MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 27, 2013

UNAPPROVED
JUNE 26, 2013

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District.

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The meeting was called to order at 8:17 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 Migliaccio announced that the Planning Commission's Parks Committee had met earlier this evening to discuss proposed changes to the Parks Policy Plan and noted that the Commission's public hearing on the proposed Plan was scheduled for Thursday, April 18, 2013.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, April 4, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to receive a presentation from County staff regarding proposed new stormwater management regulations.

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On behalf of the Planning Commission, Chairman Murphy welcomed members of Boy Scout Troop 872 from Vienna who were attending the meeting.

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Chairman Murphy recognized Lawrence Baldwin, a former At-Large Planning Commissioner who was scheduled to testify at one of the public hearings this evening.

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FSA-S01-61-1 – SPRINT, 6001 Union Mill Road

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.

Without objection, the motion carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

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FS-P13-8 – NEXTNAV, LLC, 1800 Old Meadow Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTNAV, LLC, LOCATED AT 1800 OLD MEADOW ROAD, MCLEAN, VIRGINIA, 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 Litzenberger seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

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FY 2014-2018 FAIRFAX COUNTY ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) (w/ Future Fiscal Years to 2023) (Decision Only) (The public hearing on this item was held on March 14, 2013. A complete 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 CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014 THROUGH 2018.

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

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS INCLUDE IN ITS DISCUSSION WITH THE FAIRFAX COUNTY SCHOOL BOARD CONSIDERATION OF FLEXIBLE DESIGN IN SCHOOL FACILITIES TO ALLOW FOR ADDITIONAL COMMUNITY USES.

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Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Flanagan and Hall absent from the meeting.

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ORDER OF THE AGENDA

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

1. RZ/FDP 2010-HM-008 – RPB & M, LLC AND BOZZUTO DEVELOPMENT COMPANY
2. COUNTY CODE AMENDMENT – ADJUSTMENT OF THE FEES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES
3. ZONING ORDINANCE AMENDMENT – ZONING APPLICATION FEE SCHEDULE
4. S12-CW-2CP – COMPREHENSIVE PLAN AMENDMENT (TELECOMMUNICATIONS POLICY PLAN UPDATE)
5. FAIRFAX FORWARD WORK PROGRAM

This order was accepted without objection.

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RZ 2010-HM-008 AND FDP 2010-HM-008 – RPB & M, LLC AND BOZZUTO DEVELOPMENT COMPANY – Appls. to rezone from 1-4 to PRM to permit mixed-use development with a Floor Area Ratio (FAR) of 2.5 on the northern portion and a 0.42 FAR on the southern portion, excluding bonus density association with ADU and WDU, approval of the conceptual and final development plans and Waiver #2615-WPFM-003-01 to permit the location of underground storm water management facilities. Located N. of Rt. 267, S. of Sunset Hills Rd. and W. of Wiehle Ave. on approx. 5.507 ac. of land. Comp. Plan Rec: Mixed Use at 2.5 FAR. Tax Map 17-4 ((19)) 1-4, 5A, and 6A; 17-4 ((24)) 4B. HUNTER MILL DISTRICT. JOINT PUBLIC HEARING

Brian Winterhalter, Esquire, Cooley LLP, reaffirmed the affidavit dated March 18, 2013. There were no disclosures by the Commissioners.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of both applications.

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Answering questions from Commissioner de la Fe, Mr. O'Donnell pointed out the location of the proposed private street, which was at the eastern boundary of the subject property, and confirmed that while it would be identified as a private driveway, it would function as a public street and be built to public street standards.

Responding to questions from Commissioner Hart, Mr. O'Donnell confirmed that the alley depicted on Sheet 13D, Building Elevations, of the CDP/FDP was the location of the proposed private street and pointed out the access points to this street. He also explained that while the street would not connect to Sunset Hills Road during the interim phase of development, it would connect in the final phase. In addition, he indicated that pedestrian paths would be installed around the building and described the routes leading to both the planned Metrorail Station and the neighboring commercial development.

Mr. Winterhalter provided a brief history of the proposal and the partnership between the two applicants. He explained that after the initial Rezoning application had been filed, the County and the Dulles Rail Project Team requested that the applicants dedicate a right-of-way for the planned widening of Sunset Hills Road and improvements to Reston Station Boulevard and Metro Center Drive. He stated that after agreeing to these requests, the application was re-filed with a smaller residential footprint that included 421 multi-family dwelling units and up to 10,000 square feet of ground floor retail. He also noted that the office building in the original proposal had been removed in favor of maintaining the existing office building on the site. Mr. Winterhalter pointed out that the applicant would provide five percent Affordable Dwelling Units (ADU), seven percent Workforce Dwelling Units (WDU), and pedestrian paths on each side of the development. He described the entry plaza of the development, which included connections to the neighboring commercial development and the planned Metrorail Station. He also noted that the applicant had committed to a 40 percent trip reduction in its Transportation Demand Management program. In addition, he indicated that the proposal had the support of the Reston Planning and Zoning Committee.

Referencing Proffer Number 33, Architectural Design and Building Materials, and a note on Sheet 13D regarding the applicant's reserved right to adjust the quantity of parking stories and occupied stories, Commissioner Hart asked for clarification regarding the extent of these adjustments. Mr. Winterhalter explained that while it was possible that the proposed building would be four stories instead of five, the parking stories would not extend above the ground level. He added that the adjustments were intended to accommodate potential parking reductions. Commissioner Hart said that he did not believe that the proffer adequately reflected these intentions.

In response to a question from Commissioner Litzenberger, Mr. Winterhalter stated that the subject property was not exempt from the special tax district.

