

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 10, 2012**

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
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, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

//

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.

//

COMMISSION MATTERS

Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, May 16, 2012, at 8:00 p.m., in Conference Rooms 2/3 of the Fairfax County Government Center, rather than the previously announced 7:00 p.m.

//

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING FOR RZ/FDP 2011-PR-025, CHESTNUT STREET LLC, SCHEDULED ON JUNE 14, 2012, TO A DATE CERTAIN OF JULY 12, 2012.

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

//

Commissioner Lawrence announced that Kettler Sandburg, LLC, the applicant for RZ 2010-PR-019, would submit revised plans that would require a new public hearing to be scheduled. Accordingly, he announced his intent to defer the decisions only on RZ/FDP 2010-PR-019,

Kettler Sandburg, LLC, scheduled for Thursday, May 17, 2012, so that a new public hearing could be held on Thursday, July 12, 2012.

//

REVIEW OF 2012 ZONING ORDINANCE AMENDMENT WORK PROGRAM

Commissioner Lawrence announced that the Planning Commission’s Policy and Procedures Committee had met earlier this evening to review the proposed 2012 Zoning Ordinance Amendment Work Program and the Committee had voted to recommend that the Commission support the program.

In accord with this recommendation, Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION SUPPORT AND FORWARD TO THE BOARD OF SUPERVISORS THE 2012 ZONING ORDINANCE AMENDMENT WORK PROGRAM AS DELINEATED IN THE MEMORANDUM FROM THE ZONING ADMINISTRATOR DATED APRIL 12, 2012.

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

//

“STATE OF THE PLAN” BRIEFING

Marianne Gardner, Director, Planning Division (PD), Department of Planning and Zoning (DPZ), introduced Linda Hollis, Planner III, PD, DPZ, who presented a briefing on the recently published report entitled: “State of the Plan: An Evaluation of Comprehensive Plan Activities Between 2000-2010.” She said the purpose of this report was to evaluate the implementation of the Concept for Future Development, with emphasis on the effectiveness of the County’s policy to focus growth in activity centers. Following the briefing, Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ, and Ms. Gardner responded to questions from Commission members regarding the Planning Horizons process in 1991; planning studies within the Richmond Highway Corridor; the graph on page 7 in Appendix XI, illustrating the development potential for Lorton-South, Richmond Highway; and retention of industrial areas.

//

FSA-28-1 – SPRINT, 10516 Leesburg Pike (Dranesville District)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEM.

Without objection, the motion carried unanimously with Commissioner Hall absent from the meeting.

//

ORDER OF THE AGENDA

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

1. S11-CW-2CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF THE CONCEPT FOR FUTURE DEVELOPMENT)
2. S11-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF THE COMPREHENSIVE LAND USE PLAN MAP)
3. FSA-D02-28-1 – FAIRFAX COUNTY FACILITIES MANAGEMENT DEPARTMENT

This order was accepted without objection.

//

S11-CW-2CP – COMPREHENSIVE PLAN AMENDMENT
(UPDATE OF THE CONCEPT FOR FUTURE

DEVELOPMENT) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, Virginia, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Plan Amendment S11-CW-2CP is a Countywide amendment to update the Concept for Future Development to reflect the past 20 years of planning studies and amendments. Proposed updates include removing the intensity ranges expressed in terms of floor area ratio (FAR) and references to core and non-core areas that have been superseded by specific guidance in the Area Plans. The amendment will also revise the Concept for Future Development Map. Proposed revisions to the Map include the addition of planned Transit Station Areas along the Dulles Airport Access and Toll Road and refining the general boundaries of land areas using Geographic Information System (GIS) technology. COUNTYWIDE. PUBLIC HEARING.

Jennifer Lai, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Amendment.

Referencing a memorandum from Clara Quintero-Johnson, PD, DPZ, dated April 26, 2012, Commissioner Lawrence requested that staff provide the estimated percentage of the County's population residing in mixed-use centers and industrial areas. Commissioner Lawrence also encouraged further study of the potential effects of the residents in these areas on public facilities, such as schools and parks. (A copy of the memorandum is in the date file.)

Answering questions from Commissioner Migliaccio, Ms. Lai said that the text on page 32 of the staff report under Land Unit D, "consistent with the guidelines for Transit Station Areas in the Concept for Future Development," had been removed to reduce redundancy. Marianne Gardner, Director, PD, DPZ, explained that the text on page 32 of the staff report under Concept for Future Development, "Until adequate access is provided, the types of densities recommended in the Concept for Future Development are not generally planned in the Van Dorn Transit Station area," had been removed because specific densities would no longer be recommended and provisions for sufficient access in the Van Dorn Transit Station Area (TSA) would be reflected in the Area Plans Review (APR) process. Commissioner Migliaccio expressed concern about removing the language under Land Unit D without public input and favored retaining the language until an APR nomination had been considered. Ms. Lai said that staff would not be opposed to this suggestion.

