brief explanation of the changes requested by Providence District Supervisor Linda Smyth regarding Option 1.

Paul Shirey, Director, Code Development and Compliance Division, DPWES, explained that Supervisor Smyth wanted to insert text into Option 1 under Section 6-0303.6A, which said, “In zoning cases with 50 or more units, a Board waiver of the underground detention may be required if drainage concerns are raised by the community, staff, or the district supervisor.” He added that the flexibility in the language and the ability to provide underground detention might solve some of the downstream drainage problems; however, Mr. Shirey stated that staff still preferred Option #2.

Commissioner Hart asked what the determining factors regarding drainage concerns would be, should Supervisor Smyth’s suggested insert go into the PFM. Mr. Shirey said that the language would need to be further clarified in order to determine the nature of any complaints and criteria developed to assess them. Commissioner Hart asked whether the Engineering Standards Review Committee (ESRC) had reviewed the language, to which Mr. Shirey said no. He added that Supervisor Smyth had suggested the change within the past two weeks and said that he would ensure that the ESRC reviewed the language when they met in the beginning of April.

Commissioner Migliaccio noted that of the three municipalities listed under Option #2 in the staff report, two were not in Virginia, and asked Mr. Shirey if there were any other municipalities besides Arlington with this use. Mr. Shirey said that he was unaware of any, but noted that staff had not researched any others in the state.

Commissioner Lawrence asked Mr. Shirey how the limit of 50 was determined in Option #1. Mr. Shirey explained that in researching recent cases in which waivers of underground detention in residential areas were approved, it was discovered that after plotting out the number of dwelling units and the operating expense per homeowner, the break point fell at approximately 50. Commissioner Lawrence suggested applying Supervisor Smyth’s proposed language to Option #2. He noted that the proposed language would provide an opportunity to reveal previously unknown issues, particularly in nearby communities within the county.

Commissioner Flanagan asked if this application dealt with specific residential uses, to which Mr. Shirey responded that it dealt with all residential uses. When Commissioner Flanagan asked whether cisterns could be used under this proposal, Mr. Shirey stated that while they might not be feasible in all areas of the county, this proposal did not preclude their use.

Commissioner Ulfelder referenced the second paragraph under Option #2 and asked how the 40 percent of the total facility replacement cost was determined. Mr. Matusik explained that an analysis of the lifespan of the system would be performed and costs applied and, when added with the current and the future costs of the system, 40 percent of the total costs would be considered as the replacement cost. Commissioner Ulfelder expressed concern that there might also be prohibitive replacement costs under Option #2 and asked how it might be addressed by the county. Mr. Shirey acknowledged that costs could be very high under the second option, but pointed out that of the approximately 50 waiver requests that had gone to the Board of Supervisors over the last 10 years, none had been denied. Commissioner Ulfelder pointed out that the current system had not been in place long enough for county staff to know, since none of the recently installed systems needed maintenance or replacement. He noted his concern with regard to smaller developments facing excessive costs for detention systems that had been

approved by the Board. Mr. Shirey pointed out that there was an escrow requirement in Option #2 for developments under 50 residential units. Commissioner Ulfelder questioned whether the escrow amount should be higher for smaller developments with less homes. Mr. Matusik briefly explained how the amount to be escrowed was determined and said that staff had not considered adjusting the escrow in accordance with the number of units.

Commissioner Flanagan asked what the impetus was for this proposal. Mr. Shirey said that the proposal resulted from an industrial workshop held several years ago, after which a streamlining effort was made to minimize development risk and provide savings.

Commissioner Hart noted the numerous waivers on complicated cases which were rarely, if ever, denied, and said that the Board waiver for the use of underground detention facilities was simply another which would be ideal for elimination.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Paul Johnson, Chairman, Engineering Standards Review Committee (ESRC), 12744 Lavender Keep Circle, Fairfax, said that the unintended consequence of being unable to provide underground stormwater management was higher cost and less successful stormwater management. Consequently, he said that developers, along with the county, were attempting to provide better predictability in the systems by providing better monitoring, and cleaner systems that function better and therefore cost less overall. He acknowledged that the costs of the detention systems would be high, but pointed out that it was necessary to determine which systems would be best to provide the best service for the public.

Commissioner Hart asked whether the ESRC planned to meet in April. Mr. Johnson said they likely would. Commissioner Hart said that he would defer the decision until Wednesday, April 15, 2015, and asked Mr. Johnson if that would be enough time for the committee to review the language proposed by Supervisor Smyth. Mr. Johnson said yes.

