

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 3, 2014**

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

ABSENT: Janet R. Hall, Mason District
John L. Litzenberger, Jr., Sully 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 Lawrence announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, April 16, 2014 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to consider the first of three-part effort to edit the Tysons Corner Master Plan. He noted that this meeting was opened to the public and welcomed all interested parties to attend.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met and completed the first part of the white paper for electric vehicle charging station infrastructure. He stated that the Commissioners and appropriate stakeholders would receive a copy of the revised white paper by Friday, April 11, 2014. He then noted that the Environment Committee would conduct a workshop on Thursday, May 8, 2014 at 7:00 p.m. in Conference Rooms 9/10 of the Fairfax County Government Center to receive input from the public on the white paper. In addition, he said the Committee would meet again on the following dates:

- Wednesday, June 18, 2014 at 7:00 p.m. in the Board Conference Room; and
- Thursday, July 10, 2014 at 7:00 p.m. in the Board Conference Room.

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RZ 2005-MV-001 – GRAMBRILL POINTE SUBDIVISION (PROFFER #19)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES [sic] APPROVE PLAN 24746-SD-001-4.

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

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FS-S13-93 – VERIZON WIRELESS, 6001 Union Mill Road (Centreville HS)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-S13-93.

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

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FY 2015-2019 FAIRFAX COUNTY ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) (w/Future Fiscal Years to 2024) (Decision Only) (The public hearing on this item was held on March 20, 2014. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2015 THROUGH 2019, AS PROPOSED.

Commissioner Hart seconded the motion which carried by a vote of 10-0. Commissioners Hall and Litzenberger were 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. PCA/FDPA 2010-PR-021 – CAPITAL ONE BANK (USA) NA
2. RZ/FDP 2013-PR-007 – EYA DEVELOPMENT, LLC
3. SE 2013-LE-014– MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST

This order was accepted without objection.

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PCA/FDPA 2010-PR-021 – CAPITAL ONE BANK (USA) NA –
Appls. to amend the proffers, conceptual and final development plans for RZ 2010-PR-021 previously approved for mixed-use development to permit modifications and to amend approved proffers and site design with an overall Floor Area Ratio (FAR) of 3.90 and a waiver #6835-WPFM-001-1 to permit the location of underground stormwater management facilities in a residential area. Located at 1680 Capital One Dr., McLean, 22102, on approx. 26.22 ac. of land zoned PTC and HC. Comp. Plan Rec: Transit Station/Mixed Use. Tax Map 29-4 ((5)) A2. PROVIDENCE DISTRICT. PUBLIC HEARING.

Antonio Calabrese, Attorney/Agent, Colley LLP, reaffirmed the affidavit for PCA/FDPA 2010-PR-021 dated March 21, 2014. There were no disclosures by Commission members.

Commissioner Lawrence announced his intent to defer the decisions only on these applications at the close of the public hearing.

Suzanne Lin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications PCA/FDPA 2010-PR-021.

Commissioner Lawrence pointed out that the subject applications included a building that would be the tallest in Tysons Corner once completed, which was identified as Building 3. He added that this building was located at a different height area than originally planned, but noted that the applicants had been granted flexibility for these height areas. Commissioner Lawrence then asked staff to explain how Building 3 would not become a precedent for other developments to increase building height. Ms. Lin stated that staff had analyzed the context of Building 3, acknowledging the height of the building and the presence of specific text in the Comprehensive Plan that permitted additional height in this area due to the topography. In addition, she indicated that staff had concluded during its review of Building 3 that its impact on the subject property would be less at the proposed location than it would have been if it were placed at other locations on the site. Ms. Lin indicated that such impact would be considered during staff's evaluation of every building within a proposed development. She added that every proposed building height that was above its tier would be subject to rigorous review.

When Commissioner Lawrence asked about the potential impact of shadows from Building 3, Ms. Lin confirmed that the shadow impact would be greater if Building 3 were located near residential developments or the future Silver Line Metrorail Station. She added that the proposed location for Building 3, which was near the Capital Beltway, would minimize the impact of the building's height. A discussion ensued between Commissioner Lawrence and Ms. Lin regarding the site-specific nature of issues such as building height and the possibility of establishing a precedent with staff's determination at this site wherein Ms. Lin confirmed that the proposal would not establish any precedent regarding building heights because staff had evaluated the proposal within the context of the subject property.

Mr. Calabrese said that a packet containing letters of support from the surrounding community had been distributed to the Commission prior to the public hearing. He then gave a PowerPoint presentation outlining the proposal. He explained that the subject applications would relocate the

headquarters building to Block B, noting that the proposed height for the buildings were consistent with the recommendations of the Comprehensive Plan. In addition, Mr. Calabrese said that the proposal included a more completed street grid, more organized bicycle lanes, and a contribution of approximately \$2.1 million to the reconstruction of Dolley Madison Boulevard. He then described the location of the subject property, noting the location of the future Silver Line Metrorail Station, Dolley Madison Boulevard, the Capital Beltway, the future Jones Branch Connector, and the existing headquarters facility. He pointed out that mix of uses proposed for the northwest portion of the subject property would not change under the proposal, reiterating that changes would only occur in Block B.

Mr. Calabrese indicated that the subject property was located within one-eighth of a mile from the future Silver Line Metrorail Station. He then explained that Building 12, which was located on the southwest portion of the subject property, had been previously approved at a height of 400 feet, but the subject application would reduce the height by approximately 100 feet and relocate the building to a location closer to the Capital Beltway. He added that moving Building 12 to this location would address concerns raised by Commissioner Lawrence and Providence District Supervisor Linda Smyth regarding this building's initial proximity to the future Silver Line Metrorail Station. He also indicated that the mix of uses and floor-area ratio for the proposed development would not change under these applications.

