

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 25, 2013**

PRESENT: 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
Janyce Hedetniemi, At-Large
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: Ellen J. Hurley, Braddock District

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The meeting was called to order at 8:18 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

On behalf of the Planning Commission, Chairman Murphy expressed appreciation to Planning Commission Office staff for their continued outstanding work, in recognition of Administrative Professionals Day.

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Commissioner Sargeant MOVED THAT THE MEMBERS OF THE PLANNING COMMISSION'S PERSONNEL AND BUDGET COMMITTEE GO INTO CLOSED SESSION ON WEDNESDAY, MAY 1, 2013, AT 7:30 P.M., TO CONDUCT PERSONNEL MATTERS RELATED TO COMMISSION STAFF VACANCIES THAT ARE LAWFULLY EXEMPT FROM THE OPEN MEETING REQUIREMENTS, PURSUANT TO THE *CODE OF VIRGINIA* SECTION 2-2-3711(A)(1).

Commissioner Migliaccio seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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PROPOSED 2013 ZONING ORDINANCE AMENDMENT WORK PROGRAM

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION ENDORSE THE PROPOSED ZONING ORDINANCE WORK PROGRAM PRESENTED BY STAFF IN ITS APRIL 22, 2013 MEMORANDUM, WITH THE FOLLOWING MODIFICATIONS:

- 1) ADD THE ITEMS IDENTIFIED BY STAFF, INCLUDING FACILITATION OF COMMERCIAL REVITALIZATION INITIATIVES AND CLOTHING DROP BOXES TO BE CONSIDERED ON THE PRIORITY 1 WORK PROGRAM; AND
- 2) ADD TO ITEM NUMBER 8 OF THE PRIORITY 2 WORK PROGRAM CLARIFICATION OF WHAT IS MEANT BY “TRANSIENT” IN THE HOTEL/MOTEL DEFINITION.

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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 of the Fairfax County Government Center 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)

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Commissioner Hall announced that she would move approval of the minutes for the November 2012 Planning Commission meetings on Wednesday, May 22, 2013, and requested that Commissioners review them prior to that date.

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FS-V13-10 – VERIZON WIRELESS, 7956 Twist Lane (Fullerton Industrial Park)

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.

Without objection, the motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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FS-P12-35 – NEXTNAV, LLC, 1800 Tysons Boulevard

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTNAV, LLC, LOCATED AT 1800 TYSONS BOULEVARD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS IN THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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2232A-V00-36-1 – FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, 8101 Cinder Bed Road (Fairfax Connector Bus Maintenance Facility)

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT 2232A-V00-36-1, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0 Commissioner Hurley was absent from the meeting.

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FS-D13-1 – COMPREHENSIVE WIRELESS LLC, 9916 Georgetown Pike (Great Falls Volunteer Fire Department)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN THE MEMORANDUM DATED MARCH 6, 2013, CONCERNING FS-D13-1, COMPREHENSIVE WIRELESS, AT 9916 GEORGETOWN PIKE, THAT THIS APPLICATION IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried by a vote of 11-0 Commissioner Hurley was absent from the meeting.

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR S11-CW-3CP TO A DATE CERTAIN OF MAY 2, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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RZ/FDP 2011-PR-018 – CHRISTOPHER LAND, LLC (Decisions Only)
(Public Hearing held on April 3, 2013)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2011-PR-018 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE EXECUTION OF PROFFERS, CONSISTENT WITH THOSE DATED APRIL 22, 2013, AND THE ADDITIONS AGREED TO AS FOLLOWS:

- PROVISION OF A LIMITATION ON THE LOT 5 DECK TO HALF THE WIDTH OF THE HOUSE. ADDITIONALLY, ALL LIMITATIONS AND RESPONSIBILITIES OF THE HOMEOWNERS WILL BE DOCUMENTED FOR DISCLOSURE NOT ONLY FOR THE FIRST BUYERS, BUT THROUGH THE HOMEOWNERS ASSOCIATION TO SUCCESSIVE BUYERS;
- PROVISION OF LANGUAGE THAT ALLOWS FOR ADDITIONAL SUPPLEMENTAL LANDSCAPING PLANTINGS AS STRATEGIC SCREENING, ESPECIALLY FOR LOTS TO THE NORTH SUCH AS 4 AND 5; AND
- PROVISION OF THE FIRST FLOOR DATUM ELEVATION OF THE HOME ON LOT 5 SPECIFICALLY PRESCRIBED, IN ADDITION TO SPECIFICATION OF THE TREATMENT OF THE EDGING FOR PARKING PAVEMENT NEXT TO THE EAST SIDE CONSERVATION EASEMENT.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1. Commissioner Hall abstained; Commissioner Hurley was absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-018, SUBJECT TO THE PROPOSED CONDITIONS DATED APRIL 22, 2013.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1. Commissioner Hall abstained; Commissioner Hurley was absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUESTED MODIFICATION OF SECTION 13-303 FOR THE TRANSITIONAL SCREENING AND SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENTS OF LAND BAY A TO PERMIT THE TRANSITIONAL SCREENING AND BARRIER SHOWN ON THE CDP/FDP.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Hall abstained; Commissioner Hurley was absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE

