MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 4, 2013

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
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: Janet R. Hall, Mason District
Janyce N. Hedetniemi, At-Large

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The meeting was called to order at 8:20 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 Sargeant announced that the Planning Commission's Schools Committee would meet on Thursday, April 18, 2013, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center to continue discussions with the Fairfax County Public Schools staff and the Facilities Planning Advisory Council on the Strategic Facilities Plan.

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Commissioner Hart announced that the Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room on the following dates:

- Thursday, May 2, 2013 (Presentation on electric vehicle supply equipment);
- Thursday, May 9, 2013 (Another presentation on electric vehicle supply equipment); and
- Thursday, June 20, 2013 (Presentation on collaboration efforts between Department of Public Works and Environmental Services and the Fairfax County Public Schools regarding stormwater).

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Chairman Murphy commended Planning Commission Office staff members Barbara Lippa, Executive Director; Kimberly Bassarab, Assistant Director; and Kara DeArrastia, Clerk to the Planning Commission; as well as former employees Christopher Remer and Dawn Ashbacher, for their contributions to the Commission's *2012 Report of Activities*, noting that the report was well written and produced.

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Chairman Murphy noted that the Board of Supervisors would hold its annual budget hearings in the Board Auditorium from April 9-11, 2013, adding that the Planning Commission would not meet again until Thursday, April 18, 2013.

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FSA-V06-1 – SPRINT, 2501 Parkers Lane (Inova Mount Vernon Hospital)

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.

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

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ZONING ORDINANCE AMENDMENT (HOME CHILDCARE FACILITIES) (Decision Only) (The public hearing on this item was held on March 20, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HOME CHILD CARE FACILITIES, AS ADVERTISED, WITH A SPECIAL PERMIT APPLICATION FEE SET AT $435.00, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Lawrence seconded the motion which carried by a vote of 9-1 with Commissioner Migliaccio opposed; Commissioners Hall and Hedetniemi absent from the meeting.

Commissioner Hart MOVED THAT THE COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO EVALUATE WHETHER THE 6:00 P.M. EVENING CUT-OFF COULD BE MODIFIED IN VIEW OF THE CURRENT NORTHERN VIRGINIA TRAFFIC SITUATION AND THE UNCERTAINTIES OF EVENING TRAFFIC AND, IN PARTICULAR, UNDER WHAT CIRCUMSTANCES A HOME CHILD CARE PROVIDER OUGHT TO BE ALLOWED TO HAVE A NON-RESIDENT EMPLOYEE ON-SITE AFTER 6:00 P.M., AND MAKE A RECOMMENDATION FOR AN ADDITIONAL AMENDMENT AS APPROPRIATE.

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

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO INVESTIGATE WHETHER AND TO WHAT EXTENT THE COUNTY'S APPLICATION PROCESS COULD BE HARMONIZED WITH THE STATE LICENSING PROCESS AND INFORMATION AND/OR PAPERWORK SHARED, OR ANY OTHER STREAMLINING OF THE ZONING APPROVAL PROCESS, AND REPORT BACK TO THE BOARD WITH APPROPRIATE SUGGESTIONS.

Commissioners Lawrence and Sargeant seconded the motion which carried unanimously with Commissioners Hall and Hedetniemi absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO EVALUATE WHETHER THE CURRENT FILING FEE OF $1,100 FOR OTHER CHILD CARE USES UP TO 99 CHILDREN SHOULD BE ADJUSTED UPWARD IN THE CONTEXT OF THE NEXT AVAILABLE REVIEW OF DPZ APPLICATIONS FEES.

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

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO CONTINUE TO MONITOR THE APPLICATIONS UNDER THE AMENDED ORDINANCE FOR 24 MONTHS AND, IN LIGHT OF THAT EXPERIENCE, REPORT BACK TO THE BOARD WITH SUGGESTIONS FOR ANY ADDITIONAL AMENDMENTS TO THE HOME CHILD CARE PROVISIONS OF THE ZONING ORDINANCE AS APPROPRIATE.

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

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ORDER OF THE AGENDA

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

1. SEA 2006-MA-031 – THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE (ST. MICHAEL'S CATHOLIC SCHOOL AND CHURCH)
2. PUBLIC FACILITIES MANUAL AMENDMENT (TYSONS CORNER)
3. AMENDMENTS TO THE PUBLIC FACILITIES MANUAL AND CHAPTERS 101 (SUBDIVISION ORDINANCE) AND 112 (ZONING ORDINANCE) OF THE

CODE OF THE COUNTY OF FAIRFAX, VIRGINIA REGARDING EDITORIAL CHANGES TO THE FIRE REGULATIONS, MANHOLE PLATE REFERENCES AND VERTICAL DATUM REQUIREMENTS

4. ZONING ORDINANCE AMENDMENT (CIVIL PENALTIES)

This order was accepted without objection.