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Mr. Winterhalter replied to a question from Commissioner Hurley regarding contributions to offset the impact on Fairfax County Public Schools, clarifying that such contributions were based on the number of residential units and not the anticipated number of students.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. He also called for concluding staff remarks from Mr. O'Donnell, who declined.

Commissioner de la Fe expressed support for the applicant's commitments for ADUs and WDUs, as articulated in Proffer Number 30 and Proffer Number 31 respectively, because they accommodated a greater range of income levels.

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 these cases. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2010-HM-008 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 4, 2013.

Commissioner Sargeant seconded the motion.

Commissioner Hart MOVED A FRIENDLY AMENDMENT TO ENCOURAGE THE APPLICANT TO SPEAK WITH STAFF ABOUT PROFFER NUMBER 33 AND THE COMMITMENT ABOUT NOT HAVING ADDITIONAL LEVELS TALLER THAN THE PARKING GARAGE PRIOR TO THE BOARD OF SUPERVISORS' PUBLIC HEARING.

Commissioner de la Fe accepted the amendment and the motion carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2010-HM-008, SUBJECT TO THE APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF PARAGRAPH 1

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OF SECTION 16-102 OF THE ZONING ORDINANCE FOR YARD REGULATIONS, SETBACKS, BULK REGULATIONS, AND BUILDING HEIGHTS, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE LOADING REQUIREMENT, IN FAVOR OF THE LOADING SPACES DEPICTED ON THE CDP/FDP.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF PARAGRAPH 4 OF SECTION 17-201 OF THE ZONING ORDINANCE FOR THE WIDENING OF SUNSET HILLS ROAD, IN FAVOR OF THAT SHOWN ON THE CDP/FDP AND IN THE PROFFERS.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE, IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF PARAGRAPH 1(B) OF SECTION 2-414 TO PERMIT THE EXISTING OFFICE BUILDING TO BE SET BACK APPROXIMATELY 70 FEET FROM THE DULLES TOLL ROAD.

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Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER TO LOCATE UNDERGROUND STORMWATER MANAGEMENT FACILITIES IN A RESIDENTIAL AREA (PFM SECTION 6-0303.8), SUBJECT TO WAIVER NUMBER 2615-WPFM 003-1 CONDITIONS DATED OCTOBER 9, 2012.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

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COUNTY CODE AMENDMENTS – ADJUSTMENT OF THE FEES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES – To consider proposed revisions to Appendix Q of The Code of the County of Fairfax, Virginia, (County Code) as follows: Pursuant to authority granted by *Virginia Code* Sections 15.2-107, 15.2-2204, 15.2-2241(A)(9), 15.2-2286(A)(6), 10.1-562(J), and 36-105, the amendments propose to increase fees charged under Chapter 2, Art. 1, Sec. 2-1-4 (Property Under County Control), Chapter 61, Art. 1, Sec. 61-1-3 (Building Provisions), Chapter 101, Art. 2, Sec. 101-2-9 (Subdivision Ordinance), Chapter 104, Art. 1, Sec. 104-1-3 (Erosion and Sedimentation Control), and Chapter 112, Art. 17, Part 1, Sec. 17-109 (Zoning Ordinance) of the County Code for the review of plans, processing of permits, and performing site and building inspections. In general, the fees will increase by 2.75% with some fees increasing by up to 3.25% due to rounding, with the following exceptions: Fees related to household appliances, vertical transportation, and maintaining a contractor's license in an inactive state remain constant because the existing fees adequately cover the actual costs to provide the services. The following fees remain constant due to rounding and the necessity to maintain a dollar amount that facilitates the collection of money from homeowners, contractors, and staff: (1) the permit base fee; (2) the fee for failure to obtain a building permit prior to beginning work (non-permitted work); (3) the fee paid for each discipline (electrical, mechanical, etc.) taking part in a team inspection, should the inspection not involve all disciplines; and (4) the fee for an amendment to a permit, multiple permits, permits requiring no inspections, permit

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extensions for permits for interior alterations to an existing building, permit extensions for an addition or exterior alterations to an existing residential structure (class R-3, R-4, and R-5 structures), and permit extensions for accessory structures on a residential property (class R-3, R-4, and R-5 structures). Pursuant to the current regulations, no fee is charged to (1) repair, replace, or otherwise reconstruct a residential, commercial, or industrial structure damaged as the result of a catastrophic event; (2) install solar energy equipment, replace defective sprinkler heads, or construct radiation fallout or blast shelters; (3) review a recycling plan; (4) submit requests for exemptions under the Chesapeake Bay Preservation Ordinance and for PFM modifications to use an innovative water quality or detention facility; or (5) review second submission site plans with public improvements only. The Fire Marshal fees are not being adjusted at this time. Permit fees for amusement devices and carnival rides remain constant in accordance with the Virginia Amusement Device Regulations. In addition, the following editorial changes are being made to the fee schedule: correct the type of construction in Table I, Section B (Building Permit and Other Fees); revise the text to clarify that a single fee is charged for all ductwork and piping of equipment for use groups other than R-3, R-4, and R-5; designate that the value of the following fees is the "base fee": plan resubmission fees for each plan review discipline for all new residential buildings, and additions to existing residential buildings and for each resubmission of plans for alterations to existing commercial buildings; and revise the text to clarify the fee for processing a soils report associated with a site plan which was inadvertently left out of Appendix Q upon its adoption. COUNTYWIDE. PUBLIC HEARING

Thomas Williamson, Site Code Research and Development Branch, Land Development Services, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the Amendments.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public

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hearing and recognized Commissioner Sargeant for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING:

- THE ADOPTION OF THE PROPOSED AMENDMENTS TO APPENDIX Q OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING EDITORIAL CHANGES AND ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES, AS ADVERTISED AND SET FORTH IN THE STAFF REPORT; AND

- THE IMPLEMENTATION OF THE PROPOSED AMENDMENTS, EFFECTIVE AT 12:01 A.M. ON JULY 1, 2013, AND THAT THE REVISED FEE BE APPLICABLE TO ANY SUBMISSIONS ON OR AFTER THIS DATE.