When Commissioner Lawrence asked Mr. Johnson if he believed that the proposal would improve on the current systems, Mr. Johnson said yes.

Commissioner Ulfelder noted that when he had inquired about the cost of the systems earlier, his intention was to ensure that home buyers were aware of the costs included.

Commissioner Hart requested that staff provide Supervisor Smyth's proposed language to the ESRC. In addition, he requested that staff provide a copy of the language to the County Attorney's Office for review, in light of the vagueness of the language, particularly with regard to whether or not the waiver would be required, the term "drainage concerns," and who "the community" would include, be it someone living directly nearby or an organization/association within the county. In addition, he requested that staff determine whether the language could be included in Option #2.

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 Hart for action on this case.

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Chairman Murphy: Public hearing is closed; Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. First let me – let me thank Mr. Johnson for coming out tonight. Let me also thank staff – Mr. - Mr. Matusik, Mr. Shirey, Ms. Leavitt, and Mr. Dhakal for their work on this case. This is obviously a complicated issue. We had a – we had a very helpful discussion with the Environment Committee not too long ago and I - I felt we had shaken out everything on the test run and we still have a little ways to go yet. But I think we're getting there. Mr. Chairman, I MOVE THAT PLANNING COMMISSION DEFER DECISION UNTIL APRIL 15, 2015, ON THE AMENDMENTS TO THE PUBLIC FACILITIES MANUAL REGARDING THE USE OF UNDERGROUND DETENTION FACILITIES IN RESIDENTIAL AND MIXED-USE DEVELOPMENTS, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of the motion? All those in favor of the motion to defer decision only on the proposed Amendment to the Public Facilities Manual Regarding The Use Of Underground Detention Facilities In Residential And Mixed-Use Developments to a date certain of April 15th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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RZ 2014-PR-020 – ADNAN ASHKAR – Appl. to rezone from R-1 to R-3 to permit residential development with a total density of 1.90. Located on the N. side of Electric Ave., approximately 400 ft. E. of Woodford Road, on approx. 1.05 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 39-3 ((1)) 52. PROVIDENCE DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, Applicant's Agent, Sack Harris & Martin PC, reaffirmed the affidavit dated June 19, 2014.

There were no disclosures by Commission members.

Carmen Bishop, 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 application RZ 2014-PR-020.

Commissioner Lawrence asked Ms. Bishop to confirm that few of the existing trees on the subject site, except an existing willow oak, had proven worthy of preservation. He also asked her to confirm that additional trees near the western property line would need to be shown on the plat prior to the Board of Supervisors' public hearing. Ms. Bishop confirmed both questions to Mr. Lawrence. When Commissioner Lawrence asked Ms. Bishop how far the shared driveway went, Ms. Bishop explained that it extended past the proposed garage entrances. Commissioner Lawrence asked if there was a proffer related to the shared driveway. Ms. Bishop confirmed that there was.

Mr. Martin concurred with the staff report and stated that the applicant had agreed to add additional language to the landscape plan for preservation of a dogwood tree and Norwegian spruce, located along the western property line. He also noted that at Commissioner Lawrence's request, the applicant had added proffers to provide purchasers tree care booklets containing the landscape plan and 10-year canopy, as well as a booklet detailing the shared-driveway agreement between the two owners.

Commissioner Lawrence noted that staff report had listed two differing heights for the houses and asked which was correct. Mr. Martin stated that the houses would be 32 feet in height, in accordance with the Fairfax County Zoning Ordinance.

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

James Hyland, President, Tysons Chase at Suncrest Homeowners Association (HOA), 8427 Falcone Pointe Way, Vienna, expressed concern about the possible removal of the white pine tree buffer between the HOA's property and the subject property. He referenced the Tree Preservation Walk-Through paragraph in Proffer Number 6, Tree Preservation, and requested that the applicant notify the HOA prior to the event so that members could be present when it took place. He said that if it was determined that the trees needed to be removed, then the new trees should be planted as the development went in.

Commissioner Lawrence agreed with Mr. Hyland regarding the trees and buffering, but also defended the findings by the Urban Forester regarding their health. He recalled the tree preservation proffer mentioned earlier and noted that it included another review of the trees throughout the site at the onset of construction. Commissioner Lawrence pointed out to Mr. Hyland that new trees could only be planted during the growing season. He added that the building permits might not be issued at such an opportune time and, therefore, construction and planting would not occur concurrently. He further pointed out that while the tree preservation might be strong, the trees on the subject property belonged to the owners of the property, who could remove them if they chose to do so. He added, however, that the applicant would provide a tree care booklet detailing the care of the trees and canopy. Mr. Hyland agreed and reiterated that he wanted to meet with the applicant.