SIDEWALK REQUIREMENT ALONG THE FRONTAGE OF COURTHOUSE ROAD EAST OF THE SITE ENTRANCE.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1. Commissioner Hall abstained; Commissioner Hurley was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. 2232-Y12-5 AND SE 2012-SU-015 – VIRGINIA ELECTRIC AND POWER COMPANY d/b/a DOMINION VIRGINIA POWER
2. RESOURCE PROTECTION AREA (RPA) MAP AMENDMENT
3. RZ/FDP 2012-MA-022 – CG PEACE VALLEY, LLC
4. 2232-Y13-1 – MILESTONE COMMUNICATIONS, INC. AND VERIZON WIRELESS
5. SE 2012-PR-012 – TD BANK, NATIONAL ASSOCIATION

This order was accepted without objection.

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2232-Y12-5 – VIRGINIA ELECTRIC AND POWER COMPANY d/b/a DOMINION VIRGINIA POWER – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit the expansion of an existing electric utility substation. Located at 14600 Compton Road, Centreville, on approx. 43,212 sq. ft. of land zoned R-1 and WS. Tax Map 65-3 ((1)) 35. (Concurrent with SE 2012-SU-015.) SULLY DISTRICT.

SE 2012-SU-015 – VIRGINIA ELECTRIC AND POWER COMPANY d/b/a DOMINION VIRGINIA POWER – Appl. under Sect. 3-104 of the Zoning Ordinance to permit the expansion of an existing electric utility substation. Located at 14600 Compton Road, Centreville, on approx. 43,212 sq. ft. of land zoned R-1 and WS. Tax Map 65-3 ((1)) 35. (Concurrent with 2232-Y12-5.) SULLY DISTRICT. JOINT PUBLIC HEARING

Janell M. Hancock, agent for the applicant, reaffirmed the affidavit dated January 13, 2013. Commissioner Sargeant disclosed that he was employed by Dominion Virginia Power and would therefore recuse himself from the public hearing.

Commissioner Litzenberger 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 Litzenberger for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER APPLICATION 2232-Y12-5, AS AMENDED, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Flanagan seconded the motion which carried by a vote of 9-0. Commissioner Sargeant recused himself; Commissioner Hall was not present for the vote; Commissioner Hurley was absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE SE 2012-SU-015, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED APRIL 3, 2013.

Commissioner Flanagan seconded the motion which carried by a vote of 9-0. Commissioner Sargeant recused himself; Commissioner Hall was not present for the vote; Commissioner Hurley was absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS MODIFICATION IN LIEU OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED.

Commissioner Flanagan seconded the motion which carried by a vote of 9-0. Commissioner Sargeant recused himself. Commissioner Hall was not present for the vote. Commissioner Hurley was absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION TO THE 10-YEAR CANOPY REQUIREMENT IN LIEU OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0. Commissioner Sargeant recused himself. Commissioner Hurley was absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A DEVIATION OF THE TREE PRESERVATION TARGET IN LIEU OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0. Commissioner Sargeant recused himself. Commissioner Hurley was absent from the meeting.

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RESOURCE PROTECTION AREA (RPA) MAP AMENDMENT –

To consider amendments to the Chesapeake Bay Preservation Areas Map (Amendments), Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code), and adoption of the proposed Board Policy for the Treatment of Approved and Pending Plans of Development (Board Policy). The Amendments revise the Resource Protection Area (RPA) boundaries and depiction of perennial streams on the adopted Chesapeake Bay Preservation Areas Map, map 30-2. The Amendments will add a new perennial stream segment and associated RPA west of and generally parallel to Buchanan Street and south of Dolley Madison Blvd., and two new stream segments and associated RPAs west of Darnell Drive, east of Kurtz Road, and north of Julia Avenue. The map depicts the general locations of RPA boundaries for planning purposes and the actual limits may be further refined by detailed field studies conducted at the time a plan is submitted to obtain a permit to develop a property. There are no proposed amendments to the text of the Chesapeake Bay Preservation Ordinance. The proposed Board Policy will mitigate the impact of the Amendments on by-right development by providing that plans of development will not be subject to the exceptions review process so long as such plans have been approved or are pending approval, as long as due diligence is exercised as of the effective date of the Amendments, and do not fully comply with the County Code because of encroachments resulting from the Amendments.

DRANESVILLE DISTRICT. PUBLIC HEARING.

Jerry Stonefield, 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. He noted that staff recommended adoption of the Amendment.