Mr. Calabrese described the design of the proposed development for Block B, pointing out that the applicant would attempt to retain the existing baseball field for as long as possible. In addition, he said that the applicant would replace the two soccer fields that would be disturbed by the development on Block B and an additional field would be installed as an interim use prior to the construction of the hotel.

Referring to Slides 12 through 14, of his presentation, Mr. Calabrese reviewed the elevations of Block B from the east from Tower Plaza Drive, noting the potential for street level retail in this area. He also pointed out the location of the parking structure, which would be screened. In addition, he identified the location of the athletic field that would be installed prior to the development of the hotel.

Referring to Slide 17 of his presentation, Mr. Calabrese described the elevations of Block B from the existing conference center and headquarters. Referring to Slide 18 of his presentation, he reviewed the elevations of Block B from the Capital Beltway and stated that appropriate screening would be installed along this area. Referring to Slide 19 of his presentation, he described the proposed headquarters and compared it to the existing headquarters building and conference center.

Referring to Slides 22 through 25 of his presentation, Mr. Calabrese described the plaza, which included multiple water features and a small seating area that could be converted into an amphitheater. He then commended the designs of these features, noting that these designs were consistent with the provisions of the Urban Design Guidelines.

Referring to Slides 26 and 27 of his presentation, he described the existing community center. He explained that initially the community center would have been developed in conjunction with a third office building. However, Mr. Calabrese indicated that the applicant had evaluated other

options at the request of Commissioner Lawrence, Supervisor Smyth, and former Dranesville District Planning Commissioner Jay Donahue. Subsequently, he stated that the community center would be triggered by other developments at the site, such as a hotel or residential buildings, if the development of the office building were delayed. He then reiterated the subject property's close proximity to the future Silver Line Metrorail Station and Dolley Madison Boulevard, which would be conducive to the success of the community center. Mr. Calabrese said that the applicant had owned the subject property for approximately 14 years and had the following contributions to transportation infrastructure:

- A dedication of 1.5 acres of land for the future Silver Line Metrorail Station;
- A dedication of land for a widening of the Capital Beltway for Scott's Crossing;
- Contributions of approximately \$5 million to the Metrorail Tax District and the Tysons Transportation Fund;
- Contributions to Table 7 of approximately \$21 million, which included the Jones Branch Connector dedication.

Mr. Calabrese then stated that the proposal included the following contributions to transportation infrastructure:

- Contributions of approximately \$35 million to the grid of streets;
- Contributions to pedestrian links at various stages of development and bicycle lanes;
- Contributions to a Transportation Demand Management program, which included an additional connection to the future Silver Line Metrorail Station; and
- A contribution to the redevelopment of Dolley Madison Boulevard.

Mr. Calabrese added that the applicant would construct a secondary access point for the Gates of McLean community. He then pointed out the tax structure of Tysons Corner, stating that the proposed development would generate approximately \$6.2 million in taxes annually. He commended the County for implementing appropriate funding mechanisms for the proposed transportation improvements in Tysons Corner. Mr. Calabrese indicated that the proposal would retain proffers included in the previously-approved rezoning for the site, RZ 2010-PR-021, which included the following commitments:

- Achieving LEED Silver Certification for the office buildings on the site;
- Implementing stormwater management provisions to accommodate a one-inch event across the 26-acre site;
- Commitments to providing 35 percent open space and 4.5 acres of parkland;

- Reserve approximately 250 units for affordable and workforce dwelling units; and
- Contributions to schools that would account for changes in student calculation or the per-unit contributions.

Mr. Calabrese thanked County staff, the community, Commissioner Lawrence, Supervisor Smyth, and representatives from various agencies for their work on these applications and the overall development at the subject property. (A copy of Mr. Calabrese's PowerPoint Presentation and copies of his letters of support are in the date file.)

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

Lisa Samuels, 1530 Spring Gate Drive, Suite 9414, McLean, representing the Gates of McLean, spoke in support of the proposal. She said that her community had expressed concern about the height of the buildings on the subject property, but she indicated that the benefits of the proposal outweighed the impact. She stated that the proposed development would increase property values and would complement the surrounding community. Ms. Samuels then commended the applicant for coordinating with the surrounding community, acknowledging the contributions made for the Jones Branch Connector and the additional access for her community.

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), indicated that the MCA supported the proposal. He acknowledged the commercial needs of the applicant and expressed support for the proffers and contributions. He also expressed support for the applicant's plans for the proposed community center and the planned transportation improvements. Mr. Zetts stated that the MCA had expressed concern about the height of the buildings within the proposed developments. He acknowledged that the building heights were consistent with the recommendations of the Comprehensive Plan, but pointed out that certain designs for the penthouses could undermine these recommendations because the language was not clear regarding whether the height limitations applied to only the occupied portions of the buildings. Mr. Zetts said that the proposed height for Building 3 in the proposal was appropriate because it would create a gateway for Tysons Corner and he recommended that the Comprehensive Plan recognize it as such. (A copy of Mr. Zetts' statement is in the date file.)

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Calabrese, who reiterated the applicant's commitment to construct an attractive development that was consistent with the Comprehensive Plan. He then indicated that he did not object to the suggestion by Mr. Zetts to identify Building 3 as a gateway for Tysons Corner. Mr. Calabrese added that the applicant was already in the process of constructing the necessary road network on the subject property to ensure that the proposed development could be constructed within the appropriate timeframe.

Chairman Murphy called for concluding staff remarks from Ms. Lin, who declined.

