

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 6, 2011**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, Jr. in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Commissioner Suzanne Harsel's husband, Leonard, had passed away on Wednesday, March 30, 2011. In his remarks, Murphy recalled Mr. Harsel's dry wit and enduring love and devotion for his family, particularly noting his support for his wife throughout her 28-year tenure on the Planning Commission. On behalf of the Planning Commission and staff, Chairman Murphy expressed deep sympathy and condolences to the Harsel family. He announced that visitors could pay their respects at the Fairfax Memorial Funeral Home, 9902 Braddock Road, Fairfax, VA 22032, on Friday, April 8, 2011, between 5:00 and 8:00 p.m. He added that a Memorial/Celebration of Life service was scheduled for Saturday, April 9, 2011 at 1:00 p.m. at the same location.

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Chairman Murphy congratulated Jeanette Nord on her promotion from Administrative Assistant III to Deputy Clerk to the Commission/Administrative Assistant IV, effective April 9, 2011. He noted that she would fill the vacancy that occurred subsequent to Kara DeArrastia's promotion to Clerk to the Commission in January, 2011.

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2010-DR-030, SHELTER DEVELOPMENT, LLC, TO A DATE CERTAIN OF THURSDAY, APRIL 28, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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In Commissioner Harsel's absence, Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ON RZ 2009-BR-015, SEA 87-A-086-2, AND PCA C-083-02, COLLEGE TOWN ASSOCIATES, LP, TO A DATE CERTAIN OF WEDNESDAY, APRIL 20, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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Commissioner de la Fe noted that earlier this evening, the Planning Commission's Parks Committee met with Fairfax County Park Authority (FCPA) staff to discuss the process and schedule for amending the Park recommendations in the Comprehensive Plan Area Plans and updating the Parks and Recreation element of the Policy Plan. He said the process would follow the adoption of the FCPA Long Range Plan (Great Parks, Great Communities) by the FCPA Board scheduled for June, 2011.

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Commissioner Hall announced that the Planning Commission's Policy and Procedures Committee would meet at 7:00 p.m., in the Board Conference Room of the Government Center, on Wednesday, April 20, 2011, to discuss the Zoning Ordinance Work Program and Area Plans Review Process. She added that the meeting was open to the public and all were welcome to attend.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m., in the Board Conference Room of the Government Center, on Thursday, April 14, 2011, to continue discussion on the Green Building Policy strawman document. He added that the meeting was open to the public and all were welcome to attend.

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2232-D11-3 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE DEPARTMENT OF RAIL & PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (Fisher Avenue Train Control Room) (Decision Only) (The public hearing on this application was held on March 23, 2011. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DENY 2232-D11-3, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY, IN COORDINATION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (FISHER AVENUE TRAIN CONTROL ROOM), AS AMENDED, BY FINDING IT NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Lawrence seconded the motion which carried by a vote of 6-3-2, with Commissioners de la Fe, Hart, and Sargeant opposed; Commissioners Alcorn and Hall abstaining; Commissioner Harsel absent from the meeting.

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ORDER OF THE AGENDA

In Secretary Harsel's absence, Chairman Murphy noted that there was only one public hearing on the agenda:

1. PCA B-993/FDPA B-993-02 – UNITED DOMINION REALTY L.P., CIRCLE TOWERS, LLC

This agenda was accepted without objection.

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PCA-B-993/FDPA-B-993-02 – UNITED DOMINION REALTY, L.P. CIRCLE TOWERS, LLC – Appls. to amend the proffers, conceptual, and final development plans for RZ B-993 previously approved for residential development to permit building additions, site modifications, and associated modifications to proffers and site design at a maximum density of 727 units onsite including ADU and WDU bonus density. Located on the S. side of Lee Hwy., E. of Blake Lane on approx. 16.03 ac. of land zoned PDH-12 and HC. Comp. Plan Rec: 8-12 du/ac. Tax Map 48-3 ((1)) 53; 48-4 ((1)) 3, 3A1, 3B, and 3B1. Also under the Board's Consideration will be the applicant's RPA Encroachment Exception Request #8496-WRPA-001-1, concurrent with Water Quality Impact

Assessment #8496-WQ-001-1 under Section 118-6-9 of the
Chesapeake Bay Preservation Ordinance for the purpose of
permitting a bridge crossing. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Scott E. Adams, Esquire, McGuireWoods LLP, reaffirmed the affidavit dated March 28, 2011.
There were no disclosures by Commission members.

Bob Katai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ),
presented the staff report, a copy of which is in the date file. He noted that staff recommended
approval of the applications.

Mr. Adams explained that the current residential complex had been built in 1970 and had not had
any significant improvements. He said the proposal would provide improvements to the existing
towers and result in two new residential buildings, making the location more competitive with
surrounding residential properties. He added that the retail areas would be reoriented toward Lee
Highway, which would increase visibility and improve traffic patterns. Mr. Adams pointed out
that the applicant would add a significant number of housing units. He also noted that the
proposal included proffers that implemented a new policy on environmental quality corridors
(EQC). He briefly discussed the EQC along Blake Lane, stating that the proffers had been
included to address its protection and maintenance. Mr. Adams said that the proposed buildings
would be LEED certified and noted that a proffer was included for the purpose of collecting data
on energy and water usage.

