

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 17, 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
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
John L. Litzenberger, Jr., Sully District

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy, Jr. 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 Commissioner Alcorn, Commissioner Lawrence announced that the Planning Commission's Tysons Corner Committee had met on Wednesday, May 16, 2012, and would meet again on Thursday, May 24, 2012, at 7:00 p.m., in Conference Rooms 9/10 of the Fairfax County Government Center.

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FSA-P00-87-1 – SPRINT, 7405 Tower Street, Water Tower in Falls Church

Chairman Murphy MOVED THE APPROVAL OF THE CONSENT AGENDA ITEM.

Without objection, the motion carried unanimously with Commissioners Alcorn and Donahue not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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RZ/FDP 2010-PR-019 – KETTLER SANDBURG, LLC (Decisions Only) (The public hearing on these items was held on December 15, 2011.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY AND CONDUCT A NEW PUBLIC HEARING FOR RZ/FDP 2010-PR-019 ON A DATE CERTAIN OF JULY 12, 2012.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Alcorn and Donahue not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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PRC 77-C-076 – RTC PARTNERSHIP, LLC (Hunter Mill District) (Decision Only) (The public hearing on this item was held on March 14, 2012.)

Commissioner de la Fe MOVED THAT THE DECISION ONLY FOR PRC 77-C-076, IN THE NAME OF RTC PARTNERSHIP, LLC, BE DEFERRED TO A DATE CERTAIN OF MAY 31, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Donahue not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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S11-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF LAND USE PLAN MAP) (Decision Only) (The public hearing on this item was held on May 10, 2012.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION AGAIN DEFER ITS DECISION ON PLAN AMENDMENT S11-CW-1CP TO A DATE CERTAIN OF MAY 31, 2012, IN ORDER TO CONTINUE TO REVIEW CONCERNS RAISED AT THE PUBLIC HEARING WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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RZ/SE 2012-MV-001 – WOODLAWN HOSPITALITY, LLC

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ/SE 2012-MV-001, WOODLAWN HOSPITALITY, LLC, TO A DATE CERTAIN OF JULY 19, 2012.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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S11-CW-2CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF CONCEPT PLAN FOR FUTURE DEVELOPMENT) (Decision Only) (The public hearing on this item was held on May 10, 2012. A verbatim transcript of the decision made is in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATIONS FOR PLAN AMENDMENT S11-CW-2CP, FOUND ON PAGES 18 THROUGH 34 OF THE STAFF REPORT, DATED APRIL 26, 2012, WITH THE FOLLOWING FIVE MODIFICATIONS AS SUMMARIZED IN ATTACHMENT 1, DATED MAY 17, 2012, WITH ONE ADDITIONAL CORRECTION:

- FIRST, THE PROPOSED STRIKETHROUGH OF TEXT FOR LAND UNIT D IN THE VAN DORN TRANSIT STATION AREA, FOUND ON THE BOTTOM OF PAGE 32 OF THE STAFF REPORT SHOULD BE REMOVED AND THE SENTENCE SHOULD REMAIN AS CURRENTLY SHOWN IN THE ADOPTED COMPREHENSIVE PLAN.
- SECOND, A GRAMMATICAL ERROR IN THE PROPOSED TRANSIT STATION AREA DEFINITION SHOULD BE CORRECTED.
- THIRD, THE SUMMARY AND GLOSSARY DESCRIPTIONS FOR TRANSIT STATION AREAS SHOULD BE REVISED SO THEY ARE MORE ALIGNED WITH COUNTY TOD POLICY. ADDITIONALLY, INSERT THE WORDS "TRANSIT ORIENTED DEVELOPMENT" IMMEDIATELY BEFORE "TOD."
- FOURTH, THE DEFINITION OF SUBURBAN NEIGHBORHOODS SHOULD BE REVISED TO ADD PARKS AND OPEN SPACE TO THE MIX OF USES THAT ARE IMPORTANT TO THOSE AREAS.
- FIFTH, THE CONCEPT MAP LEGEND SHOULD BE REVISED.