Commissioner Lawrence stated that the redevelopment of Tysons Corner was currently in its early stages and it would be a number of years before the applicant's proposal reaches its final stage of development. He then noted the importance of the subject applications as part of this redevelopment and pointed out the evolution of land use in Tysons Corner.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR PCA/FDPA 2010-PR-021 TO A DATE CERTAIN OF APRIL 23, 2014, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hedetniemi seconded the motion which carried by a vote of 10-0. Commissioners Hall and Litzenberger were absent from the meeting.

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RZ/FDP 2013-PR-007 – EYA DEVELOPMENT, LLC – Appls. to rezone from I-5 to PDH-30 to permit residential development with an overall density of 22.11 du/ac, approval of the conceptual and final development plans, waiver of open space requirements, waiver of minimum district size and waiver #561-WPFM-005-1 to permit the location of underground storm water management facilities in a residential area. Located in the N.E. quadrant of the intersection of Eskridge Rd. and Merrifield Town Center on approx. 1.07 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 49-3 ((1)) 87, 88 and 89B. PROVIDENCE DISTRICT. PUBLIC HEARING.

David Gill, Attorney/Agent, McGuireWoods LLP, reaffirmed the affidavit for RZ/FDP 2013-PR-007 dated March 20, 2014. There were no disclosures by Commission members.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application RZ/FDP 2013-PR-007.

Commissioner Lawrence pointed out that the proposed residential development was not consistent with a transit-oriented development, but noted that it did contain provisions that encouraged mass transportation. He then asked how the residents of the proposed development would utilize the shuttle service to the Dunn Loring Metrorail Station. Mr. Lynskey said that there was an existing shuttle service at the residential development adjacent to the subject property, but he deferred to the applicant for more information about this service. Commissioner Lawrence then stated that the shuttle service reduced the need for parking at the site.

Mr. Gill explained that the proposed development would function as an expansion of the existing townhome development to the south of the subject property. He said that the applicant favored developments that facilitated pedestrian traffic and mass transportation. He then indicated that the proposal was consistent with these standards, pointing out that the proposed development was located in close proximity to retail developments. Mr. Gill stated that the applicant intended

to integrate the proposed development into the existing residential community, adding that there had been extensive coordination with this community to achieve this objective.

When Commissioner Lawrence restated his earlier question regarding the shuttle service at the proposed development, John Lester, Applicant/Contract Purchaser of Property, EYA Development, LLC, explained that the shuttle service was managed and funded by the homeowners association for the existing residential development. In addition, he said that the shuttle stop locations and timing of the service had been scheduled to meet the needs of the residents, noting that additional changes to the service would be implemented as other developments in the area were completed.

Commissioner Lawrence also pointed out that bicycles and pedestrian paths were also viable means of accessing the Dunn Loring Metrorail Station due to its close proximity to the site. He added that such opportunities further reduced the need for a car.

Commissioner Hart expressed concern about the size of the garages for the proposed townhouse units on the site, noting that he had visited the existing townhouse units at the adjacent development. He indicated that the dimensions for the garages at the proposed site were approximately 19 feet wide for a two-car garage and 16 feet wide for a one-car garage. Commissioner Hart then said that while a 16-foot garage was sufficient for a one car, a 19-foot garage was too small for two cars. He added that the limited parking on the site would make it difficult for residents that owned two regular-sized cars. He then stated that the applicant should advise prospective residents of this size limitation. Commissioner Hart also pointed out the difficulty for vehicles accessing the garages for the townhouse units due to the constraints of the alley, adding that the presence of other features such as garbage cans could add further constraints. He said that the parking provisions for the proposed development relied on the two-car garages accommodating two vehicles and if the garages could not be utilized as such, then additional parking provisions might be necessary. Mr. Lester addressed Commissioner Hart's concern, saying that widening the townhouse units and the garages would increase the overall cost of the units. He acknowledged the difficulty for vehicles accessing the garages, but noted that similar-sized garages had been successfully implemented at other developments in jurisdictions such as Arlington County and the District of Columbia. He then noted the importance of informing prospective residents of the constraints at the garages, adding that the applicant had coordinated with Commissioner Lawrence on ways of addressing these constraints and ensuring that residents could safely and efficiently access their garages with their vehicles. Commissioner Hart suggested adding an area within the garage to accommodate garbage cans. Mr. Lester indicated that no such area was necessary, stating that there was sufficient space in the garage for garbage cans. In addition, he said that the applicant would provide suggested organization methods for the garage to prospective tenants.

Commissioner Ulfelder asked how the proposed development would accommodate parking for guests. Mr. Lester indicated that the proposal included five designated guest parking spaces within Parcel K, adding that the homeowners association would require residents to park their vehicles in their garages. In addition, he said that there were no time restrictions for these guest parking spaces. Mr. Lester also pointed out that there was ample parking within the surrounding developments, but noted that these parking spaces had a five-hour time restriction.

A discussion ensued between Commissioner Ulfelder and Mr. Lester regarding the usage of the existing shuttle service at the neighboring property and the possibility of using this service to improve the marketability of the units wherein Mr. Lester indicated that the usage of the shuttle service would grow as the surrounding developments were occupied.

Chairman Murphy called the first listed speaker.