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

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ZONING ORDINANCE AMENDMENT – ZONING APPLICATION FEE SCHEDULE – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Pursuant to authority granted by *Virginia Code* Section 15.2-2286(A)(6), the Amendment proposes to modify the filing fee for a Special Permit for a riding and boarding stable from the current $16,375 to a fee of $8,180 *[NOTE: advertised to allow the Board to consider and approve any fee within the range of $8,180 to $16,375.]* The Amendment also proposes to modify the filing fee for a special permit for a modification on the limitations on the keeping of animals from the current $910 to a fee of $435 *[NOTE: advertised to allow the Board to consider and approve any fee within the range of $435 to $910.]*. Also, the Amendment would modify the variance for maximum fence height in residential districts and the special permit for an increase in fence and/or wall height in any front yard on a single family dwelling lot from the existing fee of $910 to a lesser amount of not less than $435; modify the variance for maximum fence height in all other districts

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and the special permit for an increase in fence and/or wall height in any front yard on all other uses from the existing fee of $8,180 to a lesser amount of not less than $435; modify amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, Planned Residential Community (PRC) plan, or concurrent conceptual/final development plan for an increase in fence and/or wall height on a single family dwelling lot from the existing fee of $910 to a lesser amount of not less than $435; and modify the amendments to a previously-approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan, or concurrent conceptual/final development plan for an increase in fence and/or wall height on all other uses from the existing fee of $8,180 to a lesser amount of not less than $435 *[NOTE: advertised to allow the Board to consider and approve any fee within the range of $435 to $8180 for any of these fence and/or wall applications.]* The Amendment establishes a new fee for a PRC plan filed concurrently with a special permit and/or special exception of $16,375 plus $435 per acre and a new fee for an amendment to a previously-approved and currently valid special permit that is limited to a change in permittee of $500 or one-half of the prevailing fee, whichever is less. In addition, the Amendment clarifies that combinations of two or more special permits and/or variances are subject to only one fee (the highest of individual application fees); clarifies that the Zoning Administrator will determine if a substantial change to a pending application warrants the submission of a fee; and restates and restructures the fees associated with extensions and amendments to previously approved and pending applications. COUNTYWIDE. PUBLIC HEARING

Donna Pesto, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed Amendment.

Answering questions from Commissioner Hart about reduced SP application fees, Ms. Pesto confirmed the following:

- The proposed Amendment would not increase any existing fees; and

- The fees could not be lowered beyond range advertised for the proposed Amendment.

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Answering additional questions from Commissioner Hart about the newspaper ads for SP applications, Ms. Pesto confirmed the following:

- The County had to comply with the *Code of Virginia* when advertising applications that required a public hearing;

- The reduced fees might not cover the cost of advertising for certain applications and would not cover any administrative costs; and

- The proposed Amendment would not modify the criteria for animals permitted by right on a property and a Special Permit (SP) was required to allow a greater number of animals than what was prescribed by this criteria.

Ms. Pesto replied to a question from Commissioner Litzenberger regarding instances when the fee to change the name on a permit was applied. Commissioner Hart added that name changes on permits were more frequently done for commercial properties than they were for residential properties.

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

Clay Williamson, 7613 Woodbridge Circle, Alexandria, representing Chickens for Fairfax, recommended that the County revise its current policy regarding hen keeping. He delivered a PowerPoint presentation detailing the benefits of hen keeping, the current trends in regulations for other localities relating to hen keeping, and the difficulty of the SP application process. He pointed out that the current fee for an SP was prohibitive for residents who not meet the by-right criteria. He added that while he supported reducing the fee for SP applications, the County should adopt new standards for hen keeping. Mr. Williamson also submitted a potential proposal in his presentation that reduced the minimum lot size requirement for domestic fowl, established new criteria for determining the number of domestic fowl permitted on a lot, prohibited roosters on lots less than two acres, and incorporated accepted standards for hen keeping. (A copy of Mr. Williamson's presentation is in the date file.)

Commissioner Lawrence told Mr. Williamson that while he supported allowing more chickens, the lot sizes in P-Districts were often smaller than typical lots; therefore, the standards outlined in his presentation might not be applicable.

Christi Whitehead, daughter of Laurie Whitehead, 8216 Holland Road, Alexandria, said that she wanted to have pet chickens, adding that she had collected 59 signatures on a petition in support of changing the current provisions for domestic fowl. (Copies of the Whiteheads' statement and petition are in the date file.)

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When told by Ms. Whitehead that she and her daughter intended to present their position to the Board of Supervisors, Chairman Murphy suggested forwarding the petition to the Board and sending a copy to the Planning Commission.

James Watkins, 8601 Woodlawn Court, Alexandria, noted that he was a member of Chickens for Fairfax and said that the County should revise the criteria for determining the maximum number of chickens permitted on a lot of less than two acres, adding that he favored standards that increase the amount of usable land for hen keeping.

Commissioner Hart addressed Mr. Watkins' remarks regarding the standards for allowing a certain number of animals based on lot size, explaining that lots varied in size, shape, and zoning. He added that residents could apply for an SP to permit more chickens on a property even if the number allowed by right were not changed and briefly described the SP application process, the potential issues that could arise in an application involving hen keeping, and the rate of approval for such applications.