Commissioners Lawrence and Sargeant seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

Commissioner Hart ALSO MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF PURSUE THE FOLLOW-ON CONSIDERATIONS FOUND ON PAGES 14 AND 15 OF THE STAFF REPORT DATED APRIL 26, 2012, INCLUDING EVALUATION OF THE FOLLOWING:

1. USE OF THE TERM “SUBURBAN CENTER;”
2. COMPLETION OF THE COUNTYWIDE TRANSIT NETWORK STUDY, INCLUDING CONSIDERATION OF A VARIETY OF TRANSIT OPTIONS FOR POTENTIAL CHANGES TO THE CONCEPT’S SUMMARY DESCRIPTIONS; AND
3. ADDITION OF THE LINCOLNIA AREA AS A COMMUNITY BUSINESS CENTER.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Alcorn and Donahue not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:

1. PCA/FDPA 85-P-111-02 – YOUNG WOMEN'S CHRISTIAN ASSOCIATION (YWCA), NATIONAL CAPITAL AREA
2. 2232-V11-25 – FAIRFAX COUNTY PARK AUTHORITY (WESTGROVE PARK INTERIM OFF-LEASH DOG AREA)

This order was accepted without objection.

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PCA/FDPA 85-P-111-02 – YOUNG WOMEN'S CHRISTIAN ASSOCIATION (YWCA), NATIONAL CAPITAL AREA – Appls. to amend the proffers, conceptual, and final development plans for RZ 85-P-111 previously-approved for a principal use as single-family dwellings with secondary use as Public Benefit Assn. with child care center to permit building addition and associated modifications to proffers and site design with an increase in enrollment for a child care center from 84 children to a maximum of 119 children and private school of special education with an overall Floor Area Ratio (FAR) of 0.17. Located at 8101 Wolftrap Rd., Vienna, on approx. 3.74 ac. of land zoned PDH-3. Comp. Plan Rec:

2-3 du/ac. Tax Map 39-4 ((35)) A. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated March 29, 2012. There were no disclosures by the Commissioners.

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

St. Clair Williams, 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.

In response to questions from Commissioner Sargeant, Mr. Williams said that the applicant had modified the traffic circulation to allow buses entering the site to make the turning radius without having to back up. He added that no additional turn lanes to the site from Wolftrap Road had been recommended.

Responding to questions from Commissioner Migliaccio, Mr. Williams explained that commercial properties abutted the subject site to the east, adding that access to them would remain unchanged.

Answering questions from Commissioner Hart, Mr. Williams confirmed that the applicant did not own the neighboring property. When Mr. Williams explained that the waiver for interparcel access was actually a reaffirmation of a previous request, Commissioner Hart pointed out that it was in the recommendations and wanted to know the specific access point being waived. Mr. Williams deferred to Ms. Strobel to explain the waiver during her presentation.

Ms. Strobel provided a brief history of the Young Women's Christian Association (YWCA) and outlined the proposal to provide a building addition that would operate as a private school of special education. She said that the building addition would house a swimming pool and allow an increase in the enrollment of children in the child care center from 84 to 119. She noted that after working closely with County staff and representatives of the Courthouse Woods community, the applicant made several revisions to the proposal, including:

- A one-way, on-site circulation pattern to ensure easy access From Wolftrap Road;
- Improvements to the existing buffer on the western portion of the site; and
- Removal of invasive plant species and supplementation of existing vegetation with evergreen trees.

Ms. Strobel noted that the applicant also proposed a stormwater management plan that would include installation of an on-site stormwater management pond, curbs and gutters within the parking lot, stormwater management inlets, and a new storm drainage pipe at the westernmost property line, all of which would significantly reduce off-site runoff. Ms. Strobel stated that the

applicant had proffered to incorporate green building measures into the new addition and conformance with current Zoning Ordinance lighting requirements to ensure that YWCA continued to be a good neighbor. She stated that the applicant would continue to work on the proffers with Commissioner Lawrence, adding that the community concerns had been addressed. Addressing Commissioner Hart's questions, Ms. Strobel said that the waiver of the requirement for interparcel access was leftover from the original rezoning to the Planned Development Housing (PDH-3) District, for which the applicant now requested a reaffirmation. She added that she would research the specific details.