In response to questions from Commissioner Litzenberger, Ms. Gardner stated that the updated Concept for Future Development Map would not directly affect the tax base or increase the intensity of mixed-use centers.

Replying to a question from Commissioner Hart, Ms. Lai confirmed that the language, "consistent with the guidelines for Transit Station Areas in the Concept for Future Development," on page 32 of the staff report, would not be deleted.

Ms. Gardner concurred with Commissioner Hart's assessment that the inclusion of other types of mass transit systems in TSAs would be addressed during the Countywide Transit Network Study.

Ms. Gardner responded to questions from Commissioner de la Fe regarding the Reston Parkway TSA as depicted on the Revised Concept for Future Development Map on page 16 of the staff report.

Commissioner Lawrence recommended that staff determine whether the revised definition of TSAs adequately reflected the County's Transit-Oriented Development (TOD) Policy. In response, Ms. Gardner explained that the proposed modifications included removal of a reference to the Land Classification System, which was no longer necessary, and additional language indicating that the primary development area was an approximately five-to-seven minute walk (approximately one-quarter mile) of a Metrorail station entrance. Commissioner Lawrence also suggested that staff ensure that all of the County's policies regarding TSAs consistently specify walking distance from Metrorail station entrances rather than station platforms.

Commissioner Lawrence pointed out an error on page 34, noting that the word “provide” should be changed to “provides” in the second to last sentence in the TSA definition to read: “Within the region, Metrorail provides a vital public transportation choice that enhances accessibility and reduces the reliance upon single occupancy vehicle use.”

Commissioner Alcorn concurred with Commissioner Lawrence’s recommendation that staff review the Amendment to ensure that it was consistent with the TOD Policy.

Replying to comments from Commissioner Flanagan regarding the definition of Low Density Residential Areas as depicted on page 33 of the staff report, Ms. Gardner explained that ensuring the preservation of environmental resources would help maintain the low density character of these areas. She noted that applying similar language to the definition of Suburban Neighborhoods on pages 33-34 of the staff report would not be appropriate because Suburban Neighborhoods tend to have considerably higher densities and more diverse characteristics than Low Density Residential Areas. She pointed out that Suburban Neighborhoods would be subject to the environmental policies contained in the Environment Section of the Policy Plan.

Commissioner Sargeant expressed concern that the proposed TSA definition might limit the consideration of other types of transit systems and mass transit modes beyond Metrorail. In response, Ms. Gardner cited the example of recently-adopted Comprehensive Plan language for Fair Oaks Mall that allowed for additional intensity based on the provision of Bus Rapid Transit (BRT). She explained that the results of the Countywide Transit Network Study could bring about future revisions to the descriptions of the existing TSAs or identify new TSAs. Commissioner Alcorn added that Ms. Gardner’s explanation was consistent with the TOD Policy, which did not currently discuss BRT or other types of non-rail transit.

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

Commissioner Hart recommended that staff incorporate the following changes into the proposed Plan language to address the earlier concerns raised by Commissioners:

- Restore the proposed strikethrough language, "consistent with the guidelines for Transit Station Areas in the Concept for Future Development," under Land Unit D near the bottom of page 32 of the staff report;
- Ensure that the proposed changes to the guidelines for TSAs in the Concept for Future Development were consistent with the current TOD Policy;
- Ensure that BRT would not be precluded in areas that were not near a Metrorail station, such as the Richmond Highway Corridor;

- Specify the exact location of the Reston Parkway TSA on the Concept for Future Development Map; and
- If applicable, identify other areas outside of Low Density Residential Areas where the preservation of environmental resources should also be considered.

Ms. Lai agreed with this recommendation.

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.)

//

Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON S11-CW-2CP TO A DATE CERTAIN OF MAY 17, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

//

S11-CW-1CP – COMPREHENSIVE PLAN AMENDMENT
(UPDATE OF THE COMPREHENSIVE LAND USE PLAN
MAP) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, Virginia, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Plan Amendment S11-CW-1CP is a Countywide amendment to update the Fairfax County Comprehensive Land Use Plan Map. This amendment will reflect land use actions taken by the Fairfax County Board of Supervisor since 1995. The amendment also will revise existing conditions on the land use map, such as public parks, private recreation, and public facilities uses, and will remove the Dam Failure Impact Areas from the map. COUNTYWIDE. PUBLIC HEARING.

Commissioner Hart announced his intent to defer the decision on this item at the end of the public hearing.

Meghan Van Dam, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Amendment.