There was a brief discussion between Commissioner Sargeant and Ms. Pesto wherein Ms. Pesto described the provisions for livestock and animals classified as pets. In addition, Commissioner Hart noted that SP applications could include development conditions that addressed the treatment of animals, adding that enforcement of these conditions was conducted on the basis of complaints.

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. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR THE ZONING ORDINANCE AMENDMENT REGARDING ZONING APPLICATION FEE SCHEDULE UNTIL A DATE CERTAIN OF APRIL 3, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Flanagan and Hall absent from the meeting.

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Chairman Murphy announced that he would handle the following case; therefore, he relinquished the Chair to Vice Chairman de la Fe.

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S12-CW-2CP – COMPREHENSIVE PLAN AMENDMENT (TELECOMMUNICATIONS POLICY PLAN UPDATE) – To consider proposed revisions to the Comprehensive Plan for Fairfax County in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Amendment concerns changes to the Policy Plan to revise the mobile and land based telecommunication provisions and review processes as recommended by the Planning Commission's Telecommunication Committee. COUNTYWIDE. PUBLIC HEARING

Commissioner Sargeant disclosed that he was an employee of Dominion Virginia Power and since the proposed Amendment involved utility poles, many of which were owned and operated by Dominion, he would recuse himself from this public hearing.

Prior to beginning the public hearing, Commissioner Murphy described the process of crafting a Plan Amendment for the Policy Plan and noted the evolving nature of the industry since the previous Amendment. He also pointed out the growing demand for telecommunications services due to advancing technology and market trends, adding that the proposed Amendment was intended to incorporate appropriate changes to the Comprehensive Plan, as determined by the Commission's Telecommunications Committee. In addition, he emphasized the importance of maintaining a robust telecommunications network in the County, noting that such services were vital to commercial development and to residents.

Chris Caperton, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of the proposed Amendment.

Responding to a question from Commissioner Litzenberger, Mr. Caperton said that DPZ would include the Fairfax County Tree Commission in the review of the impact of telecommunications facilities on trees. In addition, Commissioner Litzenberger commended staff for streamlining the procedure for adding dishes and antennas to previously-approved structures, noting network coverage issues in the Sully District.

Referencing the text in Objective 42, General Guidelines, at the bottom of page 1 of Attachment 1 in the staff report, Commissioner Lawrence asked for clarification on the source of the statement indicating that state and local governments could not consider the potential health or environmental effects of radio frequency emissions when evaluating the impact of

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telecommunications facilities. In response, Mr. Caperton stated that the statement came from the Federal Communications Commission. Commissioner Lawrence supported the inclusion of this statement in the Policy Plan because it would inform citizens that such considerations were not within the Commission's purview.

Commissioner Lawrence described the evolving technology of whip antennas, noting the substantial reduction in size of newer generation antennas.

In response to questions from Commissioner Hart, Mr. Caperton confirmed that the fourth bullet in Objective 44, Feature Shown Guidelines, Policy a, as shown on page 5, which recommended locating telecommunications facilities on institutional and quasi-public property, would be re-inserted into the proposed Amendment. In addition, Lorrie Kirst, Zoning Administration Division, DPZ, explained that a "quasi-use property" included additional properties that were excluded from the public use definition, as defined in Section 2-514 of the Zoning Ordinance regarding limitations on mobile and land based telecommunication facilities. She added that the fourth bullet in Policy a was not duplicative of the first bullet because it also incorporated institutional uses, which included churches and other non-residential developments.

Vice Chairman de la Fe called the first listed speaker.

Robert Vickers, 312 Springvale Road, Great Falls, representing the Fairfax County Tree Commission, explained that the mission of the Tree Commission was to advise the Board of Supervisors on tree preservation policies. He also commended Commissioner Murphy for meeting with the Tree Commission in December 2012 to discuss the proposed Amendment, the need to expand telecommunications facilities, and the County's efforts to mitigate the visual impact of such facilities. However, he expressed concern that tree preservation was omitted from the list of environmental considerations in Objective 42, Policy n, as shown on page 4, which discouraged locating telecommunication facilities in areas of environmental sensitivity, and requested that it be added. He noted the environmental, aesthetic, and historic benefits of tree preservation and pointed out that the County had a tree canopy goal that new developments were required to achieve. He also suggested planting trees in lieu of constructing a fence around telecommunications facilities to improve the aesthetic impact and enhance the tree canopy. (A copy of Mr. Vickers's statement is in the date file.)

Commissioner Murphy favored reviewing Mr. Vickers's suggestion to include tree preservation in Objective 42, Policy n, and indicated that he would defer the decision only on this case to allow time to incorporate additional changes. However, he noted that his suggestion to use trees in lieu of fences to screen telecommunications facilities would not be feasible because of security concerns. A brief discussion between Commissioner Murphy and Mr. Vickers ensued regarding the reason for omitting tree preservation from the proposed Amendment wherein Commissioner Murphy stated that each facility was evaluated on a case-by-case basis and tree preservation was part of the criteria of location, character, and extent.

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When Commissioner Litzenberger asked for assurance that the Tree Commission would be responsive to inquiries from DPZ, Mr. Vickers indicated that such inquiries would be responded to in a timely manner.