Commissioner Lawrence requested that Ms. Strobel provide the information to the Commissioners during the deferral period. He then noted that no weekend hours of operation were listed and asked what would occur during that period. Ms. Strobel explained that the swimming pool would be open for community use and said that the applicant would review the schedule and provide parameters for weekend use.

Commissioner de la Fe noted that care should be taken when reviewing the hours of operation so that they were not so specific as to require the applicant to appear again before the Planning Commission with another Proffered Condition Amendment application requesting a change of hours.

Commissioner Hart suggested that the applicant consider interparcel access on the property approaching Gallows Road, since the frontage on Wolftrap Road would be too short.

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

Joe Burton, President, Courthouse Woods Homeowners Association, 2181 Wolftrap Court, Vienna, commended the applicant for being so proactive in its approach to the community. He also noted that the applicant's representatives had attended two of the community's annual meetings in addition to meeting with its committee assigned to research the project. Pointing out that Courthouse Woods was also near Kilmer Middle School and the Dunn Loring Fire Station, Mr. Burton said that the YWCA had addressed all of his association's concerns with regard to traffic. He said that the applicant had also addressed the residents' concerns regarding stormwater runoff and landscaping. He stated that the community had unanimously approved the application and looked forward to YWCA's expansion.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel, who declined.

Commissioner Lawrence stated that he would review the proffer language during the deferral period and expressed confidence that all of the issues would be resolved quickly.

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 items. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR PCA 85-P-111-02 AND FDPA 85-P-111-02 TO A DATE CERTAIN OF MAY 31, 2012, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Flanagan and de la Fe seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.

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2232-V11-25 – FAIRFAX COUNTY PARK AUTHORITY
(WESTGROVE PARK INTERIM OFF-LEASH DOG AREA)
– Appl. under provisions of *Virginia Code* Sects. 15.2-2204 and 15.2-2232, as amended, to consider the proposal by the Fairfax County Park Authority to develop an interim off-leash dog park located at 6801 Fort Hunt Road, Alexandria. Tax Map: 93-2 ((1)) 6. Area IV. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Chairman Murphy announced that this public hearing would be unusual because speakers would provide testimony from both the Fairfax County Government Center and the South County Center. He recited the rules of testimony, with modifications to accommodate the speakers off-site.

Chris Caperton, Planning 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 that the Planning Commission find the proposal substantially in accord with the provisions of the adopted Comprehensive Plan.

In response to questions from Commissioner Flanagan, Mr. Caperton explained that local residents currently walked their dogs without a leash at Westgrove Park. He also confirmed that the on-site sewage pump house was still active, adding that it was served by the existing loop road and driveway.

Answering additional questions from Commissioner Flanagan, Sandra Stallman, Planning and Development Division, Fairfax County Park Authority (FCPA), confirmed that the sewage treatment substructure remained beneath the subject site and its removal would be cost

prohibitive. She added that no park buildings or trees could be installed without the removal of the substructure.

When Commissioner Flanagan asked about on-site drainage, Mr. Caperton stated that an intermittent stream flowed near the property. Commissioner Flanagan also asked about consideration for dog parks in the nearby Mount Vernon District Park, to which Ms. Stallman replied that no such feature was in the Master Plan, adding that its topography made it more appropriate for a preservation area.

In reply to questions from Commissioner Hart, Mr. Caperton said that no definition existed for “interim use” in the *Virginia State Code*. He noted, however, that interim uses must comply with the standards set forth in the *Code*. He explained that the subject proposal would be judged on the merits of its location, character, and extent, with the recognition that a Master Plan process would be initiated concurrent with the approval of the dog park. Mr. Caperton confirmed that the language on page 4 of the staff report, in the subparagraph under “Area Plan,” was the only text addressing this interim use. When Commissioner Hart questioned if an inventory of threatened/ endangered species had been performed, Mr. Caperton stated that it had not. Commissioner Hart questioned the validity of staff’s conclusions regarding the minimal impact of a dog park on the rest of the park. Mr. Caperton said that an inventory would be performed during the Master Planning process, but also noted that an FCPA naturalist had examined the site and determined that the dog park would cause minimal disturbance to the rest of the park.