Chuck Pena, 2929 Eskridge Road, Suite S, Fairfax, representing the Fairfax Cable Access Corporation (FCAC) (d/b/a Fairfax Public Access), spoke in support of the proposal. He described the activities and services provided by FCAC, noting that its studios were located in the office condominiums near the subject property. He stated that he had coordinated with Mr. Lynskey, the applicant, and the Providence District Supervisors Office regarding the proposal. Mr. Pena also indicated that he did not object to increasing the density of the proposed development and the surrounding properties, noting the development of other high-density structures in the area. He then commended staff, Commissioner Lawrence, and Providence District Supervisor Linda Smyth for their work on these applications and the revitalization efforts in the Merrifield area. (A copy for Mr. Pena's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Ernest Jutte, 2959 Stella Blue Lane, Fairfax, said that he resided in one of the townhouse units of the existing residential development adjacent to the site. He addressed the concerns raised by Commissioner Hart regarding the constraints of the garages, saying that his garage was large enough to accommodate his vehicle and garbage cans. He acknowledged the limited parking provisions for the surrounding area, noting that the five-hour parking limit for these spaces was not being sufficiently enforced. Mr. Jutte also confirmed that the parking provisions for his neighborhood were calculated based on the designs for one-car and two-car garages. In addition, he said that additional provisions to accommodate bicycle transportation were still being developed, noting that there was currently no convenient crossing across Lee Highway to access the Dunn Loring Metrorail Station.

Answering questions from Commissioner Flanagan, Mr. Jutte said that his property was approximately a half-mile from the Dunn Loring Metrorail Station and he could walk to this station in approximately 15 to 17 minutes.

A discussion ensued between Commissioner Hedetniemi and Mr. Jutte regarding the possibility of providing vouchers for parking garages to accommodate overnight guests for the proposed and existing development wherein Mr. Jutte pointed out that there were currently 12 public parking spaces within the existing residential development adjacent to the subject property.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Gill, who acknowledged the challenges associated with the design of the proposed development, but noted that such communities had been developed successfully at other sites. He added that each development provided additional information on improving the function of these communities and the implantation of the Silver Line Metrorail would create additional opportunities for similar communities.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-PR-007, SUBJECT TO EXECUTION OF PROFFERS DATED APRIL 2, 2014.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A WAIVER OF SECTION 6-107, PARAGRAPH 1, REQUIRING A MINIMUM DISTRICT SIZE OF 2 ACRES FOR A PDH DISTRICT;
- A MODIFICATION OF SECTION 2-505 TO PERMIT STRUCTURES TO ENCROACH WITHIN THE CORNER LOT LIMITATIONS, AS DEPICTED ON THE CDP/FDP;
- A MODIFICATION OF SECTION 6-107, PARAGRAPH 2, REQUIRING 200 SQUARE-FOOT PRIVACY YARDS FOR SINGLE-FAMILY ATTACHED DWELLINGS, IN FAVOR OF ROOF-TOP TERRACES;
- A MODIFICATION OF SECTION 6-110, TO ALLOW 36 PERCENT OPEN SPACE, AS SHOWN ON THE PLAN, IN LIEU OF THE 45 PERCENT REQUIREMENT FOR A PDH-30 DISTRICT;
- A MODIFICATION OF SECTION 10-104 TO ALLOW AN 8-FOOT MAXIMUM FENCE HEIGHT IN SIDE AND REAR YARDS, AS INDICATED ON CDP/FDP;
- A MODIFICATION OF COMPREHENSIVE PLAN STREETScape SECTIONS AND BULK REQUIREMENTS FOR THE MERRIFIELD SUBURBAN CENTER IN FAVOR OF THE TYPICAL SECTIONS SHOWN ON PLAN;
- A MODIFICATION OF SECTION 17-201 TO ACCEPT THE PROPOSED IMPROVEMENTS, AS SHOWN ON THE CDP/FDP, AS SATISFYING ALL IMMEDIATE STREETScape, TRAIL, OR INTERPARCEL CONNECTION REQUIREMENTS AT SITE PLAN STAGE;
- A WAIVER REQUEST, NUMBER 561 -WPFM-005-1, TO ALLOW UNDERGROUND STORM WATER MANAGEMENT (SWM) FACILITIES IN A RESIDENTIAL DEVELOPMENT, PER SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL

(PFM), AS CONDITIONED IN ATTACHMENT A OF THE PROPOSED DEVELOPMENT CONDITIONS;

- DIRECT THE DIRECTOR OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO MODIFY THE TREE PRESERVATION TARGET, PER SECTION 12-0508 OF THE PFM, IN FAVOR OF PROPOSED VEGETATION SHOWN ON THE CDP/FDP;
- DIRECT THE DIRECTOR OF THE DIRECTOR OF DPWES TO MODIFY SECTION 12-0510.4E(5) OF THE PFM TO ALLOW A REDUCTION OF THE 8-FOOT PLANTING WIDTH TO 5.5 FEET WITH 2.5-FOOT CANTILEVERED SIDEWALK, AS SHOWN IN SELECT AREAS OF FDP; AND
- DIRECT THE DIRECTOR OF THE DIRECTOR OF DPWES TO MODIFY SECTION 7-0502 OF THE PFM TO PERMIT 20-FOOT ALLEYS, AS INDICATED ON CDP/FDP, IN AREAS WITH NO PARKING.

Commissioner Hedetniemi seconded the motion which carried by a vote of 10-0. Commissioners Hall and Litzenberger were absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-PR-007, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 23, 2013, AND THE BOARD'S APPROVAL OF RZ 2013-PR-007.

Commissioner Hedetniemi seconded the motion which carried by a vote of 10-0. Commissioners Hall and Litzenberger were absent from the meeting.