Aimee Davis, 5613 Old Mill road, Alexandria, representing the Mount Vernon Council of Citizens' Association (MVCCA), stated that the MVCCA had passed three resolutions pertaining to telecommunications facilities which supported the following measures:

- the preference for a Distributed Antenna System (DAS) or similar microcell technology to deliver telecommunications services to residential areas;

- the requirement to notify affected landowners via certified mail of applications involving a proposed telecommunications facility to allow residents the opportunity to provide input on the design of the facility; and

- the protection of environmental features such as trees, wildlife, and historical landmarks from the impact of telecommunications facilities should be incorporated into the design and construction of such facilities.

Ms. Davis described the benefits of DAS and microcell technology over cell towers, noting that cell towers had higher associated costs and often generated greater community opposition. She recommended that an additional item be added to Objective 42 to indicate a preference for these systems. She also pointed out that cell towers were not welcome by neighboring residents and said she believed that DAS would be more acceptable, less visually obstructive, and more cost-effective. Ms. Davis then described the existing process for installing a telecommunications facility, which did not include a requirement to notify neighboring residents if certain criteria were met, and expressed concern that the "feature shown" processes articulated in the proposed Amendment would not give residents sufficient opportunity to express their concerns. She recommended a modification to Objective 44, Policy b, which involved locating new telecommunication facilities on properties that minimized visual impact, to include a requirement to notify adjacent landowners when a replacement telecommunications facility was greater in volume than the existing facility. In addition, Ms. Davis discussed the importance of protecting environmental features and historic overlays to maintain the County's aesthetic appeal, noting that she believed DAS and microcell technology would best serve this goal. She recommended that the proposed Amendment include language that reflects the United States Fish and Wildlife Services' guidelines for reduced bird mortality and minimized the loss of mature trees. She also requested additional clarification for Objective 42, Policy l, which listed design options for mitigating the visual impact of telecommunication facilities, to specify whether historically significant landscapes included neighborhoods with historical designations. (A copy of Ms. Davis's statement is in the date file.)

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Commissioner Lawrence suggested that the Mount Vernon District emphasize the importance of high-quality broadband internet connection for all habitable spaces within future buildings, noting the importance of such services for public safety. He also pointed out that replacement telecommunication poles were often taller than existing poles because of safety requirements. In addition, he indicated that citizens in other districts might not share the MVCCA's preference for DAS and stated that he did not support expressing a preference for a particular system.

Commissioner Migliaccio echoed Commissioner Lawrence's remarks about DAS not being sufficient for other areas of the County and said that he did not support Ms. Davis's proposed revision, noting that the proposed Amendment still accommodated DAS in the Mount Vernon District. In response, Ms. Davis said she believed that language could be crafted to support DAS while not precluding cell towers. A brief discussion ensued regarding current Countywide policies for cell towers and DAS wherein Ms. Davis reiterated that such facilities frequently generated substantial community opposition, acknowledged the lack of network coverage in the Mount Vernon District, and indicated that the MVCCA's would coordinate with providers to construct appropriate facilities.

Commissioner Hart aligned himself with remarks made by Commissioner Lawrence and Commissioner Migliaccio, saying that he did not favor expressing a preference for DAS for the entire County. He also pointed out that telecommunications involving DAS had also generated community opposition and stated that the review of proposed telecommunications facilities would be conducted on a case-by-case basis. In addition, he noted that policies regarding notices for affected landowners were prescribed by the Virginia State General Assembly; therefore, no such notice requirements were articulated in the Policy Plan. Further discussion between Commissioner Hart and Ms. Davis ensued regarding the notice requirements for the 2232 process wherein Elizabeth Teare, Office of the County Attorney, confirmed that these requirements came from the *Virginia Code* and any changes had to be made by the General Assembly.

Replying to follow-up questions from Commissioner Hart, Ms. Davis clarified that while the MVCCA supported the streamlined "feature shown" process articulated in the proposed Amendment, she reiterated that she wanted affected landowners to be notified if a proposed telecommunications facility were taller than the existing facility to facilitate coordination between residents and telecommunications service providers. Additional discussion ensued regarding the current "feature shown" process, the possible means of improving the current notification process, and the circumstances when an application would be escalated to a public hearing wherein Commissioner Hart suggested that Commissioners notify residents or homeowners associations by other means. In addition, Commissioner Murphy stated that he did not favor identifying DAS in the Comprehensive Plan as a preferred system and noted the limitations of DAS. He also encouraged the MVCCA to coordinate with the Commission, the Mount Vernon District Supervisors Office, and telecommunications providers on improving telecommunication services in the Mount Vernon District.

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Vice Chairman de la Fe called for speakers from the audience.

Frank Stearns, Esquire, Donohue and Stearns, PLC, representing AT&T, T-Mobile, and Verizon Wireless, voiced opposition to the language in Objective 42, Policy l, which required telecommunications providers to be assessed on whether their actions would, "eliminate negative visual impacts," because it would create an unreasonable standard that would be difficult to achieve. He also opposed the language in Objective 42, Policy k, which indicated that the visual impact on residential areas and the public way would be assessed, "-compared with alternate sites," saying that it would complicate the process by requiring applicants to evaluate multiple sites for a facility, some of which might conflict with other portions of the Policy Plan. In addition, he stated that while DAS could be sufficient in certain situations, it needed to be utilized in conjunction with larger telecommunications facilities to be effective.

When Vice Chairman de la Fe asked Mr. Stearns to clarify his objections to Objective 42, Policy k, he said that he believed the proposed language, "as compared with alternate sites," was too vague because it did not specify how many alternatives had to be evaluated or how an applicant would demonstrate that the evaluations conducted were sufficient.

Commissioner Lawrence and Mr. Stearns briefly discussed the visibility of telecommunications facilities built into structures such as steeples wherein Commissioner Lawrence said he did not concur with Mr. Stearns objections and indicated that he favored retaining the proposed language because it would encourage the best concealment of facilities whenever possible.