Responding to questions from Commissioner Sargeant, Mr. Caperton said that monitoring the fenced-in dog park would foster quicker results than tracking the water quality. He stated that removal of the dog waste would be the primary mode of mitigating impacts to the park. When asked about the impacts to connectivity with other parks, Mr. Caperton explained that this use would have no impact on nearby parks since roadway and residential barriers precluded natural and wildlife connectivity. He added, however, that this interim use would not preclude future connectivity if the Master Plan determined a different use for the site.

In response to additional questions from Commissioner Sargeant, Ms. Stallman explained that the Master Plan process had begun in 2004; however, because there was no consensus on the future uses for the site, the Mount Vernon District Park Authority Board member and Mount Vernon District Supervisor Gerald Hyland deferred the process indefinitely. She added that the Master Plan process would resume upon initiation of the interim use. She confirmed that the Master Plan was identified on FCPA’s Master Plan process, adding that the Park Authority Board had assigned it in July 2011. She noted that the process could last from eight months to two years, depending on the extent of the community input and the complexity of the uses involved.

Commissioner de la Fe expressed concern about approving the proposed interim use prior to the Master Plan process.

Referencing the memorandum from Pamela Nee, Chief, Environmental and Review Branch, DPZ, dated January 25, 2012, in Attachment D of the staff report, Commissioner Flanagan asked when the water quality requirements would take effect. Mr. Caperton responded that the requirements would be addressed during FCPA's request for the building permit. A brief discussion followed about the application for the dog park and the environmental impacts on the surrounding areas.

Ms. Stallman provided a brief history of Westgrove Park and described its location within the Mount Vernon District. She noted that Grist Mill Park, six miles away from the subject site, contained the only off-leash dog park (OLDA) in the Mount Vernon District. She added that another dog park was in the site plan phase at Lenclair Park, two miles from Westgrove Park, as well as another that was planned at North Hill Park, along Richmond Highway. Ms. Stallman said that the Westgrove site was constrained by a perennial stream as well as a Resource Protection Area (RPA), adding that access would be through an existing driveway and gated entrance at Fort Hunt Road. She stated that the application was the culmination of a community group requesting to convert a portion of Westgrove Park into an area where residents could exercise their dogs without the constraints of a leash. She said that residents had formed an association of dog owners called the Pumphouse Association for Canine Kindness (PACK) and explained that its members had received citations for letting their dogs run off-leash, a violation of the Fairfax County Zoning Ordinance. Ms. Stallman explained that the Ordinance allowed FCPA to pass a resolution to designate areas on parkland for off-leash dog use and said that in 2010, PACK had requested the establishment of a temporary "as-is" OLDA at Westgrove Park. She pointed out that the current request to use the site "as-is" was outside the normal requirements for establishing OLDAs in parks, including an approved Master Plan, fencing, stone-dust surface, and parking. She added that this proposal drew considerable community discussion and noted that Supervisor Hyland supported it. She also noted that the Mount Vernon Council of Citizens' Associations supported the interim use, conditioned on the Park Authority's initiation of the Master Plan process and performance of a natural resource inventory. In addition, Ms. Stallman said that a petition was circulated by PACK, and the majority of the surrounding neighborhoods supported the use. She pointed out that several environmental and conservation groups had expressed opposition with concerns regarding impacts to natural resources, wildlife, and the nearby wetland at Dyke Marsh. Upon request by the Park Board, Ms. Stallman said that Park Authority staff had held a meeting with representatives from the County's Risk Management Division, the nearby elementary school and library, the Mount Vernon Recreation Center, the Mount Vernon Police Department, Fairfax County Animal Control, and state and local transportation officials to determine the conditions necessary to move the proposal forward, and the consensus was to establish the OLDA on an interim basis as long as it was fenced, had on-site parking, and would only be for a trial period. She noted that a Letter of Understanding between FCPA and PACK was drawn up for a standard OLDA agreement for a two-year trial period, pending the 2232 determination. In addition, she said that while concerns had been raised in community meetings about the impacts of dog waste on the park's wildlife and natural resources, FCPA natural resource specialists said that confinement to the designated OLDA space would eliminate the impacts to the rest of the park. Addressing security concerns, Ms. Stallman