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SE 2013-LE-014 – MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD, TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST – Appl. under Sects. 4-604, 9-518, 9-610, and 9-612 of the Zoning Ordinance to permit a vehicle sales, rental and ancillary service establishment, waiver of minimum lot size, and lot width and waiver of open space requirement. Located at 5630 South Van Dorn St., Alexandria, 22310, on approx. 31,451 sq. ft. of land zoned C-6. Tax Map 81-2 ((3)) 8A. LEE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Attorney/Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated March 24, 2014. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a case where attorneys from Ms. Strobel's firm were representing an adverse party, but noted that this matter and those parties were unrelated to this application and there was no business or financial relationship. He also disclosed that his law firm, Hart & Horan, PC, had a case within the past year wherein a client had hired Theodore Britt, Engineer/Agent, Tri-Tek Engineering, who was listed on the affidavit, as a consultant and an expert witness; however, he

indicated that this matter had concluded in November 2013 and there was no business or financial relationship. Commissioner Hart stated that neither of these instances would affect his ability to participate in this case.

Megan Duca, Planner, 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 SE 2013-LE-014.

In response to questions from Commissioner Migliaccio, Ms. Duca stated that staff from the Department for Public Works and Environmental Services had reviewed the subject applications and concluded that a waiver for Best Management Practices was likely not necessary, but this matter would be reviewed in greater detail at the time of site plan review. She also confirmed that the applicant would be able to pursue a waiver request at the time of site plan review if necessary.

Responding to additional questions from Commissioner Migliaccio, Ms. Duca confirmed the following:

- The existing use at the subject property had not been operating with a valid Special Exception (SE) since 1990;
- The applicant had expanded its building on the site without the proper permits or review by County staff;
- The main building on the site had been constructed over the lot line;
- The applicant had constructed private features in the Virginia Department of Transportation (VDOT) right-of-way; and
- The applicant had placed an illegal banner sign that incurred a Notice of Violation, which necessitated the submission of the subject application.

Commissioner Migliaccio informed the Commission of these circumstances and added that the applicant would likely request additional flexibility on the development conditions. He then said that while he supported allowing some flexibility, the applicant had been operating the subject property in violation for a number of years.

When Commissioner Hart asked about the applicant's need for a Special Permit (SP) in addition to an SE, Ms. Duca indicated that an SP was required for the main building to remain in its current location.

Commissioner Hart pointed out that the development conditions in the SP would require the applicant to remove the 0.4-foot portion of the building that encroached over the property line. He also noted that there were safety implications regarding the County Fire Code for buildings

located within a certain distance of the property line, which would need approval by the appropriate authorities. Commissioner Hart then asked staff to clarify the following issues:

- The feasibility of removing the 0.4-foot portion of the building while maintaining its structural integrity;
- The final condition of the building after the 0.4-foot portion was removed;
- The possible issues regarding Building Code or Fire Code compliance for the final condition of the building; and
- The possible issues regarding the maintenance of the final condition of the building and possible conflicts with the adjacent property owner.

Ms. Duca said that the 0.4-foot portion of the building would be removed and maintained by the applicant, but deferred to the applicant for more information on the final condition of this portion. In addition, she stated that the applicant would be required to obtain all applicable permits and inspections to continue operation of the building.

A discussion ensued between Commissioner Hart and Ms. Duca regarding the importance of ensuring that the final condition of the building was feasible after the 0.4-foot portion of the building was removed.

Commissioner Ulfelder pointed out the numerous permits and approvals that the applicant would be required to obtain. He also noted that timeframes outlined in the staff report for the applicant to obtain these approvals was narrow. He then asked whether these timeframes were realistic. Ms. Duca indicated that staff accounted for the possible difficulties the applicant might face in obtaining the necessary approvals, adding that the applicant had been informed that a Special Permit Amendment or Special Exception Amendment might be required to implement the necessary modifications to the site. She stated that the applicant had opted to not depict these possible modifications on the Plat.

Ms. Strobel gave a presentation on the proposal and provided a brief history of the existing development on the subject property, stating that a successful business had been in operation on the site for many years. She said that a previous SE for the site had been approved in September 1987 to permit vehicle sale, rental, and ancillary services and after this approval, the applicant had obtained a non-Residential Use Permit (RUP) prior to the commencement of business operations. Ms. Strobel also indicated that the non-RUP stipulated that the business operations on the site would be limited to retail sales and used cars. In addition, she stated that a condition of the approval of the non-RUP was that previously-approved SE be valid for three years after the issuance of the non-RUP, adding that this condition also included a maximum of two one-year extensions. She then explained that the previously-approved SE was allowed to expire due to concern regarding possible improvements to South Van Dorn Street and the Capital Beltway. Ms. Strobel said that the applicant understood that a new SE would be necessary after the previous

SE had expired and indicated that such an SE was pursued, but concerns regarding these possible transportation improvements hindered the process. She added that after numerous deferrals, the applicant's previous SE applications were dismissed.

Ms. Strobel acknowledged that a Notice of Violation had been issued at the site and indicated that the applicant was aware that the previous SE applications had been dismissed. She then stated that the existing business was consistent with the character of the subject property. Referring to Photographs 1 through 6 in her presentation, Ms. Strobel described the surrounding properties, noting the industrial character of the area. She added that most of the traffic in this area was generated by the existing business and noted the economic benefits of this business. She then indicated that the proposal included improvements to the subject property such as removing portions of the asphalt and installing additional landscaping. In addition, she said that the applicant would coordinate with VDOT on these improvements, adding that the existing fencing around the site would be maintained. Ms. Strobel indicated that the existing use on the site was consistent with the Comprehensive Plan. She then requested modifications to the revised development conditions to provide the applicant with additional time to prepare a site plan and obtain the necessary approvals. She also pointed out that Development Condition Number 5 included a five-year limitation for the subject application with an option for a two-year extension, subject to approval from the Zoning Administrator. She also indicated that this limitation was included because there were still concerns about possible transportation improvements to South Van Dorn Street. Ms. Strobel then noted the significant investment associated with the property for a time-limited use, but noted that the applicant was willing to accept this condition to bring the site into compliance. In addition, she said that the applicant had met with VDOT and Lee District Supervisor Jeff McKay regarding possible transportation improvements on South Van Dorn Street wherein it was revealed that neither VDOT or the Fairfax County Department of Transportations had any plans to pursue such improvements, but noted that these improvements were listed in the Comprehensive Plan and the National Capital Regions Constrained Long Range Plan. Ms. Strobel also stated that Theodore Britt, Engineer/Agent, Tri-Tek Engineering, was present to address questions regarding the site plan or Fire Code. She then reiterated the importance of allowing the applicant sufficient time to obtain the necessary permits and site plan approval. In addition, she said that the subject application was supported by the Lee District Land Use Committee. (Copies of Ms. Strobel's presentation and the revised development conditions dated April 3, 2014 are in the date file.)