Commissioner Litzenberger and Mr. Stearns briefly discussed the amount of bandwidth provided by a cell tower compared to DAS wherein Mr. Stearns concurred that a cell tower covered a larger area and the increased use of devices, such as smartphones, had increased the need for bandwidth.

Commissioner Hedetniemi indicated that she supported evaluating alternative sites for a proposed telecommunications facility as part of an applicant's due diligence for an application. In response, Mr. Stearns stated that while he agreed with her statement, he reiterated his concern that there were no provisions in the language specifying how many alternative sites would have to be evaluated. A brief discussion ensued regarding the expectations for an applicant's evaluation of a proposed facility wherein Mr. Stearns indicated that evaluating alternate sites would create additional burdens for service providers.

Commissioner Donahue said that he sympathized with Mr. Stearns's concerns regarding the evaluation of alternative sites for proposed telecommunications facilities and suggested that applicants conduct more outreach to affected communities. He then aligned himself with Commissioner Lawrence regarding the proposed language for Objective 42, Policy l, and asked whether an application involving a concealed facility, such as a steeple, had ever been rejected.

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In response, Mr. Stearns described the community opposition that might arise during the evaluation of such facilities.

Commissioner Hart asked Mr. Stearns to explain his objection to Objective 42, Policy k, and pointed out that the phrase, "-compared with alternate sites," had been added to make it clearer than the previous language and provide a basis for comparison for a proposed telecommunications facility. In response, Mr. Stearns said he believed that evaluating alternate sites in every application would make the process too tedious. Further discussion ensued regarding the current guidelines for telecommunications facilities wherein Commissioner Hart advised Mr. Stearns to provide revised language for Objective 42, Policy k during the deferral period.

Answering a question from Commissioner Murphy, Ms. Teare confirmed that review of alternative sites was part of the 2232 process. Commissioner Murphy also described the propagation studies conducted by applicants and encouraged better communication between citizens and telecommunications providers regarding how applications were evaluated.

James Michal, Esquire, Jackson & Campbell, PC, representing NextNav, LLC, briefly described new telecommunications systems that provide improved GPS function that worked indoors and improved emergency response services. He said that NextNav was currently testing a new network in Tysons Corner, which required the use of new omnidirectional whip antennas that were approximately seven feet tall, and recommended that the Commission incorporate these antennas into the "feature shown" process. Referring to the third bullet under Objective 44, Policy b, on page 6 in Attachment 1 of the staff report, he pointed out that the language allowing whip antennas in residential areas was not included in the sections for commercial and industrial areas. (A copy of Mr. Michal's statement is in the date file.)

Commissioner Lawrence indicated that while the system described by Mr. Michal was not a voice or data network, sufficient bandwidth would still be necessary to maintain effective communication systems for emergency services. He also encouraged the Commission to monitor the testing of this system, but noted that it did not warrant modifications to the proposed Amendment.

Responding to a question from Commissioner Hart, Mr. Michal clarified that NextNav's issue with the current policy was that the 7-foot whip antennas required by this new system were not permitted on commercial buildings if they extended above the roofline. Commissioner Hart concurred with Commissioner Lawrence's statement that this new system did not warrant modifying the Amendment. He also suggested that Mr. Michal review the amendment and determine ways to refine the language, but noted that certain modifications might be outside the scope of the advertising.

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There being no more speakers, Vice Chairman de la Fe called for concluding staff remarks from Mr. Caperton, who pointed out that Objective 42, Policy l permitted the installation of telecommunication facilities within mature vegetation, provided the location did not adversely impact sensitive resources or cause fragmentation of forested communities. He indicated that staff was amenable to refining the tree preservation provisions in the Policy Plan and would review the Tree Commission's concerns.

Commissioner Lawrence suggested that staff provide additional language to alleviate Mr. Stearns's concerns about reviewing alternate sites for a proposed telecommunications facility.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR S12-CW-2CP TO A DATE CERTAIN OF APRIL 18, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Sargeant having recused himself; Commissioners Flanagan and Hall absent from the meeting.

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Chairman Murphy resumed the Chair.

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The Commission went into recess at 11:04 p.m. and reconvened in the Board Auditorium at 11:22 p.m.

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FAIRFAX FORWARD WORK PROGRAM – To consider proposed revisions to procedures regarding the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Fairfax Forward proposes a new schedule to review the Comprehensive Plan through a Comprehensive Plan Amendment Work Program. The Work Program will track ongoing Plan amendments and will establish a set of planning studies anticipated to begin over the next three

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years (2013-2015). Fairfax Forward also proposes a new method to conduct planning studies that increases public participation and seeks more effective outcomes. COUNTYWIDE. PUBLIC HEARING

Chairman Murphy announced that Commissioner Lawrence would handle this case.

Meghan Van Dam, 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 adoption of the Fairfax Forward Work Program (Work Program).

In response to questions from Commissioner Lawrence, Ms. Van Dam stated that the current date for the Board of Supervisors' public hearing for the Work Program was April 30, 2013. *(Note: this public hearing was subsequently deferred to July 9, 2013.)* She also confirmed the following:

- The existing Area Plans Review (APR) nominations would be rescinded;
- The Work Program would be reviewed every two years;
- The Commission's recommendation to the Board would include a process for reviewing the Work Program after two years; and
- The motion to adopt the Work Program would contain language regarding the review process.

Commissioner Lawrence also noted that he intended to defer the decision only on the Work Program after the close of the public hearing.

