

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 20, 2015**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Julie M. Strandlie, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, Commissioner At-Large

//

The meeting was called to order at 8:19 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee met earlier this evening to discuss electric vehicle charging stations. He then stated that the Environment Committee would meet again on Wednesday, June 24, 2015 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss building energy policy. He added that this meeting was open to the public.

//

Chairman Murphy announced that Teresa Wang had been hired as a new Deputy Clerk to the Planning Commission and welcomed her on behalf of the Commission. He said that Ms. Wang had previously worked for the Fairfax County Board of Zoning Appeals.

//

(Start Verbatim Transcript)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SE 2014-PR-067, KONSTANTIN E. PANOV, TO A DATE CERTAIN OF JUNE 25, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Migliaccio seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

//

(Start Verbatim Transcript)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR RZ 2014-PR-018, THE EVERGREEN COMPANIES, LLC, TO A DATE CERTAIN OF JUNE 25, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Migliaccio seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

//

Commissioner Migliaccio stated that on Wednesday, April 15, 2015, the Planning Commission's Policy and Procedures Committee voted on a revised set of bylaws for the Commission. He then said that these revised bylaws had been distributed to the Commissioners by Jill Cooper, Executive Director to the Planning Commission. He explained that the revised bylaws included the following significant changes:

- The inclusion of language articulating the Commission's policy for inclement weather; and
- The removal of references to the Area Plans Review process and the subsequent inclusion of language articulating the public hearing process for Fairfax Forward.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION ADOPT THE REVISED BYLAWS DATED MAY 1, 2015, AS RECOMMENDED BY THE COMMISSION'S POLICY AND PROCEDURES COMMITTEE.

Commissioner Flanagan seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

//

PA 2014-III-DS1 – DULLES SUBURBAN CENTER, LAND UNIT J/AKRIDGE
(Sully District) (Decision Only) (The public hearing on this application was held on April 15, 2015.)

(Start Verbatim Transcript)

Commissioner Litzenberger: Thank you, Mr. Chairman. On April 15th, we had a hearing on a proposed Plan Amendment for the Dulles Suburban Center. Bear with me while I read the background prepared by our excellent staff. On May 13, 2014, the Board of Supervisors authorized staff to examine the appropriate amount and placement of planned residential uses on a vacant 50-acre property located in the Dulles Suburban Center in the Sully District. The property is located near the intersection of Route 28 and Westfields Boulevard. The resulting recommendation is to add an option for predominantly residential development at an intensity of 0.50 FAR, with conditions that encourage the creation of a high-quality living environment. The proposed Plan guidance includes flexibility to have a limited office or retail component that could encourage a mix of uses. On April 15, 2015 the Planning Commission held a public hearing on this Plan Amendment, at which time a motion was approved to defer the decision until today. This property has long been planned as a focal point with higher intensity mixed-use development in anticipation of planned transit. In my view this vision is better served with multifamily housing. Townhouses detract from that vision. In view of that and – although not reflected in the Comprehensive Plan – and due to my 43-year career in aviation – I am sensitive to concerns about aviation safety and I'll elaborate. For the past 13 years, I've analyzed plane crashes as one of my lines of work. There have been three plane crashes at that end of airport at Dulles Airport. In 1999, a Mexicana airliner crashed. Everyone on board was killed when it ran out of gas just north of the site in question. In addition, a small commuter airplane bellied in Westfields on the east side of 28. Also, there was a hot air balloon that crashed in the same vicinity on the east side of 28. In 1978, the Congress passed legislation that was signed by the President mandating quieter jet engines on airliners. The purpose of this legislation was to give people who lived near airports at the time hope that the jet noise would get better over time. And it has significantly. It was not intended to allow homes to be built closer to runways. That was not the intent of that legislation. In 1985, while serving on the Centreville Course Study, I was working for the FAA and a Mr. Henry Long requested to meet with me concerning aviation safety. At the time, the noise line was out near the intersection of 28 and 29, but over the last 30 years has contracted to be just north of the present proposed site of the townhouses. Last year in Montgomery County, a small airplane took off from the airport, crashed into a single-family home, and – unfortunately, the young mother, her toddler, and an infant were all burned alive. The planning board in Montgomery County received great scrutiny for the lack of foresight in planning in letting houses be built so close to an airport. Because of all these factors, I cannot in good conscience support the idea of townhomes or single-family detached houses only three miles off the end of a busy runway. My revision to the staff recommendation limits the residential component to multifamily housing only. My formal recommendation is in the handout that I emailed to my fellow commissioners. The actual changes are listed below. In order to save time I will just focus on what changes occurred from April 15th to tonight. These changes are in the three boxes below. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLANNING COMMISSION ALTERNATIVE FOR PLAN AMENDMENT 2014-III-DS1, AS SHOWN ON MY HANDOUT DATED MAY 18TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: I'd like – first of all, I'd like to thank Commissioner Litzenberger for mailing this motion out ahead of time so we did have a good chance to read it over thoroughly. And I ONLY HAVE ONE – sort of an EDITORIAL FRIENDLY AMENDMENT, I'D LIKE TO SUGGEST. AND THIS IS I'M – WOULD LIKE TO HAVE THE MAKER OF THE MOTION CONSIDER DROPPING THE FIRST BULLET UNDER PARAGRAPH THREE. It appears to be redundant. The – everything that's in that bullet – that first bullet – is – can be found in the paragraph immediately preceding that.