When Commissioner Migliaccio questioned when the photographs included in her presentation were taken, Ms. Strobel indicated that they had been taken within a week prior to this public hearing.

A discussion between Commissioner Migliaccio and Ms. Strobel ensued regarding the absence of the public hearing notification sign on the property wherein Commissioner Migliaccio stated that while he supported the requested modifications to the development conditions to provide additional time for the applicant to obtain the necessary permits and approvals, he did not support certain aspects of the applicant's handling of this application.

A discussion ensued between Commissioner Hart and Ms. Strobel regarding an error in the first sentence of Development Condition Number 6 wherein Ms. Strobel clarified that the word, “non-applicable,” should be revised to read, “non-appealable.”

Commissioner Hart asked staff to inquire with the County Attorney regarding the implications of the public hearing notification sign not being present on the subject property. He then asked that the applicant ensure that the public hearing notification sign for the Board of Zoning Appeals public hearing be visible.

A discussion between Commissioner Hart and Ms. Strobel ensued regarding the purpose of Development Condition Number 6 wherein Ms. Strobel explained that due to the cost of developing a site plan, the applicant sought a clear timeframe after approval of the subject application in which to proceed with developing that site plan.

Mr. Britt addressed Commissioner Hart’s earlier concerns regarding the viability of the final condition of the building, explaining that the applicant had not yet hired an architect to evaluate the building. He acknowledged that the applicant would be required to obtain an easement to access certain portions of the building that encroached onto the railroad property to the north of the site. He noted that the applicant had been coordinating with the railroad to address this issue. Mr. Britt then explained that accessing this portion of the property was necessary to remove the 0.4 feet of the building that extended beyond the property line, adding that the applicant also sought an agreement to ensure future access to this area for maintenance purposes. He also described the process of removing this 0.4-foot portion of the building, saying that issues regarding Building Codes and Fire Codes would be fully evaluated to ensure that the building was in compliance.

Commissioner Hart reiterated his concern regarding the uncertainty of the final condition of the building on the subject property, noting the difficulty of obtaining approval for the design if the requirements for the building were different than those outlined in the subject application. He recommended that the applicant finalize the design of the building and ensure that the railroad property to the north supported this design and the necessary construction process.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary.

Chairman Murphy called for concluding staff remarks. William Mayland, ZED, DPZ, explained staff’s position regarding the applicant’s requested modifications to the development conditions:

- Staff did not support applicant’s request to for additional time for seeking approval from VDOT to retain the existing features locating within the right-of-way, as outlined Development Condition Number 6;
- Staff did not support applicant’s request for additional time for the removal of any signs on the subject property that were not in compliance with the zoning ordinance, as outlined in Development Condition Number 8; and

- Staff did not object to the applicant's request for additional time for developing a site plan, as outlined in Development Condition Number 16.

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

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-LE-014, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 3, 2014, WITH THE FOLLOWING MODIFICATIONS:

- REVISE THE SECOND SENTENCE IN DEVELOPMENT CONDITION NUMBER 15 TO READ, "THE APPLICANTS SHALL SUBMIT A SITE PLAN WITHIN 90 DAYS OF APPROVAL OF THIS APPLICATION;"
- REVISE THE LAST SENTENCE IN DEVELOPMENT CONDITION NUMBER 15 TO READ, "EXTENSIONS OF UP TO 90 DAYS MAY BE GRANTED BY THE ZONING ADMINISTRATOR IF THE APPLICANTS CAN DEMONSTRATE THEY HAVE DILIGENTLY PURSUED SITE PLAN APPROVAL;"
- REVISE THE SECOND SENTENCE IN DEVELOPMENT CONDITION NUMBER 16 TO READ, "THE APPLICANTS SHALL SUBMIT A SITE PLAN WITHIN 90 DAYS OF APPROVAL OF THIS APPLICATION;" AND
- REVISE THE LAST SENTENCE IN DEVELOPMENT CONDITION NUMBER 16 TO READ, "EXTENSIONS OF UP TO 90 DAYS MAY BE GRANTED BY THE ZONING ADMINISTRATOR IF THE APPLICANTS CAN DEMONSTRATE THEY HAVE DILIGENTLY PURSUED SITE PLAN APPROVAL."

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A MODIFICATION OF THE MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS IN ACCORDANCE WITH SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT A 31,451 SQUARE-FOOT LOT WITH A WIDTH OF 82 FEET;

- A MODIFICATION OF THE OPEN SPACE REQUIREMENTS IN ACCORDANCE WITH SECTION 9-612 OF THE ZONING ORDINANCE TO ALLOW 13.4 PERCENT OPEN SPACE;
- A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS TO THE SOUTH AND WEST AND THE BARRIER REQUIREMENTS TO THE SOUTH, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SE/SP PLAT;
- A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS ALONG THE EASTERN BOUNDARY OF THE PROPERTY IN ACCORDANCE WITH SECTION 13-203 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SE/SP PLAT; AND
- AN INCREASE IN THE HEIGHT OF THE FENCE, WALLS, GATES, AND GATE POSTS TO THAT SHOWN ON THE SE/SP PLAT, IN ACCORDANCE WITH PARAGRAPH 3.H OF SECTION 10-104 OF THE ZONING ORDINANCE.