Commissioner Donahue asked staff to briefly explain the difference between the assessment of the RPA in 2003 and the one that was done in 2012. Shannon Curtis, Stormwater Management Division, DPWES, explained that staff had based its 2003 determination on one site visit done during a year high-volume rainfall, whereas the 2012 assessment was made after several visits to the site.

Chairman Murphy called for speakers from the audience, but received no response. 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 Donahue for action on this item. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS PAGE NUMBER 30-2, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 27, 2013, AND THAT THE AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON MAY 15, 2013.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE BOARD POLICY FOR TREATMENT OF APPROVED AND PENDING PLANS OF DEVELOPMENT, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 27, 2013.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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RZ/FDP 2012-MA-022 – CG PEACE VALLEY, LLC – Appls. to rezone from R-3 and HC to PDH-4 and HC to permit residential development with an overall density of 3.71 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located at 3236 Peace Valley Lane, Falls Church, on the W. side of Peace Valley Lane, approx. 500 ft. S. of its intersection with Leesburg Pike on approx. 1.89 ac. of land. Comp. Plan Rec: 3 to 4 du/ac. Tax Map 61-1 ((1)) 7. MASON DISTRICT. PUBLIC HEARING.

Elizabeth Nicholson, Land Use Planner, Walsh, Colucci, Lubeley, Emrich and Walsh, P.C., reaffirmed the affidavit dated April 8, 2013. There were no disclosures by the Commissioners.

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

Commissioner Hart asked why there was no trail connection from Peace Valley Lane to Colmac Drive. Mr. O'Donnell explained that staff had recommended a connection from the eight-foot trail to the five-foot sidewalk; however, there was resistance to the idea and little compromise otherwise. The proffers ultimately read that if the Virginia Department of Transportation (VDOT) were to allow the existing guard rail to be removed, then staff would agree. Commissioner Hart noted that staff's original recommendation made more sense functionally and was more consistent with the Comprehensive Plan.

Referencing Lot 6, Commissioner Hart asked if the garage could be transposed to allow the driveway to be straight, thereby providing more usable space in the front of the lot. Mr. O'Donnell said he had spoken with the applicant earlier in the evening and believed that they would be amenable to shifting the driveway to provide additional front area.

When Commissioner Flanagan asked if the revised development of Lot 6 would destroy any plantings or trees, Mr. O'Donnell said that it would not.

Ms. Nicholson agreed with the staff report, adding that her firm had been before the Planning Commission in 2012 to present the related Comprehensive Plan Amendment. She stated that the applicant had continued to work with the surrounding civic associations and the Mason District Land Use Committee. She commended Mr. O'Donnell and said that the applicant was willing to work on the issues already discussed.

Commissioner Hall requested that the applicant include language in the proffers to ensure that future property owners were aware of the costs of the private streets and stormwater maintenance.

Commissioner Lawrence asked about the height of the homes. Ms. Nicholson said the homes would be 35 feet high, with 2 floors, approximately 10 feet per floor. Commissioner Lawrence asked what the minimum distance between houses would be. Mr. O'Donnell noted that it would be ten feet.

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

Patrick Hoar, 6200 Colmac Drive, Falls Church, noted that he had been actively involved in the Plan Amendment and rezoning on the subject site, adding that he supported the application. He further commended the applicant for being responsive to the citizens. He expressed concern about the trail connection to the five-foot sidewalk, noting that the reduction from the eight-foot trail to a five-foot sidewalk would make it difficult for bicyclists to ride. He added that routing the trail down the unused portion of Peace Valley Lane and removing the existing guardrail would be more logical because the area was already lit. Hence, there would be a consistent eight-foot wide lit trail that users could feel safe using. In addition, Mr. Hoar noted that there were a number of existing bushes along the sidewalk which provided screening for his neighborhood from the condominiums to the southeast. He reiterated his support for the application citing the following reasons:

- It would be the best chance to keeping Peace Valley Lane closed, particularly since a high school was nearby; and
- It would provide buffering between the proposed homes and the existing neighborhood.

He added that although the stormwater issues would require vigilance, he would continue to support the application. Mr. Hoar pointed out the difficulty citizens had keeping abreast of land

use issues and expressed hope that it might become easier for citizens to become involved in the process.

Commissioner Hall agreed with Commissioner Hart and Mr. Hoar about the proposed trail connection and asked about removing the guard rail. Mr. O'Donnell explained that since it was owned by VDOT, they would have to provide permission for its removal. A discussion ensued between Commissioners Hall and Hart, Mr. O'Donnell, and Mr. Hoar regarding the trail connection, after which Mr. Hoar requested that the applicant meet the spirit of the Plan Amendment and that the existing vegetation be preserved to maintain the screening against the condominiums.

