

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 22, 2013**

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

ABSENT: Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION'S PERSONNEL AND BUDGET COMMITTEE MEMBERS CERTIFY THAT, TO THE BEST OF THEIR KNOWLEDGE, ONLY THE PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE *VIRGINIA FREEDOM OF INFORMATION ACT* AND ONLY THE MATTERS IDENTIFIED IN THE MOTION TO CONVENE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED DURING THE THREE SESSIONS HELD ON TUESDAY, MAY 14, 2013; THURSDAY, MAY 16, 2013; AND TUESDAY, MAY, 21, 2013.

Commissioners de la Fe and Migliaccio seconded the motion which carried by a vote of 10-0. Commissioners Hurley and Lawrence were absent from the meeting.

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Chairman Murphy announced that Barbara Lippa, Executive Director, Planning Commission Office, would be retiring from the Planning Commission staff after 35 years of service. He added that Ms. Lippa had been honored for her service by current and former Commissioners and staff at the Planning Commission Appreciation Dinner last month. He commended her for her service to the Commission and noted that she would return to assist her successor and other new staff until early Fall 2013.

Commissioner Hall also commended Ms. Lipa for her contributions to the Commission.

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Chairman Murphy congratulated William Mayland on his appointment as Branch Chief for Areas II and IV in the Zoning Evaluation Division of the Department of Planning and Zoning.

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Chairman Murphy announced that the Planning Commission would not meet again until Thursday, June 13, 2013. He added that the "Celebrate Fairfax!" Fair would be held from Friday, June 7, through Sunday, June 9, 2013, at the Fairfax County Government Center.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SE 2012-MA-018, AGAPE HEALTH MANAGEMENT INC., TO A DATE CERTAIN OF JULY 18, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

NOVEMBER 1, 2012	NOVEMBER 8, 2012
NOVEMBER 15, 2012	NOVEMBER 29, 2012.

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1. Commissioner Hedetniemi abstained; Commissioners Hurley and Lawrence were absent from the meeting.

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FSA-Y96-5-1 – SPRINT, 3600 Joseph Siewick Drive
FSA-M09-75-1 – CLEARWIRE, 4327 Ravensworth Road

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEMS.

Without objection, the motion carried by a vote of 10-0. Commissioners Hurley and Lawrence were absent from the meeting.

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FS-S13-12 – CELCO PARTNERSHIP D/B/A VERIZON WIRELESS, Adjacent to 9060 Palmer Drive

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-S13-12.

Commissioner Litzenberger seconded the motion which carried by a vote of 9-0-1. Commissioner Sargeant abstained; Commissioners Hurley and Lawrence were absent from the meeting.

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FS-S13-2 – MVC RESEARCH, 6199 Old Arrington Lane

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-S13-2.

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

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PRCA B-846 – JBG/RIC, LLC AND RIC RETAIL, LLC (Hunter Mill District) (Decision Only)
(The public hearing on this application was held on May 2, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PRCA B-846, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 21, 2013.

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

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2012-MV-019 – SEYED M. FALSAFI
2. PCA 2005-SU-026 – DD NORTH 3 LC
3. FDPA 2009-SU-024 – DD SOUTH 5 LC
4. RZ/FDP 2012-MV-018 – CAPITAL INVESTMENT ADVISORS, LLC

This order was accepted without objection.

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SE 2012-MV-019 – SEYED M. FALSAFI – Appl. under Sects. 2-904 and 9-606 of the Zoning Ordinance to permit uses in a floodplain. Located at 835 Herbert Springs Road, Alexandria, on approx. 3.12 ac. of land zoned R-2. Tax Map 102-4 ((1)) 77B.
MOUNT VERNON DISTRICT. PUBLIC HEARING

Inda Stagg, Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated April 8, 2013. There were no disclosures by the Commissioners.

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

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2012-MV-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 21, 2013.

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

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PCA 2005-SU-026 – DD NORTH 3 LC – Appl. to amend the proffers for RZ 2005-SU-026 previously approved for office development to permit construction of bridge overpass and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.03. Located at 13800 & 13870 Air and Space Museum Pkwy, Chantilly, 20151, N. and S. sides of Air and Space Museum Pkwy., S. of Wall Road, W. of Centreville Road, and E. of Sully Road on approx. 13.44 ac. of land zoned I-5 and WS. Comp. Plan Rec: Mixed-Use. Tax Map 34-2 ((1)) 33A and 34A1 pt. and portion of public right-of-way for Air and Space Museum Pkwy. SULLY DISTRICT.