Chairman Murphy: Does staff have a comment on that before –

Clara Johnson, Planning Division, Department of Planning and Zoning: Striking – that's correct. The option describes this as a predominately multi-family residential development just before that. And if you're going to strike it partially, it – it's still consistent to strike it entirely. It doesn't change the meaning.

Commissioner Litzenberger: I'LL ACCEPT THE AMENDMENT.

Chairman Murphy: Okay, Mr. Litzenberger accepts. And since the seconder made the friendly amendment, I guess the seconder also accepts his own friendly amendment.

Commissioner Flanagan: Yes, I'll second the amendment.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it – that it adopt PA 2014-III-DS1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: And the Chair abstains with a friendly abstention. Mister-

Commissioner Hart: I'm abstaining too.

Chairman Murphy: -Hart abstains. Mr. Ulfelder abstains.

Commissioner Litzenberger: Okay.

Chairman Murphy: Okay. Thank you very much.

Commissioner Litzenberger: Mr. Chairman, when you read it, did you say the alternative Plan Amendment? Or just the Plan Amendment? Because it is an alternative plan.

Chairman Murphy: Oh I'm sorry. The correct – the alternative Plan Amendment. Yes, thank you.

Commissioner Litzenberger: Thank you.

(End Verbatim Transcript)

//

(The motion carried by a vote of 7-0-3. Commissioners Hart, Murphy, and Ulfelder abstained. Commissioners Lawrence and Sargeant were absent from the meeting.)

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2015-SP-002 – TERRY M. PETER/LOVE'N CARE DAY CARE
2. PFM AMENDMENT (SIDEWALK WAIVER PROVISIONS)
3. PCA 76-M-007-02 – FAIRFAX COUNTY SCHOOL BOARD

This order was accepted without objection.

//

Since the first case was within the Springfield District, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

//

SE 2015-SP-002 – TERRY M. PETER/LOVE'N CARE DAY CARE – Appl. under Sect(s). 6-105, 6-106 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8388 Crosslake Dr., Fairfax Station, 22039, on approx. 9,911 sq. ft. of land zoned PDH-2. Tax Map 97-3 ((13)) 52. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Terry Peter, Applicant/Title Owner, reaffirmed the affidavit dated April 20, 2015.

There were no disclosures by Commission members.

Commissioner Murphy asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

//

Vice Chairman de la Fe: And if there are no comments, I’ll close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward application for a daycare center to go up to 12 children. We have contacted the leadership of the Crosspoint Community and they apparently, as we see tonight, are of no objection to that. So I’d like Ms. Peter to come back up, if you would please. I’m going to move for approval of this application to the Board of Supervisors. Before I do that and make the motion, I want you to affirm the fact that you understand the development conditions and you will oblige by them.

Terry Peter, Applicant/Title Owner: Yes sir, I do understand and will abide.