Answering questions from Commissioner Sargeant, Ms. Van Dam stated that conservation easements were identified as Private Open Space under the new definition of the term. She explained that the conservation easements depicted on the 1995 Fairfax County Comprehensive Land Use Plan Map had been carried over to the updated Plan Map. Ms. Van Dam confirmed that the historic sites depicted on the Plan Map were based on the Fairfax County Inventory of Historic Sites. She noted that Laurel Hill was not officially recognized as a Historic Overlay District on the updated Plan Map.

Ms. Van Dam concurred with Commissioner Hart's assessment that the updated Plan Map did not reclassify any land and accurately reflected the provisions adopted by the Board of Supervisors.

Responding to a question from Commissioner Migliaccio, Ms. Van Dam said staff would verify whether the proposed Washington Metropolitan Area Transit Authority bus facility on Cinderbed Road would be designated as a Maintenance Facility or Industrial Area.

At the request of Commissioner Hart, Ms. Van Dam listed the following revisions to the Amendment since the original public hearing had been deferred indefinitely on October 20, 2011:

- The Plan Map had been updated to accurately reflect the land use recommendations in Comprehensive Plan Amendments adopted by the Board of Supervisors since the 1995 Plan Map; and
- Proposed updates to the Countywide Transportation Plan Map had been removed and would be brought forward in a future item to the Board of Supervisors.

In reply to questions from Commissioner Flanagan, Ms. Van Dam confirmed that the 1995 Plan Map depicted the transportation-related features, duplicated from the Countywide Transportation Plan Map. She said these features would continue to be shown on the revised Map.

Replying to a follow-up question from Commissioner Flanagan, Marianne Gardner, Director, PD, DPZ, stated that the proposed rail stations along Richmond Highway, as depicted on the updated Plan Map, had been carried over from the 1995 Plan Map. She also confirmed that they would be considered during a future transit study for the Richmond Highway Corridor.

In response to a question from Commissioner de la Fe, Ms. Van Dam noted that all amendments to the 1995 Land Use Plan Map that had been adopted by the Board of Supervisors through April 12, 2012 were illustrated on the revised Map. She added that the Public Parks feature on the updated Map included areas that had been acquired by the Fairfax County Park Authority (FCPA) since 1995 and the Private Recreation feature included revisions to former private recreation uses that had been developed with residential uses under Plan options, to reflect current residential use and density.

In response to a question from Commissioner Hurley, Commissioner Lawrence explained that in situations where a land use application affected property that abutted another jurisdiction, such as the Town of Vienna or the City of Fairfax, Fairfax County staff and the respective district Commissioner would coordinate with the pertinent jurisdiction to identify the current and planned uses in the immediate area and determine the impact of the project on those uses.

Commissioner Sargeant asked whether the updated Plan Map would depict Transit Station Areas (TSAs) planned as part of a future regional transit system, citing the planned Reston-Herndon TSA as an example. Commissioner Donahue replied that he believed there were ongoing studies aimed at coordinating these areas and addressing transit-oriented development, such as the Reston Master Plan Special Study. He also pointed out that the Loudoun County Board of Supervisors had not yet decided whether Loudoun County would participate in Phase II of the Dulles Corridor Metrorail Project.

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

Fran Wallingford, 3311 Mantua Drive, Fairfax, representing the Pine Ridge Civic Association, stressed the need for the Land Use Plan Map to be as accurate, understandable, and fair as possible. She pointed out the following inaccuracies on the Plan Map:

- Williams Drive was incorrectly shown as beginning at Overbrook Road when it began closer to Pennell Street;
- The mental health facility located at the end of Willow Oaks Corporate Drive was improperly labeled as "Office" when it should be labeled as "Public Facilities, Governmental, and Institutional Uses;"
- The MetroWest development, currently under construction at the Vienna-Fairfax Metrorail Station, should be labeled as "Mixed Use;"
- Armistead Park, which was owned by FCPA, was incorrectly labeled as "Private Open Space" rather than "Public Park;" and
- The Mantua Swim and Tennis Club had been incorrectly labeled as "Public Park" instead of "Private Open Space."

Ms. Wallingford recommended that all the areas designated as Private Open Space be correctly labeled as such on the revised Plan Map or that this label be removed altogether. She questioned why conservation easements were not shown on the Map, noting that they usually remained undeveloped open space unlike Private Open Space areas that could be developed upon the approval of a waiver. She requested that the Planning Commission recommend denial of the Land Use Plan Map, as currently revised. She then inquired as to the process for correcting the Map.

Commissioner Alcorn explained to Ms. Wallingford that conservation easements were established by private parties or the Park Authority. He noted that not all conservation easements should be designated as Private Open Space as some could be located on agricultural properties and should be labeled as such. Ms. Wallingford cited the example of a conservation easement located on a strip of land near the Life with Cancer facility at 8411 Pennell Street in Fairfax. She reiterated her concern that the definition of Private Open Space did not seem to be applied consistently on the Map.