FDPA 2009-SU-024 – DD SOUTH 5 LC – Appl. to amend the final development plans for RZ 2009-SU-024 previously approved for office development to permit building additions and associated changes to development conditions and site design. Located on the W. side of Centreville Road, S. of Air and Space Museum Pkwy., and E. of Sully Road on approx. 76.6 ac. of land zoned PDC, HD, and WS. Tax Map 34-2 ((1)) 2B and 3C. SULLY DISTRICT.
JOINT PUBLIC HEARING.

Commissioner Litzenberger noted that an issue had arisen due to a recent court ruling, which necessitated changes to the affidavit, but indicated that this would not affect the public hearing. He therefore MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY REGARDING AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING, AND PROCEED WITH THE PUBLIC HEARING IN REFERENCE TO PCA 2005-SU-026.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0. Commissioners Hurley and Lawrence were absent from the meeting. Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY REGARDING AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING, AND PROCEED WITH THE PUBLIC HEARING IN REFERENCE TO FDPA 2009-SU-024.

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

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Chairman Murphy announced that the agent for the applicant would discuss both PCA 2005-SU-26 and FDPA 2009-SU-024 in their presentation; therefore, these cases would be heard as a joint public hearing.

Frank McDermott, Esquire, Hunton & Williams, LLP, reaffirmed the affidavits for PCA 2005-SU-26 and FDPA 2009-SU-024 dated May 16, 2013. There were no disclosures by the Commissioners.

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report for PCA 2005-SU-26, a copy of which is in the date file. He noted that staff recommended approval of this application.

Mr. Gorney presented the staff report for FDPA 2009-SU-024, a copy of which is in the date file. He noted that staff recommended approval of this application.

Mr. McDermott described the Dulles Discovery North site and noted its proximity to Route 28, Wall Road, and Centreville Road. He also pointed out the site's proximity to the Air and Space Museum, adding that the applicant had extended Air and Space Museum Parkway, installed two additional lanes for Historic Sully Way, installed a traffic signal at the intersection of Wall Road and Centreville Road, and committed to incorporating additional transportation improvements in the area. Mr. McDermott explained that PCA 2005-SU-026 would permit the extension of an overpass across the Air and Space Museum Parkway, which would allow visitors and employees to access both the Dulles Discovery North site and the Dulles Discovery South site without having to exit the security gates. He also indicated that the Proffered Condition Amendment would only affect 13 acres of the 56-acre site, which had been previously rezoned. Mr. McDermott then described the ongoing construction for the buildings in the Dulles Discovery South site, noting the heights of the buildings and the location of the approved decks, the

materials inspection facility, and the central utility plant. He indicated that FDPA 2009-SU-024 would reorient certain buildings and permit the expansion of the buffer along Centreville Road, adding that the trees currently planted were expected to grow by the time the first building was occupied. In addition, Mr. McDermott stated that neither the PCA nor the Final Development Plan Amendment would change the use, density, or floor area ratio of the sites.

In response to questions from Commissioner Litzenberger, Mr. McDermott confirmed the following:

- The proposed overpass would address the security concerns of the applicant and reduce the number of trips along Centreville Road;
- The applicant had met with the West Fairfax County Citizens Association Land Use Committee, who unanimously supported the proposal; and
- The applicant had met with the Sully District Council, who voiced no objections to the proposal.

Mr. McDermott also indicated that the applicant had met with the Chantilly Highlands community, who also did not object to the proposal, and the Franklin Farm Foundation.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2005-SU-026 AND THE ASSOCIATED GENERALIZED DEVELOPMENT PLAN (GDP), SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 20, 2013.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG PORTIONS OF THE NORTHERN, SOUTHERN, EASTERN, AND WESTERN PROPERTY BOUNDARIES, AS SHOWN ON THE GDP.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS WAIVER OF THE COUNTYWIDE TRAILS PLAN RECOMMENDATION FOR A MAJOR PAVED TRAIL ALONG A PORTION OF WALL ROAD IN FAVOR OF THAT SHOWN ON THE GDP.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2009-SU-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 20, 2013.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS MODIFICATION TO PERMIT AN INCREASE IN THE FENCE HEIGHT TO THE MAXIMUM OF NINE FEET AROUND THE PERIMETER OF THE PROPERTY TO PROVIDE SECURITY FOR THE PROPOSED TENANT.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS MODIFICATION TO PERMIT THE TRANSITIONAL SCREENING AS SHOWN ON THE CDP/FDP TO SATISFY THE REQUIREMENTS ALONG THE EASTERN BOUNDARY AND A PORTION OF THE SOUTHERN BOUNDARY.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS MODIFICATION TO PERMIT THE BARRIERS AS SHOWN ON THE CDP/FDP TO SATISFY THE REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE AND A PORTION OF THE EASTERN AND WESTERN PROPERTY LINES.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF THE PREVIOUS WAIVER OF THE COUNTYWIDE TRAILS PLAN RECOMMENDATION FOR