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

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The Commission went into recess at 10:07 p.m. and reconvened in the Board Auditorium at 10:28 p.m.

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PCA 2000-MV-034/SEA 80-L/V-061-02/2232-V13-18/2232-V13-17 – FURNACE ASSOCIATES, INC. (Decisions Only) (The public hearing on these applications was held on February 27, 2014. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Flanagan further MOVED THE PLANNING COMMISSION RECOMMEND THAT THE BOARDS OF SUPERVISORS DENY SEA 80-L/V-061-02.

Commissioner Sargeant seconded the motion which failed by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND ARE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart further MOVED THAT THE PLANNING COMMISSION FIND THAT SEA 80-L/V-061-02 MEETS THE APPLICABLE LEGAL CRITERIA, SUBJECT TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS WITH THE DELETION OF DEVELOPMENT CONDITION 60 FOR THE REASONS ARTICULATED IN THE STAFF REPORTS AND SUBSEQUENT MEMORANDA, AND RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 80-L/V-061-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 3, 2014, WITH THE FOLLOWING MODIFICATION:

- THE DELETION OF DEVELOPMENT CONDITION NUMBER 60.

Commissioner Hart further MOVED THAT THE COMMISSION'S RECOMMENDATION BE COUPLED WITH THE FOLLOWING ITEMS FOR CONSIDERATION BY THE BOARD OF SUPERVISORS:

- THE COMMISSION RECOGNIZES THAT ALTHOUGH A CONSENSUS BETWEEN THE APPLICANT AND ALL CITIZENS MAY NOT BE POSSIBLE, FURTHER REFINEMENTS TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS, IN CONSULTATION WITH THE APPLICANT, COUNTY STAFF, AND THE COMMUNITY, MAY FURTHER IMPROVE THE APPLICATION AND PROVIDE REASSURANCES REGARDING POTENTIAL IMPACTS FROM THE APPLICATION.
- THE COMMISSION RECOMMENDS THAT SPECIFIC TOPICS FOR THE BOARD'S CONSIDERATION INCLUDE THE FOLLOWING:
 - A) THAT THE BOARD CONSIDER DELETION OF THE REQUIREMENT, AS ARTICULATED IN DEVELOPMENT CONDITION NUMBER 46 AND ELSEWHERE, THAT THE APPLICANT INSTALL WIND TURBINES AT THIS LOCATION AND INSTEAD REQUIRE A COMMITMENT BY THE APPLICANT TO INSTALL OTHER GREEN ENERGY TECHNOLOGY OF AN APPROPRIATE AND EQUIVALENT NATURE;
 - B) THAT THE BOARD CONSIDER WHETHER THE APPLICANT'S \$500,000 ANNUAL CONTRIBUTIONS BETWEEN 2019 AND 2038, AS REFERENCED IN DEVELOPMENT CONDITION NUMBER 49, SHOULD BE INDEXED TO INFLATION, SUBJECT TO COST OF LIVING INCREASES, OR SOME OTHER INCREMENTAL INCREASES;

- C) THAT IN ADDITION TO THE POTENTIAL MEETINGS REFERENCED IN DEVELOPMENT CONDITION NUMBER 27, THE BOARD CONSIDER A REQUIREMENT FOR THE APPLICANT TO DESIGNATE AN OMBUDSMAN OR COMMUNITY LIAISON WITH CONTACT INFORMATION AVAILABLE TO THE SUPERVISOR'S OFFICE AND COMMUNITY TO FACILITATE PROMPT DIALOGUE REGARDING CITIZEN COMPLAINTS OR FIELDING QUESTIONS OR CONCERNS ABOUT THE OPERATIONS;
- D) THAT THE BOARD CONSIDER ADDITIONAL CLARIFICATION OF THE APPLICANT'S LONG-TERM RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY AND STABILITY OF THE SOLAR PANELS OR OTHER STRUCTURES INSTALLED ON TOP OF THE LANDFILL, INCLUDING THOSE INSTALLED POST-CLOSURE;
- E) THAT THE BOARD CONSIDER ADDITIONAL LIMITATIONS ON THE REMOVAL OF VEGETATION OR THE INSTALLATION OF SUPPLEMENTAL VEGETATION, AS MAY BE DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, IN THE 5.2-ACRE PRIVATE RECREATION AREA REFERENCED IN DEVELOPMENT CONDITION NUMBER 56 TO REINFORCE THE BUFFERING IN THE DIRECTION OF THE LORTON VALLEY COMMUNITY TO THE NORTH;
- F) THAT THE BOARD CONSIDER WHETHER A CLOSURE DATE SOONER THAN 2034, AS REFERENCED IN DEVELOPMENT CONDITIONS 12 AND 60; OR THAT THE HEIGHT OF THE FINAL DEBRIS ELEVATION BE FURTHER REDUCED BELOW 395 FEET, AS REFERENCED IN DEVELOPMENT CONDITION NUMBER 12; OR THE HEIGHT OF THE 70 FOOT BERM, AS REFERENCED IN DEVELOPMENT CONDITION NUMBER 29, BE REDUCED IF DETERMINED TO BE STRUCTURALLY SOUND BY ALL APPROPRIATE REVIEWING AGENCIES; AND
- THE COMMISSION DOES NOT INTEND FOR THE ABOVE SUGGESTIONS FOR ADDITIONAL DISCUSSION TO RESTRICT OR LIMIT IN ANY WAY APPROPRIATE TOPICS TO BE CONSIDERED BY THE BOARD FOR POTENTIAL REVISIONS TO THE DEVELOPMENT CONDITIONS.