said that the park would be open from dawn to dusk, adding that the Mount Vernon Police Department would regularly patrol the site. She stated that the existing gate would remain during the interim period until a permanent use was determined. She said that the Park Authority Board had assigned a Master Plan for Westgrove Park, to begin later this year. She also explained that a dog park was not currently listed in the Park classification system as a use in a local park, but added that it would likely be included in the Parks Comprehensive Plan's revised list of uses in district and local parks. She described the many benefits of the dog park and requested that the Planning Commission approve the application.

Responding to questions from Commissioner Flanagan, Ms. Stallman acknowledged that Lenclair Park was only two miles from the subject site but would serve the same number of residents. She confirmed that there was a recreation center at the Mount Vernon District Park and explained that the "local" park classification was flexible with regard to the activities that might be permitted. She confirmed the Countywide service area standard limit and said that the service area was dependent on the size of the dog park. In addition, she said that Grist Mill Park was a district park which served a larger area than that of Westgrove Park. Ms. Stallman also confirmed that there were other instances in which interim uses had been approved prior to a Master Plan process.

Answering questions from Commissioner Migliaccio, Ms. Stallman confirmed that the interim use would be "as-is." She concurred with his concern about the impact to the existing grass surface and said that if necessary, the surface would be converted to stone-dust during the trial period. In addition, Todd Johnson, Director, Park Operations Division, FCPA, explained that the surface conversion would likely be a condition of the formal Memorandum of Understanding to be established upon approval of the use.

A brief discussion ensued between Commissioner Sargeant and Ms. Stallman regarding the Guidance To Groups Interested In Establishing An Off-Leash Dog Area in Attachment A-1 of the staff report, wherein it was noted that the Park Authority typically required a Master Plan prior to a 2232 determination.

In response to questions from Commissioner Hart, Ms. Stallman reiterated that the 2004 Master Plan process had been indefinitely deferred due to lack of consensus among the citizens about the park's future uses. She stated that an athletic field was the cause for conflict, adding that no dog park had been proposed during that planning process. She explained the meeting process for the Master Plan to be initiated later this year and the methodology for eliciting public comment. Ms. Stallman explained that none of the previously-approved interim uses were located on sites where the Comprehensive Plan required a Master Plan beforehand. She pointed out that an "inventory" of the species at the park required multiple on-site visits. She noted that during the 2004 Master Plan process, a thorough natural and cultural resource assessment had been conducted, as well as a wetlands delineation. She added that staff had determined that the OLDA would have no adverse impacts on the surrounding natural resources or wildlife.

Before calling the first speaker, Chairman Murphy noted that the Planning Commission had received comments from citizens about speaker time limits. He recommended that all organizations register with Supervisor Hyland's Office.

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

Mary Jo Detweiler, representing Friends of Westgrove Park, 6631 Wakefield Drive, Apt. 903, Alexandria, spoke in opposition to the dog park, citing concerns about its central location within a large wildlife habitat and its impacts on Westgrove Park's connectivity to other nearby parks.

She added that the activity in the dog park would significantly impact other animals in the area and drive them away. In addition, she said the lingering odor from dog waste would have a continuing effect. She also expressed concern that the OLDA would be too close to the stream and RPA and said that vehicular traffic would have a detrimental impact. Ms. Detweiler suggested that the dog park be located near the edges of the larger Westgrove Park or near the Mount Vernon Recreation Center, and asked why no alternate site had been considered. She expressed concern that the access gate to the dog park was partially hidden and might be a safety hazard. In addition, she suggested that the parking plan be upgraded to conform to the Americans with Disabilities Act. She also noted that citizens might have voiced their concerns sooner if a Master Plan for Westgrove Park had been in place.