Commissioner Murphy: Thank you very much. Mr. Chairman, I MOVE THE PLANNING COMMISSION TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2015-SP-002, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries unanimously. Thank you very much.

Ms. Peter: Thank you sir.

Commissioner Murphy: Thank you.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

//

Chairman Murphy resumed the Chair.

//

PFM AMENDMENT (SIDEWALK WAIVER PROVISIONS) –

The proposed amendment revises the PFM's sidewalk waiver provisions to 1) revise PFM Section 8-0101.5 to codify instances when the developer will be relieved of the requirement to construct a sidewalk and to provide an escrow; 2) revise PFM Section 8-0101.6 to replace the reference to "undue hardship" with a list of criteria that may be considered by the Director of the Department of Public Works and Environmental Services (DPWES), in consult with the Board of Supervisors member for the relevant magisterial district, when evaluating a modification or waiver request; and 3) add PFM Section 8-0101.6A and B related to conditions to any modification or waiver. COUNTYWIDE. PUBLIC HEARING.

John Matusik, Side Code Research and Development Branch (SCRDB), Land Development Services (LDS), 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 approval of the proposed Public Facilities Manual (PFM) Amendment regarding Sidewalk Waiver Provisions.

Referring to Section 8-0101.6B in the revised language of the proposed PFM Amendment dated May 18, 2015, Commissioner Hurley pointed out that this section articulated the circumstances under which an escrow would be required to permit the deferral of required sidewalk construction. She then said that these circumstances created a significant number of escrows of limited value, adding that the value of these accounts was not adjusted for inflation and these accounts were not allowed to utilize interest-bearing assets. Mr. Matusik concurred with Commissioner Hurley's statement. Commissioner Hurley also indicated that there were legal restrictions that prohibited the consolidation of these escrow accounts and suggested that staff study methods for managing escrow accounts reserved for sidewalk construction more efficiently. Mr. Matusik stated that there were legal restrictions on modifying the management of escrow accounts. He then deferred to the County Attorney for more information on these restrictions and the legal ramifications for modifying this process. Commissioner Hurley supported additional study of this issue, saying that she favored the consolidation of escrow accounts reserved for sidewalk construction in order to better utilize the monies within these accounts. (A copy of the revised language is in the date file.)

Commissioner Hurley asked staff to explain why Item C of Section 8-0101.5, which removed a criterion by which a developer would not be required to construct a sidewalk if it had been planned and funded by an adopted Capital Improvement Plan, had been struck from the revised language for the proposed Amendment. She then said that she favored retaining Item C and having the Board of Supervisors decide whether to remove it. Chris Wells, Fairfax County Department of Transportation (FCDOT), explained that Item C had been removed at the request of FCDOT, adding that this item could still be considered for granting a waiver. He also stated that deleting this language would not preclude such a waiver from being granted administratively. Commissioner Hurley reiterated that she favored retaining Item C until the Board of Supervisors' review of this Amendment.

Commissioner Hedetniemi pointed out that the concerns raised by Commissioner Hurley regarding the management of escrows were beyond the scope of the proposed Amendment. She also indicated that she intended to make a motion to approve the proposed Amendment, saying that she concurred with the conclusion that FCDOT provided staff regarding the removal of Item C. Commissioner Hurley asked that Commissioner Hedetniemi verify in her motion for approval whether Item C was included in the Commission's recommendation.

Commissioner Ulfelder said that the process for assessing a request for a waiver was considerable and asked about the timeframe in which such an assessment would be completed. Mr. Matusik explained that the timeframe for analyzing a requested waiver varied for each case, depending on the complexity of the case and the submitted justification for the waiver. He indicated that analysis by the necessary personnel for such a waiver would take approximately one to two months. Commissioner Ulfelder then expressed concern that such a timeframe would discourage applicants from applying for the waiver, citing issues with the efficiency of the process for obtaining this waiver for applicants in certain areas of the Dranesville District.