David Gillett, , 6198 Vine Forest Court, Falls Church, representing The Vinewood Homeowners Association expressed concern about the stormwater management system because the current detention pond filled up quickly during storms. He stated that the staff report made no mention of how the additional runoff caused by the repaving of Peace Valley Lane would be handled, adding that the development might have a severe negative impact on the pond. In addition, Mr. Gillett expressed concern that the amount of traffic on Peace Valley Lane had been played down and suggested that instead of proposing a median on Route 7, a two-way turn lane should be provided.

Steve Tran, 6195 Vine Forest Court, Falls Church, spoke in opposition citing the following reasons:

- The approved Comprehensive Plan Amendment for the subject site included a requirement for a 35-foot setback from the property line. Four of the seven homes in this application failed to meet this requirement.
- The applicant failed to meet the requirements set forth in the Fairfax County Public Facility Manual (PFM) regarding the provision of sidewalks throughout the development and should therefore resubmit revised final development plans to meet this requirement.
- Application RZ 79-M-076 was approved in October of 1980 and included an easement in a proffer which allowed access through private land belonging to the Church of Christ and Vinewood Townhouses; however, that easement would terminate upon the redevelopment of the property behind Vinewood, and access would come from the south of Peace Valley Lane, or the subject property. The current application requested access through private property, which conflicted with the 1980 rezoning and proffer; therefore, this application and proffer are in conflict with the 1980 application and the 2012 Plan Amendment, and failed to meet PFM guidelines on safety issues.

Oliver McDaniel, 6149 Leesburg Pike, Falls Church, Elder with the Church of Christ, spoke in opposition to the application citing the negative impact the development would have on traffic. He said that the existing traffic was substantial and would be worsened, particularly with the proposed limitation of the right-of-way from a left turn to right-turn only on Route 7. He added that the current traffic backed up and blocked Peace Valley Lane from the traffic light and should

be addressed. Mr. McDaniels echoed earlier remarks regarding water runoff and expressed concern for his property.

Commissioner Hall noted that the application proposed less than what could be built by right and pointed out that paving Peace Valley Lane would be an improvement over its current condition. She further added that while traffic in Northern Virginia was burdensome, the addition of these homes would not be significant compared to that generated by a by-right development.

Carol Turner, President, Ravenwood Park Citizens Association, 3223 Sargent Drive, Falls Church, requested that the Planning Commission defer the decision on this case until the stormwater system was approved. She stated that a geothermal systems review must be performed prior to installment of the proposed infiltration trench, adding that several homes had experienced flooding. She added that the Fairfax County Park Authority (FCPA) had also recommended rain gardens instead of the infiltration trench, and said that it was essential that the right system be in place.

Deborah Smith, 3127 Juniper Lane, Falls Church, noted that she was married to someone who used a wheelchair and expressed concern about the sidewalk and trail connectivity.

Kathleen McDermott, 4936 Sunset Lane, Annandale, echoed earlier remarks about the 1980 proffers referring to the access easement and noted her concern that staff had not considered that option.

When Commissioner Hall asked staff for clarification regarding the 1980 proffers, Mr. O'Donnell explained that when Vinewood was rezoned, proffers were in place to ensure that an access easement would be provided to the north of Peace Valley Lane. He added that the applicant had access through the property between Vinewood and the Church of Christ but noted that he had no recollection of a sun-setting provision. He further noted that no proffers had been assigned to the subject application site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Nicholson, who stated that the applicant had revised its plan to achieve the 35-foot setback recommended in the Comprehensive Plan. She said that the left-turn restriction on Route 7 was a VDOT recommendation, adding that the traffic impacts from this development would be minimal. She pointed out that many complaints regarding maintenance and parking on Peace Valley Lane would be mitigated by the construction of a road that would be private and built to the standards of a public street per the PFM. Ms. Nicholson said that the applicant was amenable to connecting the trail in the manner recommended by staff and Commissioner Hall, adding that language could be crafted within a day or so to be included in the proffers. Ms. Nicholson stated that John Amatetti, Principal Engineer, VIKA Incorporated, would address questions regarding the stormwater runoff and detention issues.

Commissioner Sargeant asked who would be responsible for the maintenance of the street. Ms. Nicholson stated that the homeowner association (HOA) would, as would be noted in the proffers. When Commissioner Sargeant asked about the cost of the maintenance, Ms. Nicholson

explained that over a 15-year period, the estimated cost would be \$25,000; therefore, the cost for seven homes on a per-year basis would be approximately \$238.

Commissioner Hall asked what the cost would be for the maintenance of the stormwater management system. Ms. Nicholson explained that the stormwater maintenance per year for this site would be approximately \$1,000 and over the seven homes, making it approximately \$170 per year per home. When Commissioner Hall asked who would maintain the funds, Ms. Nicholson stated that the HOA would take control of the funds. Mr. O'Donnell stated that the HOA must enter a private maintenance agreement in which they would agree to three inspections per year.