A MAJOR PAVED TRAIL ALONG THE SOUTH SIDE OF THE VACATED BARNSFIELD ROAD.

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

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RZ/FDP 2012-MV-018 – CAPITAL INVESTMENT ADVISORS, LLC – Appls. to rezone from C-5, C-8, R-4, CRD, and HC to PRM, CRD, and HC to permit mixed-use development with an overall floor area ratio (FAR) of 1.45, approval of the conceptual and final development plans, and Waiver #9285-WPFM-001-1 to permit the location of underground storm water management in a residential area. Located in the N.E. quadrant of the intersection of Richmond Hwy. and North Kings Hwy. on approx. 4.71 ac. of land. Comp. Plan Rec: Alternative Uses for Mixed-Use up to 1.8 FAR. Tax Map 83-3 ((1)) 22B, 22C, and 22D; 83-3 ((9)) (1) A, B, 1, 2, 3, 4, 4A, 5, and 5A. MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated May 10, 2013. There were no disclosures by the Commissioners.

William Mayland, 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 applications RZ/FDP 2012-MV-018.

Responding to questions from Commissioner Flanagan, Mr. Mayland confirmed that the applicant owned Sub-Unit F1, but did not control the two portions of the site that contained a Papa Johns Restaurant. He then explained that it was up to the Board of Supervisors to decide to pursue the realignment of North Kings Highway and Shields Avenue, adding that the proposal would dedicate sufficient right-of-way to facilitate this realignment. He added that the Board's decision regarding the realignment was not within the scope of the subject applications and would be assessed at a separate meeting. He also confirmed that the applicant had conducted transportation studies to determine the amount of right-of-way required for the realignment, noting that the proposal included sufficient dedication for all but one of the realignment options under consideration. In addition, he acknowledged that adjacent property owners might be required to dedicate right-of-way or have portions of their property condemned to accommodate the realignment, but indicated that the applicant would not construct any portions of the realignment or acquire off-site right-of-way.

Referring to the proposed interim alignment for Shields Avenue depicted in Figure Number 16 on page 21 of the staff report, Commissioner Flanagan asked whether residents along School Street would be able to utilize the existing intersection with Shields. Mr. Mayland stated that the proposal did not include any changes to School Street and confirmed that the existing turns at the signalized intersection would be retrained, adding that a new entrance for the site would be installed. He also explained how vehicles traveling from School Street, North Kings Highway,

and Richmond Highway would access the subject property, confirming that the existing intersection at Shields Avenue allowed both left and right turns to enter and exit the site. He then added that the applicant would install a right turn lane into the property for southbound traffic on Richmond Highway. A discussion ensued between Commissioner Flanagan and Mr. Mayland regarding how vehicles exiting the site would travel northbound on Richmond Highway in the interim and ultimate road alignment wherein Mr. Mayland explained that the left turns at the Shields Avenue intersection might be removed in the ultimate alignment, which would require vehicles to utilize Fair Haven Avenue or North Kings Highway to travel this route.

In reply to additional questions from Commissioner Flanagan, Mr. Mayland confirmed that the ultimate alignment for North Kings Highway included two medians at the School Street intersection with one of the medians channelizing left turns onto Shields Avenue. He pointed out that vehicles exiting School Street would likely be required to travel southbound on North Kings Highway and perform a U-turn to travel northbound. He also concurred that the absence of a left turn in this alignment might require residents of the proposed development to travel through the neighborhoods to the north of the site to travel northbound on Richmond Highway.