Referring to Item A of Section 8-0101.6 in the revised language for the proposed Amendment, Commissioner Ulfelder asked staff to explain the criteria for what constituted a registered historical property. Mr. Matusik said that there was no language articulating these criteria, but indicated that such a designation would be determined by coordinating with registered historical societies and reviewing documentation that identified the site as historically significant. Commissioner Ulfelder noted the various registries that listed historically significant sites and the process for placing a site on such a registry, adding that there were legal protections for sites that were in the process of being studied for inclusion in certain registries. He then suggested that additional language be added prior to the Board of Supervisors' public hearing to clarify what constituted a registered historical property. Mr. Matusik did not object to the inclusion of such language.

Commissioner Flanagan stated that a sidewalk waiver was typically granted when the construction of a sidewalk was not consistent with the character of an existing neighborhood. He then asked whether the proposed Amendment would make the process of obtaining such a waiver more efficient. Mr. Matusik said that this Amendment would provide additional flexibility to this process, but noted that the circumstances of a development would affect the efficiency of the process.

Commissioner Ulfelder concurred with Commissioner Flanagan's comments regarding instances where the installation of a sidewalk was not consistent with the character of an existing community, citing previous cases in the Dranesville District where this had occurred. He pointed out that new subdivisions were required to comply with the sidewalk provisions articulated in the PFM, noting that there were areas where such provisions were not appropriate. Commissioner Ulfelder said that the proposed Amendment would facilitate the process for obtaining a waiver, adding that applicants were often not sufficiently informed about this process. Mr. Matusik concurred with Commissioner Ulfelder's statement.

Commissioner Strandlie asked about the probability that a trail or some type of pedestrian path would be installed if a sidewalk waiver were granted. Mr. Matusik said that the installation of trails would be constructed in a manner consistent with the provisions articulated in the

Comprehensive Plan, but indicated that a trail could be installed instead of a sidewalk in certain circumstances.

Jan Leavitt, SCRDB, LDS, DPWES also explained that the scope of the proposed Amendment was limited to the sidewalk requirement, which was based on the density of a subdivision and not applicable to other developments. In addition, she stated that the proposed Amendment would provide flexibility for applicants seeking to obtain a waiver for pieces or segments of sidewalks that were unwarranted for a certain area. She added that the provisions of this Amendment could not preclude sidewalks within a community. Ms. Leavitt indicated that there were circumstances in which the trail requirements and sidewalk requirements for a site could overlap. She then said that a trail could be constructed instead of a sidewalk in this instance, which was subject to a determination by the Director of DPWES.

When Commissioner Ulfelder asked about the possibility that a development would not require a sidewalk or a trail, Mr. Wells said that there would be instances where this would occur. A discussion ensued between Commissioner Ulfelder and Mr. Wells regarding the circumstances in which neither a trail nor a sidewalk would be implemented wherein Mr. Wells stated that the Board of Supervisors favored installing pedestrian paths in most cases, but noted that there were certain properties where such paths were not appropriate.

Commissioner Flanagan cited an instance where a section of Richmond Highway did not include a sidewalk, which created a safety hazard for children waiting for buses. He then said that efforts to construct a sidewalk in this area had been opposed by nearby residents, whose properties had not been subdivided. He pointed out the importance of constructing sidewalks in such locations that lacked adequate pedestrian paths, noting the difficulty of constructing such paths in these locations without the sidewalk requirement. Mr. Wells explained that while the proposed Amendment provided additional flexibility for applicants to obtain a sidewalk waiver, the general policy of the County was to not waive the sidewalk requirements. He added that there were instances, such as infill developments, where a sidewalk was not appropriate.

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

Paul Johnson, 12744 Lavender Keep Circle, Fairfax, said that he was a member of the Fairfax County Trails and Sidewalks Committee and the Chairman of the Engineering Standards and Review Committee. He stated that both committees supported the proposed Amendment because it would provide greater clarity for applicants on when a sidewalk waiver was appropriate. Mr. Johnson addressed Commissioner Ulfelder's concerns regarding the timeframe for reviewing an applicant's waiver request, stating that these requests were submitted in conjunction with the initial submission of a proposal. He also addressed Commissioner Hurley's concern regarding the escrow accounts for constructing sidewalks, saying that certain types of escrows could be modified to apply to the various circumstances of a site.