Mr. Amatetti referenced the detention pond in the Vinewood Townhouse community and said that the application development would not drain into that pond. He explained that the proposed site would drain to another pond downstream from Vinewood, thereby reducing the runoff that currently existed. He added that the applicant had an independent study performed indicating that the subject site contained ideal soil conditions for an infiltration system. He further noted that the proposed system would be state-of-the-art and would require little or no maintenance for many years.

Commissioner Hall asked if the required geotechnical review had been performed. Mr. Amatetti confirmed that the applicant had performed the review, as required by Fairfax County. Mr. O'Donnell added that it currently awaited acceptance by the Geotechnical Review Board, pointing out that if the system was not accepted, the applicant would be required to submit another Proffered Condition Amendment demonstrating another system that would work. Mr. Amatetti stated that the proposed infiltration had been designed to meet standards typically required for final design, so he was very confident that it would be the right system for this development.

When Commissioner Hall asked about the FCPA's recommendation for a rain garden, Mr. O'Donnell explained that an infiltration trench would be more ideal in terms of detention as well as best management practices.

Commissioner Lawrence suggested that should this case be deferred, staff might use proffer language from a previous case this evening which notes that at the time of site design, the final design of the stormwater facility would be reviewed by DPWES and submitted to the Supervisor's office. He added a caution that while an application or infill development might include improvements to existing stormwater problems, no one should expect any given infill development to resolve the County's stormwater problems.

Commissioner Sargeant asked Mr. Amatetti to describe how the proposed stormwater management system would reduce the amount of outflow and how it would be measured. Mr.

Amatetti briefly explained the pre- and post-development outflow and explained that the system had been designed to reduce the flow to below current levels.

Commissioner Sargeant asked what, if any, impact the new development would have on the adjoining properties. Mr. Amatetti noted that the application proposed to divert some of the water to another system to mitigate the issues currently experienced by the neighboring residents. When Commissioner Sargeant asked if the proposed development would directly affect the surrounding neighbors, Mr. Amatetti said it was unlikely, since the proposed system would improve the existing conditions.

Referencing Proffer Number 11, Stormwater Management, Commissioner Sargeant asked about the flexibility discussed therein, given the costs involved for the HOA. Mr. O'Donnell explained that the infiltration trench had been specifically identified as the stormwater detention system, but there would be flexibility to allow for modifications should the need arise.

Commissioner Flanagan referenced the comments made regarding the use of a rain garden and pointed out that rain gardens also required maintenance. He asked whether the infiltration system would avoid maintenance. Mr. Amatetti stated that it would require maintenance, but it would be minimal and simpler than a rain garden.

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 Hall for action on this case. (A verbatim excerpt of the decisions is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION FOR RZ/FDP 2012-MA-022 TO A DATE CERTAIN OF MAY 2, 2013, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Lawrence and Hart seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Hall MOVED THAT THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING FROM APRIL 30, 2013 UNTIL A DATE AFTER MAY 2, 2013.

Commissioner Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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2232-Y13-1 – MILESTONE COMMUNICATIONS, INC. AND VERIZON WIRELESS – Appl. to construct a 115-foot tree pole “monopine” facility located at 5500 Sully Park Dr., Centreville. Tax Map: 54-1 ((1)) 23A. Area III. SULLY DISTRICT. PUBLIC HEARING.

Deborah Pemberton, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended that the

Planning Commission find the proposal substantially in accord with the provisions of the adopted Comprehensive Plan.

Frank Stearns, Esquire, Donohue & Stearns, PLC, agreed with the staff report and explained that with more people using wireless devices than ever, the demand for more spectrum required additional cell tower sites to be built closer to residential units, particularly since the number of residential wireless only users was rising. He also said that fire and rescue units increasingly relied upon wireless technology, adding that 70 percent of all 9-1-1 calls were from wireless devices. He pointed out that Milestone would provide space on this tower for public safety networks if desired. Mr. Stearns stated that the Fairfax County Public Schools had reached out to the community in December 2012 and January 2013 to inform the residents of the project, solicit comments, and direct them to the website. Mr. Stearns stated that he had met with the West Fairfax County Citizens Association on February 19 and April 16, 2013, and received no objection. He also met with the Sully District Council Land Use and Transportation Committee on February 27 and April 24, 2013 and again received no objection to the proposal. Additionally, he noted that the website had been visited over 400 times.

Commissioner Litzenberger asked whether the 70 percent emergency calls reference was local or national. Mr. Stearns stated that it was a national statistic.

Commissioner Migliaccio questioned what would happen with the size of the equipment compound should the tower not be fully utilized. Mr. Stearns explained that the compound used 2,100 square feet of a 24-acre parcel, and that it would be prudent to design the compound to handle the maximum usage from the outset, adding that the compound sat in a part of the lot that saw little use by the school.