Referring again to the proposed interim alignment for Shields Avenue, Commissioner Flanagan pointed out that vehicles exiting onto Shields Avenue could access the parking lot of the School Street Shopping Center to the west in this condition. Mr. Mayland concurred, but noted that this route would only accommodate inbound traffic. A discussion between Commissioner Flanagan and Mr. Mayland ensued regarding the route vehicles exiting this shopping center would travel to re-enter the subject property.

Commissioner Flanagan informed the Commission that the impacts regarding the ultimate alignment of Shields Avenue and North Kings Highway would not occur if the proposal was approved. In addition, Mr. Mayland reiterated that the applicant would establish the interim alignment and make the necessary right-of-way dedication for the ultimate alignment.

Replying to questions from Commissioner Hart, Mr. Mayland clarified that approval of the subject applications was not an endorsement of the ultimate alignment for Shields Avenue and North Kings Highway, adding that the applicant was only required to implement the interim alignment, which was subject to the approval of the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT). He also said that while some road improvements would be incorporated under the interim alignment, the applicant would contribute \$160,000 to the ultimate alignment, which could potentially be increased to \$250,000, as articulated in Proffer Number 2I in Appendix 1 of the staff report.

Commissioner Hart voiced concern about the proposed design for the ultimate alignment of Shields Avenue and North Kings Highway, pointing out that it conflicted with the Comprehensive Plan recommendation to create a traditional four-way intersection with adequate turn lanes to accommodate projected traffic volumes and that the associated impacts on the surrounding properties would be too severe. When he asked whether approval of these applications would hinder the traditional four-way intersection outlined in the Comprehensive Plan, Mr. Mayland indicated that such an alignment would not be precluded by the proposed development, but reiterated that these applications only provided right-of-way for the ultimate alignment and did not favor a particular alignment option. He added that, with the exception of

one option, the proposed right-of-way dedication would accommodate the ultimate alignment options under consideration by the Board of Supervisors.

Answering additional questions from Commissioner Hart, Mr. Mayland confirmed that no additional land would be required to incorporate the interim alignment and the applicant had not included a condemnation proffer in its proffer package. He also clarified staff and FCDOT's concerns about the left turn from Shields Avenue into the property in the interim alignment, stating that the applicant had not provided sufficient information to indicate that stacking would not be an issue. He added that VDOT had not expressed such concerns about these left turn lanes. A discussion ensued between Commissioner Hart and Mr. Mayland regarding the ramifications if FCDOT and VDOT determined that the left turn lanes outlined in the proposal did not work wherein Mr. Mayland deferred to the applicant to address these concerns; however, he noted that staff was still reviewing information provided by the applicant and had not yet reached a sufficient conclusion on this issue.

When Commissioner Migliaccio asked staff to explain how the funding for the ultimate alignment had been determined, Mr. Mayland explained that staff had initially requested that the applicant provide a third of the funding and that two ongoing developments in the area, which included a previously-approved redevelopment by Insight Property Group, LLC (RZ 2011-LE-016), also provide a third. He added that RZ/FDP 2011-LE-016 had proffered a \$94,000 contribution to the ultimate alignment and additional transportation improvements, but should those improvements not occur, then a \$370,000 to the ultimate alignment could be made. Subsequently, he said that staff supported contributions of a similar amount by the applicant and after numerous discussions, the applicant agreed to increase their contribution from \$160,000 to \$250,000. He noted that this amount was greater than the applicant's estimated share of the total cost of the ultimate alignment and staff was satisfied with this contribution.

In response to additional questions from Commissioner Migliaccio, Mr. Mayland explained that the \$358,986 contribution to the Fairfax County Park Authority (FCPA), as articulated in Proffer Number 6C, was lower than the \$563,483 contribution requested in the letter in Appendix 14 of the staff report because a different ratio was utilized to determine the number of future residents. He stated that since previous applications in the area, such as RZ/FDP 2011-LE-016, had utilized a ratio of 1.25 residents for a one bedroom dwelling unit and 2.0 for a two bedroom dwelling unit to determine the number of future residents, staff concluded that this ratio was appropriate for the applicant. Commissioner Migliaccio expressed concern about the inconsistent standards for contributions being applied to the applicant because it could be detrimental to taxpayers.

Responding to questions from Commissioner Donahue, Mr. Mayland clarified that park contributions were determined on the basis of future residents and not according to square-footage for a development. Commissioner Donahue stated that he would investigate these standards for future developments in his district.