Commissioner Hart further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING THE WAIVERS AND MODIFICATIONS:

- A WAIVER OF PARAGRAPH 9 OF SECTION 9-205 OF THE ZONING ORDINANCE TO PERMIT IMPROVEMENTS LESS THAN 20 YEARS AFTER THE TERMINATION OF LANDFILL OPERATIONS;

- A WAIVER OF PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE FOR A DUSTLESS SURFACE;
- A WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT PURSUANT TO PARAGRAPH 3 OF SECTION 13-203 OF THE ZONING ORDINANCE;
- A WAIVER OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT PURSUANT TO PARAGRAPH 6 OF SECTION 13-202 OF THE ZONING ORDINANCE;
- A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS PURSUANT SECTION 13-305 OF THE ZONING ORDINANCE, AS SHOWN ON THE SEA PLAT;
- A WAIVER OF THE COUNTYWIDE TRAILS PLAN RECOMMENDATION FOR AN 8-FOOT WIDE MAJOR PAVED TRAIL ALONG THE EAST SIDE OF FURNACE ROAD; AND
- A BOARD OF SUPERVISORS' APPROVAL TO PERMIT OFF-SITE VEHICULAR PARKING FOR THE OBSERVATION POINT ON TAX MAP PARCELS 113-1 ((1)) 12 AND 13, PURSUANT TO SECTION 11-102 OF THE ZONING ORDINANCE.

Commissioner Hart further MOVED THAT THE BOARD OF SUPERVISORS DENY THE FOLLOWING MODIFICATIONS:

- A MODIFICATION OF THE INVASIVE SPECIES MANAGEMENT PLAN REQUIREMENT, PURSUANT TO SECTION 12-0404.2C OF THE PUBLIC FACILITIES MANUAL; AND
- A MODIFICATION OF THE SUBMISSION REQUIREMENTS FOR A TREE INVENTORY AND CONDITION ANALYSIS, PURSUANT TO SECTION 12-0503.3 OF THE PUBLIC FACILITIES MANUAL.

Commissioner Migliaccio seconded the motion which carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN.

Commissioner Flanagan further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARDS OF SUPERVISORS DENY PCA 2000-MV-034.

Commissioner Sargeant seconded the motion which failed by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2000-MV-034, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 10, 2014 AND CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hart further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT BOARD OF SUPERVISORS APPROVE A MODIFICATION OF PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE FOR A DUSTLESS SURFACE TO THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioner Hart further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS PERMIT OFF-SITE VEHICULAR PARKING FOR THE OBSERVATION POINT FOR SEA 80-L/V-061-02, PURSUANT TO SECTION 11-102 OF THE ZONING ORDINANCE.

Commissioner Migliaccio seconded the motion which carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT DEPARTMENT OF PLANNING AND ZONING STAFF; IN CONSULTATION WITH THE PLANNING COMMISSION, THE FAIRFAX COUNTY PARK AUTHORITY, AND THE OFFICE OF THE COUNTY ATTORNEY, AS APPROPRIATE; TO EVALUATE AND REPORT BACK TO THE BOARD WITH APPROPRIATE RECOMMENDATIONS ON THE FOLLOWING TOPICS WITHIN 18 MONTHS:

- A) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED SO AS TO BETTER INTEGRATE THE PARK AUTHORITY'S DECISIONS ON ACCEPTANCE OF DEDICATION OR RESPONSIBILITY FOR MAINTENANCE OR LIABILITY INTO THE COUNTY'S LAND USE DECISION MAKING PROCESS PRIOR TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF SUPERVISORS?

- B) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED TO ENSURE THAT THE OFFICE OF THE COUNTY ATTORNEY HAS AN APPROPRIATE OPPORTUNITY TO REVIEW THE FOLLOWING PRIOR TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF SUPERVISORS:
 - PROPOSED LANGUAGE OF ANY DEVELOPMENT CONDITIONS OR PROFFERS; SPECIFICALLY THOSE REGARDING PROVISIONS FOR THE CONVEYANCE, ACCEPTANCE, OR DEDICATION OF LAND;
 - PROPOSED LANGUAGE OF ANY DEVELOPMENT CONDITIONS OR PROFFERS; SPECIFICALLY THOSE ASSOCIATED WITH THE RESPONSIBILITY FOR MAINTENANCE OR LIABILITY; AND
 - PROPOSED LANGUAGE OF ANY DEVELOPMENT CONDITIONS OR PROFFERS; SPECIFICALLY THOSE ASSOCIATED WITH ANY CONDITIONS PRECEDENT?

Commissioner Hedetniemi seconded the motion

Commissioner Sargeant MOVED TO MAKE A FRIENDLY AMENDMENT TO INCLUDE “RECREATION FACILITIES” IN TOPIC B AFTER THE REFERNCE TO “PARK FACILITIES.”

Commissioner Hart accepted the friendly amendment which carried by a vote of 7-2-1. Commissioners Flanagan and Migliaccio voted in opposition. Commissioner de la Fe abstained. Commissioners Hall and Litzenberger were absent from the meeting.

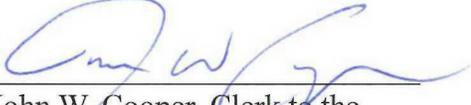
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The meeting was adjourned at 11:52 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

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: October 22, 2014


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