Commissioner Lawrence and Mr. Stearns had a brief discussion wherein it was revealed that wireless calling might be one of the reasons for additional cell towers; however, there was also a need for additional bandwidth for other devices that downloaded video and data, such as Kindle/Nook e-reading devices, GPS systems, iPads, and/or laptops. Mr. Stearns also noted that eHealth initiatives provided better health monitoring, diagnostic and treatment capabilities.

Chairman called the first listed speaker.

Matt Burger, 6157 Early Autumn Drive, Centreville, representing Bryarton Homeowners Association, Inc., stated that the tree pole would have a substantial visual impact on the neighborhood because it would be twice as tall as anything else in the area. He noted that a rare oak hickory forest stood nearby and questioned the compatibility of the proposed pole and said that the staff report was not very informative. He cited the Fairfax County Policy and Comprehensive Plans for this community, pointing out that the proposed site was in a low-density residential, suburban neighborhood that should retain its character. He added that a list of public utilities provided in the Comprehensive Plan had made no mention of a telecommunications tower. He also pointed out that the list of Milestone locations provided by the School Board should have been part of the Comprehensive Plan. Mr. Burger suggested that the site would be better suited to the development of a facility for home child care training, noting that there was a shortage of child care providers in the County.

Commissioner Litzenberger asked Mr. Burger if he had expressed his concerns to the Fairfax County School Board. Mr. Burger said he had not but intended to do so soon. When Commissioner Litzenberger asked if Mr. Burger had looked at other tree poles in the County, Mr. Burger explained that he had seen them along the highway, but pointed out that he could speak only to the one in his community, for which there should be a compromise. He added that had residents been aware of the possibility of a telecommunications tower being set up in the neighborhood, they might not have decided to live there. Commissioner Litzenberger explained that technology moved more quickly than bureaucracy, adding that once the Telecommunications Policy Plan was approved, the Comprehensive Plan would likely be annotated appropriately. Commissioner Flanagan asked Mr. Burger where he lived. Mr. Burger explained that he lived approximately a mile away from the site, adding that proximity was not important so much as the visual impact of the tower on the surrounding community.

Commissioner Hart explained that the County was very protective of the environment and assured Mr. Burger that the proposed facility would not have a negative impact on the hickory forest.

Commissioner de la Fe commended Mr. Burger for his research on the Policy and comprehensive Plans, but pointed out that public sites were prioritized first for telecommunications facilities. When Mr. Burger noted that the location and visual suitability must be considered first, Commissioner de la Fe agreed and said that each facility was evaluated based on the conditions in which it was set.

Mr. Burger stated that there seemed to be no objective criteria to evaluate a 2232 application such as this, adding that the residents had very little specific information and less choice. Chairman Murphy explained that the Comprehensive Plan did not provide specific information for 2232 applications. He added that the 2232 application process had been established by the state to provide a general measurement of the location, character, and extent of a public facility at a site where it is being applied. (A copy of Mr. Burger's statement is in the date file.)

Commissioner Hedetniemi asked Mr. Burger whether he preferred a tower or tree pole. He said that a tower would have less of a visual impact than a tree pole.

Kimberly Currin, 6157 Early Autumn Drive, Centreville, cited two discrepancies in the staff report as follows:

On page 3, in the Statement of Justification, under "Anticipated Impacts on Adjoining Properties":

- "Property to the west of the proposed tree pole will be located approximately 121 feet east of the church/school property line." Citing Sheet Number Z-2 of the partial Site Plan, she stated that the distance was 60 feet.
- "Proposed structure will be 114 feet south of Braddock Road." Citing Sheet Number Z-2 of the partial Site Plan, she stated that Partial Site Plan the distance is 35 feet.

Ms. Currin requested that the application be deferred until these discrepancies could be reviewed. In addition, she suggested that the facility be a tower, painted brown on the lower half and blue on the upper half as it rose above the tree line. She stated it would be much less noticeable than a tree pole. (A copy of Ms. Currin's statement is in the date file.)

Commissioner Litzenberger stated that he would ask Milestone representatives to review the measurements to ensure they are correct.

Commissioner Hall agreed with Ms. Currin's suggestion for the painted tower, noting that a tree pole would be very expensive.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Stearns, who noted that the applicant was before the Planning Commission to determine if the proposed site was appropriate for a telecommunication tower. He reiterated that several community meetings had been held with favorable results and that County staff had concluded that the application met Plan objectives. He introduced Mercy Luhanga, Radiofrequency Engineer, Verizon Wireless, to explain the reason for the tower's proposed height.

When Commissioner Hall asked if Ms. Luhanga could also explain the discrepancies described by Ms. Currin, Mr. Stearns explained that a civil engineer would need to provide information for the distances in the staff report and ensured the Planning Commission that he would verify the information.

Ms. Luhanga (title and address) explained that tower height was determined by a site's topography as well as buildings/trees that might hinder the signal, noting that the tower must be tall enough to overcome any obstruction.