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SEA 2006-MA-031 – THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. MICHAEL'S CATHOLIC SCHOOL AND CHURCH) – Appl. under Sect. 3-404 of the Zoning Ordinance to amend SE 2006-MA-031 previously-approved for a place of worship and private school of general education and congregate living facility to permit nursery school and child care with a total maximum enrollment of 70 children and associated modifications to site design and development conditions. Located at 4601 Ravensworth Rd., Annandale, Virginia 22003, on approx. 45.24 ac. of land zoned R-4. Tax Map 71-1 ((9)) 7A. MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated February 26, 2013. There were no disclosures by the Commissioners.

In Commissioner Hall's absence, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner 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 RECOMMEND APPROVAL OF SEA 2006-MA-031, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED MARCH 20, 2013.

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

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND REAFFIRMATION OF THE PREVIOUS MODIFICATION TO THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTH, EAST, AND SOUTH PROPERTY LINES IN FAVOR OF THE EXISTING VEGETATION AS SHOWN ON THE SPECIAL EXCEPTION AMENDMENT PLAT.

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

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PUBLIC FACILITIES MANUAL AMENDMENT (TYSONS CORNER URBAN CENTER) – To consider proposed revisions to the Public Facilities Manual (PFM) as follows: The proposed Amendment revises the PFM to allow the use of urban design guidelines and standards in the Tysons Corner Urban Center, as designated in the adopted Comprehensive Plan, including, but not limited to, streets lights, landscaping, utilities, drainage, and stormwater management, which may differ from the requirements set forth in the current PFM based upon the unique characteristics of the urban environment. Under the proposed Amendment, alternatives may be listed on the site or subdivision plan for consideration by the Director of the Department of Public Works and Environmental Services in circumstances where strict application of the PFM standard cannot be met for a particular site and where new or creative urban designs are proposed alternatives, when approved by the Director, shall be subject to criteria as approved by the Board including, but not limited to the following: 1) Alternatives shall be in substantial conformance with the development plans and associated proffers and conditions, or approved Special Exception or approved Special Permit Plat; 2) Alternatives shall be consistent with any specific urban design guidelines and streetscape plans for the area; 3) Full details and supporting data shall be provided on the plan including design computations, material specifications, technical details, structural calculations, procedures for installation, inspection and/or testing, and procedures for operation and maintenance; 4) A detailed description shall be provided of the applicable provisions of the PFM and why they cannot be met; 5) Any decision to approve an alternative shall take into consideration possible impacts on public safety, the environment, aesthetics, and the burden placed on prospective owners for maintenance of any facility; 6) Reasonable and appropriate conditions may be imposed as deemed appropriate by the Director; 7) Any alternative shall comply with specific requirements set forth in the United States Code, Virginia Code, and County Code, and all other applicable regulations, resolutions, and policies, as well as specific standards of VDOT and requirements of other reviewing agencies, such as the water utilities, from which variances may not be granted at the local level;

and 8) Notwithstanding the foregoing, where a PFM provision requires Board of Supervisors' approval of a waiver or modification of its terms, the Director shall have no authority to approve an alternative absent Board approval. In addition, the proposed Amendment specifies that urban design guidelines and standard may be considered by the Director within by-right development proposals lying within the Tysons Corner Urban Center subject to the same criteria and based on a specific request by the developer. COUNTYWIDE. PUBLIC HEARING.

Jan Leavitt, Land Development Services, Site Code Research and Development Branch, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Amendment.

During a discussion with Commissioner Lawrence, William Marsh, Tysons Urban Center Coordinator, DPWES, explained that the last paragraph on page 111 in the staff report, particularly the last sentence, described how staff would determine possible protocols to evaluate the impacts of proposed designs or design changes. He added that staff would provide updates on the progress of this effort.

In response to a question from Commissioner de la Fe, Thomas Williamson, Land Development Services, Site Code Research and Development Branch, DPWES, said that, if approved, four of the modifications requested by Cityline Partners LLC would no longer be necessary as a result of this Amendment. Commissioner de la Fe noted that revising the PFM and Zoning Ordinance would be more feasible than continual requests for modifications and waivers.

Commissioner Lawrence commended County staff for their ongoing work redeveloping the Tysons Corner Urban Center.