Commissioner Hart asked staff which property the white pines stood on. Ms. Bishop explained that they were on both the subject property and the HOA property and added that the Urban Forester had recommended their removal. Mr. Hyland added that the applicant had wanted to preserve those trees and noted his agreement.

Commissioner Flanagan referenced Sheet 4 of 11 in the staff report and noted that the side yard of one of the residences appeared very close to the lot line. Ms. Bishop explained that the side yard is 12 feet, which was the minimum requirement. When Commissioner Flanagan asked about the trees near that residence, Ms. Bishop said that the construction and grading would impact the roots of the trees. She added that Proffer Number 22, Offsite Landscaping, had been added to mitigate the loss of trees as a result of the new construction.

John Hughes and Alice Thomas, 8500 Electric Avenue, Vienna, stated that his residence was immediately west of the proposed site. He thanked Ms. Bishop for her help making him and Ms. Thomas better understand the application and commended the applicant's tree preservation proffer. He expressed concern, however, with regard to the lot line between his property, Lot 47, and the subject site, and said that he believed that Lot 47 extended approximately three feet further east onto the subject site. He stated that he and Ms. Thomas had spoken with Mr. Martin about this and that they would engage a surveyor for verification. Ms. Thomas pointed out that if the lot line was in fact incorrect as shown in the staff report, the extension would impact two of the trees on the proposed site, as well as the setback for the residence on the new lot.

Commissioner Lawrence noted that wherever the lot line might be, the trees that were either on or close to the property line were trees that deserved protection and would be part of the tree preservation proffer; therefore, when the limits of clearing and grading were marked, the proffer would apply to that area. With regard to the setback, Commissioner Lawrence stated that the applicant met the county's requirement.

Commissioner Hart addressed Mr. Hughes' remarks with regard to the property line and stated that now would be the time to determine the correct property lines in order to prevent possible severe impacts later.

Commissioner Flanagan again referenced Sheet 4 and asked Ms. Bishop if all of the trees on the lot would be cleared. Ms. Bishop said most of the trees would be removed, except an existing willow oak, due to poor health/quality.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Martin, who noted that the applicant had the property surveyed as part of the application process.

Commissioner Lawrence asked Mr. Martin to briefly explain the landscaping plan. Mr. Martin noted that the applicant would provide plantings along the rear and front of both properties, confirming that there would be vegetative screening on the sides not facing the street. In addition, he reiterated that both owners would be provided information on the care and maintenance of those plantings.

Commissioner Lawrence asked Ms. Bishop if the applicant's proposed transitional screening between the two residents was required, to which she replied no. She added that the screening

had been included in the landscaping plan and was calculated to meet the ten-year tree canopy plan.

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 Lawrence for action on this case.

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Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-PR-020, SUBJECT TO THE EXECUTION OF PROFFERS CONSIDERED – CONSISTENT WITH THOSE NOW DATED MARCH 18TH, 2015. FURTHER I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS:

- 1) DIRECT THE DIRECTOR OF THE DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO THE PUBLIC FACILITIES MANUAL; AND
- 2) DIRECT THE DIRECTOR OF THE DPWES TO PERMIT DETENTION AND BMP FACILITIES TO BE CONSTRUCTED ON INDIVIDUAL LOTS, PURSUANT TO THE PFM, PROVIDED THAT A PRIVATE MAINTENANCE AGREEMENT, IN A FORM ACCEPTABLE TO THE OFFICE OF THE COUNTY ATTORNEY IS COMPLETED FOR EACH LOT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there any discussion of the motions? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-020 and the other motions as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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CLOSING

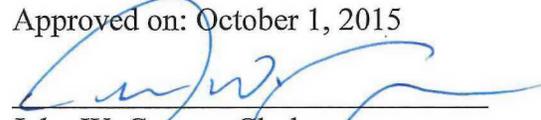
March 25, 2015

The meeting was adjourned at 10:41 p.m.
Peter F. Murphy, Chairman
James R. Hart, 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: Jeanette Nord

Approved on: October 1, 2015



John W. Cooper, Clerk
Fairfax County Planning Commission