Commissioner Lawrence stated that the input provided by various sources and citizens would be called ideas and asked staff to explain the creation of the example of such an idea listed on page 17 of the staff report, which was entitled "Dulles Suburban Center." In response, Ms. Van Dam explained that this idea was created after staff had informed the property owner of the new review process during discussions of a redevelopment plan for Land Unit J and encouraged the property owner to submit it during the public comment period. She stated that staff had reviewed the idea and concluded that it was consistent with ongoing planning studies in the Route 28 Corridor; therefore, it was included it in the Work Program under Item 12, Dulles Suburban Center, in the list of anticipated Plan Amendments to begin between 2013 and 2015.

Responding to a follow-up question from Commissioner Lawrence, Ms. Van Dam confirmed that a property owner or citizen could submit an idea at any time during the public comment period for staff to consider for inclusion in the Work Program.

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Commissioner Hedetniemi said that she favored using the word “evaluation” as opposed to “review” and requested that staff identify the criteria that would be used to determine the effectiveness of the Work Program.

In reply to questions from Commissioner Sargeant, Ms. Van Dam explained that while traditional one-way communication would be retained for the review period, additional two-way communication methods would be utilized to facilitate the interaction and exchange of information between communities and staff. She also indicated that DPZ had been coordinating with the Fairfax County Office of Public Affairs to develop its usage of social media.

Referencing the “Seven Corners Visioning Process” listed on page 59 of the staff report, Commissioner Sargeant compared this process with the Reston Master Plan process, pointing out that it began with a visioning process followed by focus groups and a specified task force. When he asked if this process accurately reflected the process proposed by the Work Program, Ms. Van Dam concurred, adding that such a process would also allow for more focused conversations with stakeholders. Additional discussion ensued regarding this review process wherein Ms. Van Dam confirmed that the broader visioning process would include more people than the existing APR process. In addition, she indicated that social media would be utilized at each stage of the process. Commissioner Sargeant suggested that staff work to ensure that the appropriate resources for new communications tools were in place for the process.

Commissioner Litzenberger indicated that the West Fairfax Land Use Committee and Sully District Council supported adoption of the Work Program. He noted, however, that questions arose regarding the extent to which the process would change when compared to the previous APR process and asked staff to detail the process. Ms. Van Dam outlined the new process as follows:

- The individual, group, or organization would meet with staff and the community to formulate an idea;

- The idea would be submitted during the public comment period with an explanation on how it met the necessary criteria;

- DPZ staff would review the idea and make an appropriate recommendation to the Planning Commission; and

- The Planning Commission would make the final decision to include the idea in the Work Program.

Replying to an additional question from Commissioner Litzenberger, Ms. Van Dam added that ideas submitted after the Work Program had been adopted would be evaluated by staff and forwarded to a working group or task force that could include multiple planning districts.

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Commissioner Hart expressed concerns about the extensive scope of the Amendment and the possibility of the Board of Supervisors adding more items to the Work Program, which was already backlogged. In addition, he pointed out that "Commuter Facilities" was misspelled on the Estimated Long-Term Plan Review Schedule on page 23 of the staff report. He also said that the Green Building Policy Plan Amendment, which had been added to the list of anticipated amendments, would not require the 18 months listed in Item Number 6 on page 16. Ms. Van Dam indicated that she would review these issues.

When Commissioner Donahue asked whether task forces involving multiple planning districts or other counties were possible, Marianne Gardner, PD, DPZ, cited previous coordination on an APR nomination with Loudoun County and the City of Herndon as examples from which to establish future procedures.

Chairman Murphy called the first listed speaker.

Thomas Moore Lawson, Esquire, Lawson and Silek, PLC, representing HHHunt Assisted Living, Inc. (HAL), stated that HAL had submitted a proposal for an assisted living residence facility located along Roberts Road near George Mason University (GMU) for inclusion in the Work Program; however, i had not been included. He pointed out the growing demand for assisted living facilities and noted the current deficiencies in affordable assisted living services in the County. He described the obstacles and costs associated with operating an assisted living facility, noting that his client's proposed facility would operate with a flexible fee structure for residents. He also listed the amenities the facility would provide. In addition, he pointed out the benefits to locating such a facility near GMU, such as opportunities to interact with students and access to GMU's facilities and services. (A copy of Mr. Lawson's statement is in the date file.)

Replying to a question from Commissioner Hurley, Ms. Van Dam confirmed that HAL's proposal for an assisted living facility was one of the developments being considered for the associated property and was addressed on pages 26 and 33 of the staff report.

Dr. Thomas Prohaska, Dean of College of Health and Human Services, GMU, 4400 University Drive, Mail Stop: 2G7, Fairfax, spoke in support of HAL's proposal for an assisted living facility near the GMU campus. He briefly described his background, noting that he was a gerontologist who specialized in improving independence for the elderly, and said he believed that an assisted living facility would be a valuable addition to the community. He pointed out the growing popularity of retirement communities located near universities, adding that Fairfax County had a higher life expectancy than the national average. He also listed the following benefits of locating an assisted living facility in this area:

- opportunities for residents to maintain their independence;
- access to health care resources offered by the university;

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- appropriate urban environments that provided easy access to various amenities; and
- centralized locations for on-site workers and family members of residents.

Chairman Murphy questioned whether the previous speakers' testimony was appropriate for this public hearing and in response, Ms. Gardner explained that during the public comment period while the Work Program was being developed, HAL had suggested its proposed living facility; therefore, it would be appropriate to discuss.