Chairman Murphy called for concluding staff remarks from Mr. Matusik, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hedetniemi for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Public hearing is closed. Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I want to thank members of the Commission and I want to thank Mr. Matusik, Ms. Leavitt, and Mr. Wells for responding to the questions. I think what this does is, indeed, clarify something that is long overdue in terms of helping people understand what the rights are and what we can and cannot do. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD ADOPT THE PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL REGARDING SIDEWALK MODIFICATIONS AND WAIVERS, AS SET FORTH IN STAFF'S REVISED REPORT DATED MAY 6TH, 2015, WITH STAFF'S RECOMMENDED CHANGE TO PFM SECTION 8-0101.5C DATED MAY 18TH, 2015. I-

Commissioner Litzenberger: Second.

Commissioner Hedetniemi: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENT BECOMES EFFECTIVE AT 12:01 A.M. ON JUNE 24TH, 2015 and the revised – AND THAT THE REVISED PROVISION SHALL BE APPLICABLE TO ANY SUBMISSIONS ON OR AFTER THIS DATE.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? Ms. Hurley.

Commissioner Hurley: I still don't understand. Is that sub-paragraph C in your motion? Or is – it is in the motion to include paragraph C?

Commissioner Hedetniemi: Yes.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the proposed Amendment to the Public Facilities Manual dealing with sidewalk modification and waivers, as articulated – yes.

Jan Leavitt, Site Code Research and Development Branch, Land Development Services: May I ask a – clarification statement. The proposed Amendment in the motion referenced a May 6th staff report and a revised Amendment dated May 18th. That revised Amendment was distributed to the Commission. It does not include C. It strikes C.

Commissioner Hurley: That's my question. Are you striking C or leaving in C?

Commissioner de la Fe: We're being told it's being-

Ms. Leavitt: So the motion-

Commissioner Hedetniemi: If Ms. Leavitt is correct, then that's-

Ms. Leavitt: Yes, the motion you read was correct. It's the comment that you made I wanted to clarify. That – that distribution of the revised Amendment on that date-

Commissioner Hedetniemi: Strikes C.

Ms. Leavitt: -strikes C. Thank you.

Commissioner Hedetniemi: Yes. Thank you.

Commissioner Hurley: So you want to strike C?

Commissioner Hedetniemi: It is strike. It is struck.

Chairman Murphy: Yes.

Commissioner Hurley: On that basis, I will oppose the motion if it does not include C.

Chairman Murphy: All right. All those in favor of the motion, as articulated by Ms. Hedetniemi – motions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley votes no. Thank you so much.

(The motion carried by a vote of 9-1. Commissioner Hurley voted in opposition. Commissioners Lawrence and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

//

Chairman Murphy left the meeting early; therefore, he relinquished the chair to Vice Chairman de la Fe.

//

PCA 76-M-007-02 – FAIRFAX COUNTY SCHOOL BOARD –
Appl. to amend the proffers for RZ 76-M-007 previously approved for office uses to permit an addition to the school (gymnasium), an outdoor play area, bus drop-off and pick-up area, and associated modifications to proffers, site design, and building setbacks in the CRD District, with an overall Floor Area Ratio (FAR) of 0.71. The public school use in the existing building was approved with application 2232-M13-14. Located on the S.W. side of Leesburg Pike, approx. 1,200 ft. S.E. of its intersection with Arlington Blvd., on approx. 3.41 ac. of land zoned C-3, CRD, SC, and HC. Comp. Plan Rec: Office. Tax Map 51-3 ((1)) 30 and 31; 51-3 ((11)) 188

A; 51-3 ((13)) 5, 10, and 11. MASON DISTRICT. PUBLIC HEARING.

John McGranahan, Applicant's Agent, Hunton & Williams, LLP, reaffirmed the affidavit dated May 11, 2015.

There were no disclosures by Commission members.

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application PCA 76-M-007-02.

Commissioner Strandlie pointed out that staff was in the process of finalizing a revised set of proffers that would clarify language involving issues such as the landscaping provisions on the site and the provisions for addressing the impact if Route 7 were widened. She also noted the extent to which the existing building on the subject property had been modified to accommodate the school, adding that she had visited the facility and commended the applicant for their work. In addition, she encouraged her fellow Commissioners to visit the site. (A copy of the revised set is in the date file.)