In response to questions from Commissioner Lawrence, Mr. Adams described the route from the
site to the nearby Vienna/Fairfax-GMU Metro Station. He explained that the parking reduction
would derive from part of the proposed Transportation Demand Management program.

Answering questions from Commissioner Hart, Mr. Adams stated that new appliances would be
added to both new and existing units. He explained that the proffer did not include clothes dryers
because an Energy Star label was not available.

In reply to questions from Commissioner Sargeant, Mr. Adams affirmed that the applicant would
pay a maximum \$5,000 per year if the trip reduction goals were not met for two consecutive
surveys. He clarified that the goals would be adjusted when deemed necessary. Mr. Adams stated
that the data from the surveys would be sent to the Fairfax County Department of Transportation.

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

Mark Tipton, 3018 Hickory Grove Court, Fairfax, voiced concerns about the proposal. He said
that eliminating 185 parking spaces would negatively impact his neighborhood. He noted that
parking was already difficult in this area and more people looking for spaces would

exacerbate the problem. He said the Commission should not approve the proposal unless the applicant agreed to provide more parking. Mr. Tipton also noted that the sidewalks were too narrow and should be widened. He recommended that the applicant build an extension to the dirt path that ran along Lee Highway. Mr. Tipton said the proposal would also increase the traffic on Routes 29 and 50 and recommended that those roads be widened.

In response to a question from Commissioner Sargeant, Cathy Lewis, ZED, DPZ, said that she did not know if Circle Woods currently regulated parking in the neighborhood through permits.

Jacqueline Balcells, 3098 Winter Pine Court, Fairfax, expressed concern regarding the proposal. She claimed that reducing the parking would hinder the success of the proposed retail developments. She said that residents with two vehicles would have difficulty finding parking. Ms. Balcells stated that Circle Woods provided permit parking stickers. She recommended that the proposal not reduce the parking capacity of the area.

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

Mr. Adams stated that the applicant had conducted traffic studies that had demonstrated that the proposed parking could handle the increased number of units on the site. He said the sidewalks in front of the property would be built to County standards. He explained that the applicant had considered the extension that Mr. Tipton had recommended, but its completion would have necessitated cutting down a number of trees. He added that another problem with extending the trail involved grading issues that would make the project prohibitively expensive. Mr. Tipton pointed out that there were future plans by the County to widen Lee Highway, which would negate the trail.

Responding to questions from Commissioner Lawrence, Mr. Adams said there would be parking regulations for the residents of the proposed facility. He said that residents who owned multiple vehicles would be able to purchase additional parking spaces. Ms. Lewis stated that if unauthorized vehicles constantly parked in the area, a police officer could run the plates to verify that the owner lived on the premises. She agreed that the most prudent policy would be for Circle Woods to organize their own parking policies since the Commission could not dictate how public parking areas were used.

In reply to questions from Commissioner Flanagan, Beth Forbes, Stormwater Engineer, Environmental and Site Review Division, Department of Public Works and Environmental Services, said there had not been a final deposition that would determine if the proposal would impact Accotink Creek. She said that if the proposal was approved, a Public Facilities Manual Amendment would be required to address stormwater concerns.

Replying to questions from Commissioner Lawrence, Ms. Forbes said that if a stormwater issue was identified, the applicant would have to determine appropriate modifications during the site

plan stage. She affirmed that any violation could not be overlooked and Mr. Adams acknowledged this.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA B-993, SUBJECT TO THE PROFFERS DATED MARCH 29, 2011, WITH PROFFER NUMBER 21h AMENDED IN ITS FIFTH SENTENCE AFTER THE WORDS “WILL NOT BE SHARED” TO ADD THE WORDS, “IN DISAGGREGATED FORM.”

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDPA B-993-02.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE PROJECT SITE’S NORTH PROPERTY LINE IN FAVOR OF THE TREATMENTS DEPICTED ON THE FDPA.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS BETWEEN THE ON-SITE RESIDENTIAL AND NON-RESIDENTIAL USES IN FAVOR OF THE TREATMENTS DEPICTED ON THE FDPA.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FOUR-FOOT PERIPHERAL PARKING LOT

LANDSCAPING REQUIREMENT FOR THE SOUTHERLY AND EASTERLY PROPERTY
LINES.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER TO LOCATE UNDERGROUND FACILITIES FOR RESIDENTIAL DEVELOPMENTS, SUBJECT TO WAIVER NUMBER 8496-WPFM-001-1.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE ENCROACHMENT INTO THE RESOURCE PROTECTION AREA, SUBJECT TO RPA ENCROACHMENT EXCEPTION NUMBER 8496-WRPA-001-1.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE ALONG THE LEE HIGHWAY FRONTAGE.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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The meeting was adjourned at 9:15 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Meeting taken by: Jeanette Nord
Minutes by: Jacob Caporaletti

Approved on: April 18, 2012

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