Answering questions from Commissioner Hart, Ms. Gardner explained the following:

- Recreational facilities, such as swim and tennis clubs, built within an approved residential subdivision were designated as Private Recreation or Residential and did not fit the criteria for Private Open Space, which was defined as areas planned to remain undeveloped and not otherwise planned for Public Parks or Private Recreation;
- Common areas identified by a community association and/or homeowners association (HOA) could be designated as Private Open Space, but the boundaries were not intended to be precise or comprehensive so the specific Comprehensive Plan text guiding the relevant area would need to be consulted; and
- The proposed Plan Map depicted land currently planned for Private Open Space, but staff did not generally update the Plan Map every time development occurred and Private Open Space was dedicated.

Replying to another question from Commissioner Hart, Fred Selden, Director, DPZ, added that a Plan Amendment was required to revise the Land Use Plan Map to show dedicated Private Open Space or HOA common area resulting from a rezoning. He noted that depicting such an area on the Plan Map was not necessary because it would be depicted on the approved proffered development plan. He said most of the Private Open Space designations currently depicted on the Map predated the Comprehensive Plan's Environmental Quality Corridor guidance and the Environment Section of the Policy Plan.

In response to a concern expressed by Commissioner Hart regarding the Map legend, Ms. Van Dam agreed that the shade of blue used to identify the Public Facilities, Governmental and Institutional properties should be changed to differentiate it from the one used to identify bodies of water.

Commissioner de la Fe pointed out that Baron Cameron Park was identified as a school site on the updated Plan Map although this site was now owned by FCPA. Ms. Van Dam explained that the Plan Map still depicted the park as a school site because this was reflected in the relevant text in the Comprehensive Plan (UP5 Reston Community Planning Sector, Upper Potomac Planning District, Area III section). She noted that DPZ staff was working with FCPA staff to complete updates to modify the Area Plan text with the Land Use Plan Map.

In reply to questions from Commissioner Lawrence, Mr. Selden explained that the online version of the Land Use Plan Map would be updated automatically to reflect the most recent street base. He added that the paper version of the Plan Map would continue to be available and would be printed and distributed to coincide with the reprint of new versions of the Area Plans and Policy Plan volumes.

Commissioner Lawrence suggested that the Commission recommend to the Board of Supervisors that it direct staff to develop a public input process to periodically identify and correct any erroneous data on the Plan Map, and to present a proposed process to the Planning Commission and the Board for further action.

Chairman Murphy called for speakers from the audience, but received no response. He then called for closing remarks from Ms. Van Dam, who declined.

Commissioner Hart encouraged Commissioners to review the Plan Map during the deferral period and report any errors to staff for correction. He also suggested that staff consult the County Attorney's Office to determine what types of changes or updates to the Land Use Plan Map would require a public hearing. He noted that if a public hearing were required, staff should ensure the appropriate scope of advertising to address the particular issues. Mr. Selden agreed with this suggestion. He explained that the online format would allow for more routine updates of the Plan Map concurrent with any future amendments that were adopted by the Board of Supervisors, similar to the update of the online version of the Area Plans and Policy Plan volumes of the Comprehensive Plan.

Answering another question from Commissioner Hart, Mr. Selden stated that the Land Use Plan Map would be revised in conjunction with changes to recommendations in the Area Plans. He pointed out that relatively few amendments adopted in recent years had affected the land use designations on the Plan Map because most of the amendments had involved adding development alternatives or options to the baseline recommendations in the Plan, which were not illustrated on the Plan Map.

Responding to a question from Commissioner Alcorn, Mr. Selden explained that during special studies like the one for the Tysons Corner Urban Center, staff would work with the involved groups to determine how the study area should be depicted on the Plan Map to include designated transit-oriented development areas and other areas of highest intensity and building heights.

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

//

Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON S11-CW-1CP TO A DATE CERTAIN OF MAY 17, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

//

FSA-D02-28-1 – FAIRFAX COUNTY FACILITIES
MANAGEMENT DEPARTMENT – Appl. to consider the proposal by Fairfax County Facilities Management Department to install lighting on an existing playing field at 1437 Balls Hill Road, McLean, VA 22101. Tax Map: 30-1 ((1)) 33. M-4 Balls Hill Community Planning Sector of the McLean Planning District.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Donahue asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that the presentation by staff be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Donahue for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S CONCLUSION THAT FSA-D02-28-1 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232 AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

//

The meeting was adjourned at 10:24 p.m.
Peter F. Murphy, Jr., Chairman
Janet R. Hall, Secretary

CLOSING

May 10, 2012

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: November 15, 2012

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