Martin Tillett, representing Friends of Quander Brook Park, 2410 Fairview Drive, Alexandria, also spoke in opposition to the proposed use, echoing Ms. Detweiler's sentiments regarding connectivity and impacts to wildlife. After providing a brief description of Westgrove Park within the Belle Haven watershed and its interconnectivity with other parks, he explained that granting an interim use without the rigorous study required under a Master Plan process would undermine the legitimacy of other interest groups seeking alternative uses for this site. He said that he often walked Westgrove Park's trails, adding that he took exception to the Park Authority's sanctioning the creation of an interim use for citizens who had been illegally using the park by letting their pets run off-leash. He expressed concern about the natural resources and suggested restoring the site.

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The Commission went into recess at 10:29 p.m. and reconvened in the Board Auditorium at 10:43 p.m.

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Chairman Murphy called the next listed speaker.

Sandra Hoffman, 6608 10th Street, Apt. B-2, Alexandria, expressed concern about the impacts of the dog park on Westgrove Park and the stream. She stated that a minimal inventory had been

performed in 2003, so the impacts on the surrounding areas could not be accurately measured. She also expressed concern that the guidelines had been relaxed and pointed out that nothing had been suggested with regard to restoring the area for another use, should the dog park fail.

Edward Stone, speaking from the South County Center and representing the Friends of Dyke Marsh, 1111 Westmoreland Road, Alexandria, echoed many of the previous speakers' sentiments in opposition to the application, adding that the proposed use did not complement the character of its surroundings. He said that authorization of the interim use would prejudice future uses on the Master Plan. Citing a letter he included in his statement, Mr. Stone noted that the U.S. National Park Service recommended that the site remain a natural, open site. (A copy of Mr. Stone's statement is in the date file.)

Eleanor Quigley, 7600 Admiral Drive, Alexandria, speaking from the South County Center, also spoke in opposition of the dog park, echoing earlier remarks regarding the impacts on the natural resources, wildlife, stream, and connectivity to other parks. She suggested that the site be restored and left in a natural state. She added that approval of the application might be viewed as rewarding unauthorized and bad behavior. (A copy of Ms. Quigley's statement is in the date file.) (Note: During Ms. Quigley's testimony, she was interrupted by technical problems and had to complete her statement later in the meeting.)

Kass Kassebaum, 1402 Wake Forest Drive, Alexandria, was also opposed to the proposed use, citing security issues. Speaking on behalf of neighborhood residents, he expressed concern that the dog park was isolated and hidden from view, making it conducive to criminal activity. He added that the dog park could become an "attractive nuisance" that students from the nearby high school would use for illicit activities, adding that the staff report did not address law enforcement in the area. Mr. Kassebaum questioned the viability of placing a dog park on top of the sewer pit area and asked if the soil had been tested and determined to be safe. He also pointed out that the animals might carry rabies or ticks. (A copy of Mr. Kassebaum's presentation is in the date file.)

Randall Torgerson, Board Member, Westgrove Civic Association, 1300 Tulane Drive, Alexandria, spoke in support of the off-leash dog park. He also noted support for the dog park on behalf of Patti Heck, President of the Villamay Community Association. He said that after conducting a community survey, the Westgrove Civic Association Board found that a large majority of residents favored the dog park, after which the Board voted to support the proposal. He noted that the dog park would be preferable to previously-proposed uses because it would provide an unmet need in a confined area without any impacts to the surrounding wildlife and natural habitat. He added that a dog park would also serve as an outlet for dogs and their owners to socialize. (Copies of Mr. Torgerson's statement and the Villamay Community Association's Resolution are in the date file.)

Daniel Keagle, 8104 Carlyle Place, Alexandria, spoke in support of the application, because its approval would allow owners to run their dogs absent a leash without impacting Dyke Marsh. (A copy of Mr. Keagle's statement is in the date file.)

Sandra Sanborn, Westgrove Representative to the Mount Vernon Council of Citizens' Associations (MVCCA), 6914 Tulsa Court, Alexandria, supported the use and said it would provide a much needed recreational opportunity for residents. She highlighted the best points about Westgrove Park and said that the fenced dog park would have minimal impact on its surroundings. She echoed earlier sentiments regarding the neighborhood support and the benefits of the park.

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Vice Chairman Alcorn assumed the Chair and called the next listed speaker.