When Chairman Murphy asked if the applicant intended to collocate other uses, Mr. Stearns confirmed that the facility could collocate up to five users. Chairman Murphy asked how many users would be able to collocate if the facility were modified to be a monopole instead of a tree pole. Mr. Stearns said it could collocate three users as a monopole.

Commissioner Flanagan noted that while the Planning Commission had heard from Mr. Burger as a representative from a neighboring community, it had not heard from residents directly next to the site. Mr. Stearns explained that the applicant had done a great deal of outreach and had met with the residents and did what was needed to ensure that they were satisfied with this application.

Commissioner Litzenberger noted that the primary question that parents and residents had asked the School Board was what would be the benefit of the tower in exchange for the aesthetics of the neighborhood. He added that the citizens never received a response and requested that Mr. Stearns contact the School Board for a response.

Commissioner Hart asked why the applicant had chosen to install a monopine instead of a monopole in this location. Mr. Stearns explained that he believed that the surrounding trees would help to make the facility blend it better.

Commissioner Sargeant asked how wide of a radius the proposed facility would serve. Mr. Stearns estimated this facility would serve an area of approximately three quarters of a mile, noting that the smaller cell size would serve a densely populated area.

Commissioner Sargeant referred to Objective 42 in the Telecommunications Policy Plan regarding Collocation and asked if the policy was still current regarding collocating several users on one facility right.

Chris Caperton, Planning Division, DPZ, confirmed that was correct. Referencing Mr. Burger's statement, Commissioner Sargeant asked about the appropriateness of the proposed use in terms of the fourth paragraph under Concept For Future Development on page 8 of the statement. Mr. Caperton said that the use would be appropriate, pointing out that the Policy Plan more specifically addressed the facility and should therefore be the leading guidance. 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 Litzenberger for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR APPLICATION 2232-Y13-1 TO A DATE CERTAIN OF MAY 1, 2013, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SE 2012-PR-012 – TD BANK, NATIONAL ASSOCIATION – Appl.
under Sect. 4-504 of the Zoning Ordinance to permit a drive-in financial institution. Located at 7230 Arlington Blvd., Falls Church, on approx. 27,491 sq. ft. of land zoned C-5. Tax Map 50-3 ((5)) (5) 501.
PROVIDENCE DISTRICT. PUBLIC HEARING.

Frederick R. Taylor, Esquire, Bean, Kinney & Korman, PC, reaffirmed the affidavit dated December 3, 2012. There were no disclosures by the Commissioners.

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

Mr. Taylor explained that in December 2012 the applicant had reached out to nearby community groups, who had subsequently supported this application. He expressed surprise about the citizen opposition expressed in recent emails to the Planning Commission, and began addressing issues therein. He noted that the traffic generated by the two proposed drive-through lanes would be less than the existing gas station. He added that TD Bank intended to located one branch every three miles or so, adding that its design was conducive to a secure environment. In addition, Mr. Taylor noted that the proposed use would be a better use because the application would update the stormwater system and provide green building initiatives onsite. He further added that, upon speaking with the landowner's representative, it was discovered that the owner of the gas station leased the property on a month-to-month basis.

Commissioner Lawrence asked Mr. Taylor whether he spoke with the land owner or the lease owner as a representative for the bank. Mr. Taylor stated that he dealt with the land owner, adding that a title examination had been performed to ensure that the proper entities were involved in the application process. When Commissioner Lawrence asked about TD Bank's policy of locating every three miles, Mr. Taylor said that the idea was to ensure that the customers could easily find a branch that would hopefully be located on a well-known intersection.

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

Charlotte Lombardi, 3015 Graham Road, Falls Church, spoke in opposition to the application, noting that traffic was an issue in that area. She added that she wanted the Exxon station to remain because it was the only one available on the west-bound side of Route 50 for some distance. She further noted that the Khan family had worked for many years to create a reliable service station with good mechanics, and did not want them to lose their livelihood.

Commissioner Lawrence thanked Ms. Lombardi for her testimony, but pointed out that the Planning Commission made its recommendations based on land use issues only. He requested that speakers keep that in mind and limit their remarks to land use issues.

Nancy Keens, 4015 Majestic Lane, Apt. B, Fairfax, opposed the application, noting that the Graham Road Exxon had been at its current site since 1992. She noted that Mr. Khan had sold the lease to the gas rights in March of 2012 and, by June of 2012, the application for TD Bank was submitted for the site. She pointed out that Burke Petroleum was one of TD Bank's shareholders and questioned how ethical the applicant and application were. She requested that the application be denied.

Frank Sokolove, 28 Kennedy Street, Alexandria, also opposed the application, echoing the previous speakers' remarks. He added that the community would be negatively impacted by this application and suggested that the subject application might violate previous documentation.