Commissioner Strandlie asked staff to provide additional information on the construction of the interparcel access to the property located southeast of the site. Ms. Abrahamson pointed out the location of the existing school on the site and noted the existing parking provisions. She then said that the proposal would permit the construction of a new gymnasium on a portion of the parking lot in a manner that was architecturally compatible with the existing building. In addition, she pointed out the location of additional recreational features on the site. Ms. Abrahamson explained that the proposed interparcel access would be located on the southeast corner of the site, noting that the adjacent property contained an existing office building. She then stated that the existing service drive near the site would be converted into a through lane in the event that Route 7 was widened and indicated that the interparcel access would be utilized in conjunction with a new kiss-and-ride to reduce vehicular stacking along Route 7. Ms. Abrahamson said that the timeframe for the widening of Route 7 had not been determined and the language in the proffers would be finalized to ensure that the site could accommodate this widening. In addition, she said that there was significant vegetation on the periphery of the site, a portion of which included invasive species and dead vegetation. She then stated that the applicant would remove the invasive species and dead vegetation to improve the buffer with the neighboring properties to the north and west. Ms. Abrahamson also indicated that there would not be an interparcel connection to the residential neighborhoods located to the west and north of the property.

Commissioner Hart explained that the interparcel access to the commercial property located to the southeast of the site would be constructed under the following scenarios:

- The applicant would coordinate with the property owner of the adjacent property to construct the interparcel access at a mutually agreed upon location; and

- The applicant would construct the interparcel access in its entirety and the neighboring property owner would provide the necessary easement in the event this property owner would not or could not construct such an improvement.

In concurrence with Commissioner Hart's statement, a discussion ensued between Commissioner Hart and Ms. Abrahamson regarding provisions that ensured the proposed interparcel access would be constructed wherein Ms. Abrahamson indicated that the language of the revised set of proffers would be crafted to specify that this feature would be implemented prior to the widening of Route 7, reiterating that the applicant would be primarily responsible for implementing this feature.

Commissioner Hart asked about the extent to which the proposed interparcel access would remove trees or parking spaces and the affect this would have on vehicular circulation within the site. Ms. Abrahamson confirmed that the construction of the proposed interparcel access would require the removal of parking spaces and vegetation. She then noted the approximate location of this feature. However, she stated that there was sufficient parking on the site to accommodate this improvement and no additional modifications to the configuration of the parking lot on the site were necessary.

When Commissioner Hart asked whether the buses would utilize the proposed interparcel access, Ms. Abrahamson said that this access would only be utilized by vehicles dropping students off at the kiss-and-ride. She added that the intent of this interparcel access was to separate the bus traffic from the kiss-and-ride traffic.

Referring to the Environmental Analysis conducted by the Environment and Development Review Branch, as shown in Appendix 13 of the staff report, Commissioner Migliaccio pointed out that staff had concluded that the applicant should demonstrate a level of achievement that exceeds the levels of green building practices required under the current Virginia Statewide Uniform Building Code. Commissioner Migliaccio asked whether there would be any subsequent modifications to the applicant's green building practices in the revised set of proffers. Ms. Abrahamson explained that the applicant's proffers regarding green building practices would be revised to provide additional information on the proposed provisions, but deferred to the applicant for more details on these revisions. In addition, she noted the challenges of implementing green building practices on the existing building because it had been converted from an office building. She also said that the additional gymnasium that would be constructed under the subject application would be built in a manner consistent with the appropriate standards, which included some green building features. A discussion ensued between Commissioner Migliaccio and Ms. Abrahamson regarding the extent to which green building practices had been utilized in the building before it was converted into a school and the potential to implement more green building practices wherein Ms. Abrahamson deferred to the applicant for more information on this issue and Commissioner Migliaccio said he favored incorporating additional provisions on this issue.

Commissioner Hurley asked staff to clarify how the kiss-and-ride would operate with the proposed interparcel access and how buses would access the site. Ms. Abrahamson stated that the existing site operated in a manner where buses and vehicles utilized the same entrance. She then explained that the bus and vehicular traffic would be separated once the proposed interparcel

access was installed, saying that vehicular traffic and truck traffic would utilize the interparcel access.