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Lori M. Connelly-De Franco, 2216 Glasgow Road, Alexandria, spoke in support of the use and, drawing on her experience as a former law enforcement officer, said that the park would provide an appropriate place for dog owners to let their pets run off-leash without fear of being in violation of the Ordinance.

Mary Tracy, 2004 Bedford Lane, Alexandria, spoke in support of the dog park, adding that a petition had been presented to Supervisor Hyland in 2011. Pointing out that the County currently had only seven dog parks, she said that none had been built since 2006. She said that the community worked diligently with County staff to achieve the compromises that were made. Ms. Tracy pointed out that the park was required to meet the qualifications set forth in *Virginia Code* Section 15.2232-2, not the Master Plan. In addition, she echoed earlier remarks about the park addressing an unmet need for many local residents. She pointed out that dog owners using the site had provided a waste can on-site for everyone to use. She added that Lenclair Park was inconvenient for most of the residents and clarified that other interim uses had been approved as changes to the Comprehensive Plan. Ms. Tracy stated that the dog park was not part of a floodplain, suggesting that the County map had been incorrect. She added that the Chesapeake Bay Preservation Act was not intended to prohibit the use of parks, but to prevent the encroachment of dense residential or commercial development into an environmentally sound area. (A copy of the petition is in the date file.)

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Chairman Murphy resumed the Chair and called the next listed speaker.

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Lisa Stella, 1306 Wake Forest Drive, Alexandria, echoed previous remarks regarding the lack of dog parks in Fairfax County and pointed out that she had previously lived near Alexandria City, which contained 18 dog parks. She added her support to previous comments regarding the benefits of an OLDA at Westgrove Park and asked that the application be approved.

Steven Nixon, President, Westgrove Pumphouse Association for Canine Kindness (PACK), 7734 Midday Lane, Alexandria, spoke in support of the dog park. He explained that he had taken his dog to the park until enforcement began. He echoed previous speakers' remarks regarding the lack of dog parks in in the County in comparison to nearby jurisdictions and the strong support of the community for this use. He also concurred with earlier remarks regarding the park's minimal environmental impacts and its conformance with the adopted Comprehensive Plan.

Elizabeth Martin, speaking from the South County Center and representing the MVCCA, 8707 Stockton Parkway, Alexandria, said that MVCCA had passed a resolution in support of the interim use. She provided a detailed description of the subject site, along with correlating information that was used in formulating the resolution, and said that the nearest dog park was over three miles away. She noted that Section 41.1-2-4 of the Fairfax County Code permitted an "off-leash or dog exercise area" to be designated on Park Authority land by resolution of the Park Authority, adding that Policy 103-1-3 of the FCPA Policy Manual allowed the authorization of this use on an interim basis. She outlined the conditions of MVCCA's Resolution to support the OLDA, pointing out that PACK would be the park's sponsor. She added that the Resolution was closely aligned with the staff report in several of its recommendations regarding waste removal, "no-dog" signage in areas outside the OLDA, and the performance of a natural resource inventory. (Copies of Ms. Martin's statement and MVCCA's Resolution are in the date file.)

George Gill, representing the Montebello Homeowners Association (HOA), 5903 Mount Eagle Drive, Alexandria, spoke in support of the dog park and said that a large number of residents in the community would use it. (A copy of the Montebello HOA letter is in the date file.)

H. Jay Spiegel, P.O. Box 11, Alexandria, also supported the use and disputed previous remarks regarding negative impacts to the surrounding area. He reiterated the *State Code* and Park Policy citations from Ms. Martin's testimony and emphasized that the County was not bound by law to have a Master Plan in place prior to installing a dog park. He stated that it would be infeasible to plant anything other than grass on the site without removing the underlying sewage infrastructure. He added that while Dyke Marsh might be the largest tidal wetland in the area, it was not the only one; thus, basing the decision on such a premise would be incorrect and inappropriate. (A copy of Mr. Spiegel's statement is in the date file.)

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Stallman, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON APPLICATION 2232-V11-25 TO A DATE CERTAIN OF MAY 31, 2012, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

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

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The meeting was adjourned at 11:59 p.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: November 15, 2012

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