Aman Khan, 7481 Admiral Nelson Drive, Warrenton, noted that he and his brothers had built the existing business. He added that after Burke Petroleum purchased the gas lease, the profit margin was negligible; making it so that the Khans would need to borrow money in order to buy the SE

property should it become available. He stressed that his and his brothers' families relied on the Graham Road Exxon and requested that the application be denied.

Asad Khan, 516 South Fillmore Street, Arlington, spoke in opposition, also reiterating many of the earlier speakers' sentiments. He noted that there were existing traffic and environmental issues onsite and said that they would continue with the proposed bank.

Lars Sandvik, P.O. Box 2501, Fairfax, echoed previous speaker remarks in opposition to the application and pointed out that several banks were already located in the vicinity. He added that the Graham Road Exxon was an existing business that provided quality service to a well-established clientele at very affordable prices.

Brian Fitzgerald, 6720 Jefferson Avenue, Falls Church, was also opposed to the application and pointed out that the Exxon was the last gas station that could easily be accessed prior to entering onto the Capital Beltway. He pointed out that approximately 600 homes currently accessed the station via a service road parallel to Route 50. He explained that if the station were to be replaced by TD Bank, many of those residents would be required to cross Route 50 twice; once to fuel their vehicles and again to return on their route to work or home.

Susanne English, 2904 Adams Place, Falls Church, also spoke in opposition to the application and reiterated earlier remarks regarding the number of banks in the vicinity and the existing traffic problems.

Ata Khan, Owner and Manager, Graham Road Exxon, 7230 Arlington Boulevard, Falls Church, explained that he was the owner and manager of Graham Road Exxon. He stated that he had owned the franchise since 1992, mechanics certified by the National Institute for Automotive Service Excellence (ASE), and award winning staff. He thanked the community for its support and pointed out that a petition with 837 signatures had been submitted on his behalf in opposition to the application. He requested that the Planning Commission to deny the application.

Commissioner Hall asked Mr. Khan what he actually owned and/or leased. Mr. Khan explained that he had sold the gas portion of his franchise onsite to Burke Petroleum, who owned the entire property. He added that he retained management of the garage and convenience store onsite, with a ten-year lease agreement with Burke.

Commissioner Lawrence pointed out to Mr. Khan that the agreement that the latter had made with Burke Petroleum was a third-party agreement that had no bearing on the recommendation being made this evening. In addition, Commissioner Lawrence reiterated his earlier remarks about the Planning Commission basing its recommendations on land use. Mr. Khan reminded Commissioner Lawrence of the number of names on the petition in support of denial, to which Commissioner Lawrence pointed out that the petition failed to provide land use issues.

Commissioner Litzenberger asked Mr. Khan if an attorney had been present when he negotiated his lease. Mr. Khan stated that there wasn't and that he had simply signed each page of the agreement as it was turned.

Commissioner Hall asked Mr. Khan to describe the original lease and explain when he entered in the current lease agreement. Mr. Khan stated that the original lease agreement was with Exxon and that he had signed the current agreement with Burke Petroleum on March 13, 2012.

Commissioner Hart explained to Mr. Khan that he needed to provide a copy of the current lease agreement to the Fairfax County Attorney's Office so that entitlement issues might be worked out prior to the Planning Commission's recommendation to the Board of Supervisors

Commissioner Lawrence agreed with Commissioner Hart and announced his intent to defer decision only on this application, pointing out that the deferral was based on the provision of the agreement only.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Taylor, who noted that he had received notification from the property owner during the public hearing that the ten-year lease did not exist, and that the current agreement was a month-to-month lease. With regard to traffic, he said that one of the curb cuts would be removed thereby removing one of the access points to the site. He added that the traffic during the morning peak hours would be cut in half and would remain unchanged during the afternoon peak hours. He further noted that TD Bank was a publicly-owned company and, therefore, no one owned more than ten percent of it.

Commissioner Hedetniemi pointed out that it would be unlikely that long-standing business such as the Graham Road Exxon would have had a month-to-month lease. She requested that the applicant provide a copy of the original lease agreement as well as the current one for comparison.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2012-PR-012 TO A DATE CERTAIN OF MAY 2, 2013, WITH THE RECORD TO REMAIN OPEN FOR ELECTRONIC AND WRITTEN COMMENTS.

Commissioner Hall seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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CLOSING

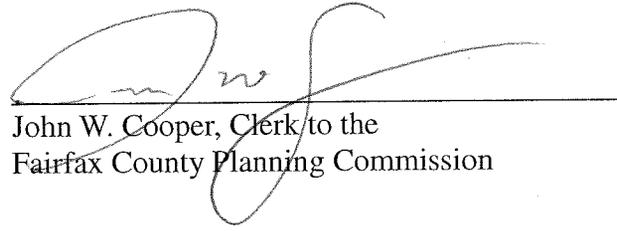
April 25, 2013

The meeting was adjourned at 12:34 a.m.
Peter F. Murphy, Jr., 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