Chairman Murphy called for speakers from the audience 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 hearing and recognized Commissioner Hart for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL REGARDING THE TYSONS CORNER URBAN CENTER, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 26, 2013. He FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON MAY 1, 2013.

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

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COUNTY CODE AND PUBLIC FACILITIES MANUAL AMENDMENTS (EDITORIAL CHANGES TO THE FIRE REGULATIONS, MANHOLE PLATE REFERENCES AND VERTICAL DATUM REQUIREMENTS) – To consider proposed revisions to the Public Facilities Manual (PFM) and The Code of the County of Fairfax, Virginia, (County Code) as follows: The proposed Amendments update the Fire Marshal provisions of the PFM to align with the County and Statewide Fire Prevention Codes. The Fire Marshal Amendment includes clarifying that the procedures set forth in Section 9-0202.2I are for modification of the fire protection requirements of the PFM and requiring that requests for a modification or a waiver be submitted to the Fairfax County Fire Marshal; updating the Fire Department access provisions set forth in Section 9-0202.2J and related notes in Tables 7.6 and 7.7 (Parking Geometrics) as to fire lane width, turn around area on dead-end fire apparatus access roads, the capability of parking garages to support 80,000-pound vehicles, and the stall width of parallel parking spaces; and amending Plate #6-9 to incorporate the parking, curb designation, and signage requirements for fire lanes. The proposed Amendments update PFM Plates #3-10, #4-10, and #5-10 to reflect the correct ASTM [American Society for Testing and Materials] specification number for joints for concrete pipes and manholes using rubber gaskets. The proposed Amendments include revisions to PFM Section 2-0107 (Topography), Section 17-106 (Required Information on Plans) of the Zoning Ordinance, and Section 101-2-5 (Final Subdivision Plat Preparation) of the Subdivision Ordinance to strike out the reference to USGS [United States Geological Survey], and replace it with NGVD [National Geodetic Vertical Datum] 1929, the intended datum. In addition, the Amendment adds text allowing the use of GPS static data and requiring coordinates to be stated in VCS, North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum, if using GPS Static, or Virtual Reference System for deriving horizontal and/or vertical control. COUNTYWIDE. PUBLIC HEARING.

Jan Leavitt, Land Development Services, Site Code Research and Development Branch, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Amendments.

Chairman Murphy called for speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL AND CHAPTERS 101, SUBDIVISION ORDINANCE, AND 112, ZONING ORDINANCE, OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING PROPOSED CHANGES TO THE FIRE REGULATIONS, MANHOLE PLATE REFERENCES, AND THE VERTICAL DATUM REQUIREMENTS, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 26, 2013, WITH AN ADDITIONAL CHANGE ON PLATE NUMBER 3-10, IN THE ENLARGED BOX, TO STRIKE "ASTM C-361" AND REPLACE IT WITH "C-443". He FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENTS SHALL BECOME EFFECTIVE AT 12:01 A.M. ON MAY 1, 2013.

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

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ZONING ORDINANCE AMENDMENT (CIVIL PENALTIES) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Revise Part 9 of Article 18 of the Zoning Ordinance to allow all zoning violations to be remedied by a uniform schedule of civil penalties, except for the posting of signs on public property or in the public rights-of-way, in lieu of the specified violations currently listed under Par. 1 of Sect. 18-903 and to enable the Zoning Administrator to seek the issuance of an inspection warrant as an enforcement tool for Zoning Ordinance violations. COUNTYWIDE. PUBLIC HEARING.

Michael Congleton, Department of Code Compliance, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed Amendment.

In response to a question from Commissioner Migliaccio, Mr. Congleton explained that the threshold for the issuance of a warrant for a civil penalty would be the same as that of a criminal violation in that the same procedures must be followed and standards met prior to issuance.

In reply to a question from Commissioner Hurley, Mr. Congleton stated that this Amendment would not apply to stormwater management issues.

Answering a question from Commissioner Litzenberger, Mr. Congleton explained that while the Zoning Ordinance allowed the County to pursue violations through the civil penalty process, there were certain violations that needed to be processed by the Circuit Court in order for citizens to receive injunctive relief.

Responding to a question from Commissioner Lawrence, Mr. Congleton stated that the $5,000 maximum fee cited in paragraph 2, page 4 of the staff report could not be changed because it was a fine prescribed in the *Virginia Code*.

Chairman Murphy called for speakers from the audience 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 hearing and recognized Commissioner Sargeant for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CIVIL PENALTIES, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 26, 2013.

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

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The meeting was adjourned at 9:02 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: Jeanette Nord

Approved on: June 11, 2014

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