When Commissioner Hurley asked about a possible interparcel connection with the Buffalo Hills and Shadeland Drive communities located to the west and north of the subject property, Ms. Abrahamson said there would be no such access because the community opposed this feature.

Commissioner Ulfelder asked how vehicles would access the proposed interparcel access, Ms. Abrahamson explained that vehicles would enter the adjacent property to the south and east of the site through Route 7. She added that this access would be shared with the adjacent property. A discussion ensued between Commissioner Ulfelder and Ms. Abrahamson regarding the amount of traffic that would be entering the site from Route 7, the existing access to the subject property, and the impact that the widening of Route 7 would have on the surrounding properties wherein Ms. Abrahamson confirmed the following:

- The subject property could not be accessed from the neighboring residential communities;
- The neighboring property was currently accessed from a service drive; and
- The proposed interparcel access would be accessed by a through lane in the event that Route 7 was widened.

Mr. McGranahan gave a brief history of the site, stating that the subject property had previously contained an office development, which the applicant converted into an elementary school after acquiring the property in January 2014. Mr. McGranahan then explained that while the original 2232 application permitted the conversion of the existing office building into a school, a Proffered Conditioned Amendment was required to install additional structures around the building. He stated that the subject application would permit the construction of a gymnasium and a play area, adding that these modifications would remove a portion of the impervious surface on the site. In addition, he said that the proposal would modify the bus routes to improve the internal circulation on the site.

Mr. McGranahan addressed concerns raised by Commissioner Ulfelder regarding the access points for the site, stating that the subject property could not be accessible by the residential communities to the west and north of the site. He echoed remarks from Ms. Abrahamson regarding the community's opposition to such a connection. He also indicated that the proposed interparcel access would improve the accessibility to the site from Route 7. In addition, he addressed Commissioner Hart's concern regarding the construction of this interparcel access, saying that the applicant would complete this access if the neighboring property owner could not or would not do so. Mr. McGranahan indicated that the language in the revised set of proffers would reflect this intent. He also explained that once the proposed interparcel access was implemented, bus traffic and vehicular traffic would utilize separate access points, which was consistent with the traffic policies at other school sites.

Mr. McGranahan addressed Commissioner Migliaccio's concerns regarding the green building practices for the site, noting the difficulty of implementing such practices on the site since it had been converted from an office building. He then pointed out that the conversion of an office building into a school had a lower environmental impact compared to constructing a new school at another site. Mr. McGranahan explained that the proposed gymnasium would be composed of a pre-fabricated structure, but noted that environmentally sustainable features would be incorporated into this structure and this commitment would be reflected in the revised set of proffers. He added that the proposed gymnasium would utilize energy-efficient practices for HVAC systems, lighting, and plumbing. He also indicated that environmentally friendly construction materials would be utilized in the construction of the proposed gymnasium. He stated that these green building practices were consistent with the County's goals.

Mr. McGranahan addressed Commissioner Hart's concern regarding the potential loss of parking and buffering from constructing the proposed interparcel access, stating that the amount of parking spaces and lost buffering would be minimal. He then indicated that there was sufficient parking on the site to accommodate reduced parking. In addition, he pointed out that the kiss-and-ride that would utilize the proposed inter-parcel access would increase the amount of vehicular stacking that could occur on-site.

Commissioner Flanagan said that he supported the continued operation of the existing school on the site. He also stated that he supported implementing the urban design features utilized at this school for other facilities in the County. However, he expressed concern about placing these schools along major highways, citing a school along Richmond Highway that had been closed due to safety concerns.

When Commissioner Flanagan asked about how students were transported to the school on the subject property, Mr. McGranahan explained that every student that attended the school was transported by way of bus or vehicle and that there were no students that walked to this school, adding that the applicant did not plan to change this policy. He also pointed out that the frontage of the school along Route 7 had been fenced to ensure the safety of the students.

When Commissioner Flanagan asked whether the school would be attended by children residing in the neighborhoods to the north and west of the subject property, Ms. Abrahamson said that it was possible that children in these neighborhoods could attend the school, but noted that this was limited because the school was a magnet school. She added that these students would not be permitted to walk to the school on the site because these neighborhoods opposed a pedestrian connection to the site.