Answering follow-up questions from Chairman Murphy, Ms. Gardner stated that the site of the proposed facility was within the Fairfax Planning District, which was not currently within the three-year Work Program. She added that the Commission could consider adding the proposal to the Work Program, but more discussion would be required to determine the overall impact on the program. A brief discussion between Chairman Murphy and Dr. Prohaska ensued regarding the purpose of his testimony and the extent of what the Commission would be moving on for the proposed Work Program.

In response to a question from Commissioner de la Fe, Ms. Gardner stated that the Work Program did not preclude District Supervisors from requesting Out-of-Turn Plan Amendments.

Commissioner Lawrence said he believed that a mechanism for studying different areas of the County during different time-frames was necessary to efficiently manage staff resources.

Commissioner Migliaccio also expressed concern that opening the Work Program for comment by the entire County every two years would strain staff resources by allowing testimony from representatives from parcels not under review.

Commissioner Hart said that he believed that citizens seeking to submit ideas were not sufficiently informed about the process when their particular area of the County was not being reviewed, adding that they might subsequently appeal to the Board of Supervisors to have their ideas placed on the Work Program. He added that he endorsed a clearer process for submitting such ideas. Ms. Gardner pointed out that the two-year review period for the Work Program provided an additional opportunity to submit ideas, adding that the Planning Commission could include additional items that staff had not recommended. In addition, she said that by including additional opportunities for input, the Work Program would be more flexible than the APR process. She also noted that Out-of-Turn Plan Amendment applications could still be submitted.

Lawrence Baldwin, 13708 Leland Road, Centreville, representing Friends of Centreville Historic Park, requested the removal of the right-of-way easement that ran along the southern portion of Centreville Historic Park, which was currently under construction. He stated that additional land had been acquired for the park as it had been developed. He pointed out that portions of the park were originally planned for commercial use; however, the plans were later revised and, as a result, the right-of-way was no longer necessary. Mr. Baldwin described the location of

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Centreville Historic Park, the historic landmarks located within the park, and the activities it offered. He stated that removal of the right-of-way would be necessary to implement the County Parks Master Plan, adding that he had spoken to Sully District Supervisor Frey, who indicated that there were plans to acquire additional parcels for the park. In addition, he described the roads around Centreville Historic Park and identified the location of the right-of-way.

Greg Riegle, Esquire, McGuireWoods LLP, representing Akridge, spoke in support of adopting the Work Program because it would facilitate the development of for undeveloped land. He noted that Akridge owned Land Unit J in the Dulles Suburban Center and encouraged the County to consider the Westfields area for development, citing changes in planning and market trends. He briefly described the existing development in Westfields, which had not been the subject to any APR nominations, and indicated that Akridge would invest in the Work Program to develop this area.

Mr. Riegle responded to a question from Commissioner Sargeant regarding his experience with the visioning process and applying that process when developing small parcels of land. A brief discussion ensued regarding the disparity between the vision and economic development for an area, and the challenge of developing certain parcels within that area to fit the context of current market trends.

Answering questions from Commissioner Litzenberger, Mr. Riegle said that he had met with a developer regarding the development of Westfields. He then described the current and potential development of the area, noting that he favored a mixed-use development. He also indicated that Akridge would have further discussions on this matter with the West Fairfax Land Use Committee and the Sully District Council.

Charles Hall, 2417 Claremont Drive, Falls Church, representing the Blake Manor Homeowners Association, said that while he supported some aspects of the Work Program, he was concerned about the extent to which it allowed for citizen involvement. He stated that he supported the Work Program's provision for obtaining front-end engagement of stakeholders, but noted that he did not support the removal of the final community jury session, which was an integral part of the current APR process that provided a clear process for the community to provide input. Mr. Hall also expressed concern about the operation of the Work Program, saying that he believed the proposed procedure was too vague. He also pointed out the importance of creating appropriate incentives for development. In addition, he stated he favored retaining the current North County/South County cycle, echoing previous remarks from Commissioner Hart regarding the possible increase in Out-of-Turn Plan Amendments. Mr. Hall briefly described his experiences with land use task forces, such as the Tysons Land Use Task Force, and pointed out the conflict between task forces and community groups. He said that retaining community jury sessions would help preserve existing communities. He also recommended the following modifications to the Work Program:

- The overall procedure for the program should be clearly outlined;

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- The final community jury session, or a similar form of back-end community engagement, should be retained; and

- The Fairfax Federation and planning district councils should be included in efforts to improve communication between the County and communities.

Commissioner Hedetniemi expressed support for greater community engagement. A brief discussion ensued with Mr. Hall regarding his characterization of the Tysons Land Use Task Force.

Chairman Murphy called for speakers from the audience.

Jennifer Elsea, 4617 Roberts Road, Fairfax, spoke in support of the assisted living facility proposed by HAL. She briefly described her community and said that an assisted living facility was appropriate because it would have a minimal traffic impact and was consistent with the character of the community. She also echoed earlier remarks regarding the increasing demand for assisted living facilities.

Bruce Bennett, 1459 Hunter View Farms, Vienna, echoed previous remarks regarding the importance of community involvement with the Work Program. He pointed out the difficulties associated with accommodating community engagement, noting the drawbacks of less formal input methods of providing input like charrettes. Referencing page 3 of the staff report under "Criteria for Review," he said that it would be difficult to address concerns from emerging communities if the process were not sufficiently outlined for the public.

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 this case. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR THE FAIRFAX FORWARD WORK PROGRAM TO A DATE CERTAIN OF APRIL 3, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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The meeting was adjourned at 1:05 a.m.
Peter F. Murphy, Chairman
Janet R. Hall, 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: Jacob Caporaletti

Approved on: _____

_____
Jeanette Nord, Acting Clerk to the
Fairfax County Planning Commission

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