Answering questions from Commissioner Flanagan, Mr. McGranahan confirmed that the existing school on the site utilized 12 buses for approximately 700 students. Ms. Abrahamson also indicated that buses would not be stored on the subject property. A discussion ensued between Commissioner Flanagan and Ms. Abrahamson regarding the traffic impact the buses incurred on Route 7 wherein Ms. Abrahamson noted the efficiency of the school's management of bus traffic going in and out of the site.

Commissioner Litzenberger asked about the subject property's ability to accommodate parking at the school during events, such as Back to School night. Ms. Abrahamson pointed out that there

were additional parking provisions at the Seven Corners Mall, which was located near the site. She added that the site had significant parking capacity because the school had been converted from a former office development. Mr. McGranahan indicated that the school operated a shuttle service for visitors that parked at the Seven Corners Mall for school events.

Vice Chairman de la Fe called the first listed speaker.

Suzie Wells, 3058 Shadeland Drive, Falls Church, said that she participated in her neighborhood committee, which had coordinated with the applicant when the proposal for the school was developed. She explained that her neighborhood had expressed concerns about the initial proposal because of its impact on the character of the site and the surrounding community. Ms. Wells then indicated that the applicant had coordinated with the community to address the concerns of the community and commended the applicant's efforts to respond to these concerns. She then noted that these concerns included issues such as providing sufficient buffering, providing sufficient parking for the school, and the location of various features on the site. Ms. Wells also commended the Mason District Land Use Committee and Commissioner Strandlie for addressing the concerns of the surrounding community. In addition, she indicated that the children of the residents in the community located near the site did not attend the school, echoing remarks from Ms. Abrahamson and Mr. McGranahan regarding the transportation policies for students at the school. Ms. Wells said she supported continued coordination between the applicant and the surrounding community to ensure that the proposed modifications to the site were consistent with the character of the surrounding community and did not adversely impact nearby neighborhoods. In addition, she indicated that the existing school on the site was not consistent with the guidelines and standards prescribed by Fairfax County Public Schools (FCPS). Ms. Wells said that she did not object to the implementation of schools that utilized urban design features in the County, but she favored schools that were consistent with FCPS standards. She also stated that she favored studying the criteria for what constituted a school with urban design features. Ms. Wells expressed concern that the community would not have sufficient time to review the revised set of proffers prior to the approval of the subject application. She also expressed concern about the impact of the proposed interparcel access and the reduced parking provisions on the site. In addition, she pointed out that most of the students attending the school utilized buses to access the site. (A copy of Ms. Wells' statement is in the date file.)

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Mr. McGranahan, who thanked Ms. Wells for her testimony. He then indicated that the applicant would coordinate with Commissioner Strandlie regarding the revised proffers prior to the approval of the subject application. He added that this revised language would address concerns raised by Commissioner Hart regarding the implementation of the proposed interparcel access.

Commissioner Strandlie thanked Ms. Wells for her testimony and commended the residents who had attended the Mason District Land Use Committee meeting regarding this proposal. She also indicated that she would make the content of the revised set of proffers available to the public prior to the approval of the subject application, adding that the provisions for the proposed interparcel access was intended to limit the traffic impact on Route 7. In addition, Commissioner Strandlie commended the applicant and staff from FCPS for their work on the proposal.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Strandlie for action on this case.

(Start Verbatim Transcript)

//

Vice Chairman de la Fe: Public hearing is closed. Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 76-M-007-02 TO A DATE CERTAIN OF MAY 21ST, 2015, WITH THE RECORD REMAINING OPEN UNTIL THEN.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

(The motion carried by a vote of 9-0. Commissioner Murphy was not present for the vote. Commissioners Lawrence and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

//

The meeting was adjourned at 9:48 p.m.

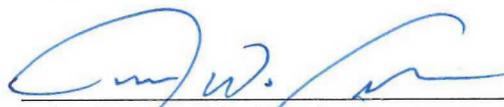
Peter F. Murphy, Chairman

James R. Hart, 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: Jacob Caporaletti

Approved on: October 21, 2015



John Cooper, Clerk to the
Fairfax County Planning Commission