In reply to questions from Commissioner Sargeant, Mr. Mayland noted that the Huntington Metrorail Station was approximately a mile from the subject property and Martha Coello, FCDOT, said that the site was not included in a larger study area regarding other projects in the Huntington area.

When Commissioner Sargeant asked for more information on the public review process for the ultimate alignment of Shields Avenue and North Kings Highway, Ms. Coello explained the following:

- A funding source would be identified for the project and added to the Countywide Transportation Priority List, subject to approval from the Board of Supervisors;
- A public hearing and public meetings would be held if the funding source included federal or VDOT funds; and
- A minimum of two public meetings, but no public hearing, would be required if the funding source included County funds.

A discussion between Commissioner Sargeant and Ms. Coello ensued regarding the time frame for the approval of the ultimate alignment wherein Ms. Coello confirmed that additional traffic analysis would be conducted in association with this project.

Replying to additional questions from Commissioner Sargeant, Mr. Mayland explained that Proffer Number 13, Transportation Demand Management (TDM) Strategies, included a 25 percent reduction in afternoon peak hour trips, a reduction in parking from 1.6 to 1.4 spaces per dwelling unit, and a minimum of 140 bicycle parking spaces on-site. He also said that the applicant would coordinate with FCDOT to amend the TDM program to ensure their goals were achieved. Commissioner Sargeant emphasized the importance of ensuring that the conclusions of the study areas were consistent with the TDM strategies and encouraged greater communication with the surrounding communities regarding TDM.

Ms. Strobel provided a brief history of the proposal and described the existing development on the subject property. She said that the subject application would constructed a mixed-use development that included multi-family housing and first floor retail, noting that this use had been authorized by a previously-approved Out-of-Turn Plan Amendment, S12-IV-MV1. She outlined the modifications the applicant had made to the proposal in coordinating with staff, which included consolidating four single-family lots into the development, adjusting the building heights to ensure appropriate tapers to the surrounding community, and incorporating urban open space and urban plazas. She added that the applicant had emphasized quality urban design for the proposed development. Addressing concerns raised by Commissioner Migliaccio regarding the standards applied to developments, Ms. Strobel pointed out that the proposal was different from RZ/FDP 2011-LE-016, noting the inclusion of multiple urban plazas and the articulation of the architecture, which would enhance the view along Richmond Highway. She said that the proposal included streetscapes to combine pedestrian paths and landscaping, adding that the taller buildings would be oriented along Richmond Highway to create an urban edge that minimized the visual impact on adjacent residential properties. In addition, she stated that the proposal included underground parking, which was not common in the area and added significant cost to the development. Ms. Strobel stated that the proposal would incorporate indoor and outdoor recreation for the residents, landscaping and screening around the periphery of the property to ensure sufficient buffers, and stormwater management provisions. She also noted that the existing development was entirely covered with impervious surfaces. In addition, she highlighted the following proffered commitments:

- Proffer Number 6C, which included the contribution to the FCPA;
- Proffer Number 14, Schools Contribution, which included a \$10,488 per student contribution to Fairfax County Public Schools;
- Proffer Number 9, Sustainable Design, which included provisions for energy efficiency and building design;
- Proffer Number 13, which outlined the applicant's TDM program; and
- Proffer Number 10, which provided 12 percent of the total number of residential units as Workforce Dwelling Units.

Ms. Strobel addressed concerns regarding the traffic in the surrounding area and the realignment of Shields Avenue and North Kings Highway, noting that the applicant had participated in numerous meetings with FCDOT and VDOT, which were also attended by Lee District Supervisor Jeff McKay, Mount Vernon District Supervisor Gerald Hyland, and representatives of various agencies. Ms. Strobel stated that the applicant's engineer had provided the designs for the ultimate alignment and as a result of these meetings; FCDOT and VDOT concluded that the proposed designs were sufficient. However, she pointed out a note on Sheet Number 13 of the CDP/FDP that indicated the designs would not be implemented in conjunction with the subject application, noting that these designs were presented for illustrative purposes only and were subject to future modifications. In addition, she stated that she anticipated additional meetings regarding the alignment and indicated that the applicant would dedicate sufficient right-of-way to accommodate all but one design, pointing out that such dedication was greater than what was typically required. Ms. Strobel then reviewed the following revisions to the proffers that the applicant intended to make prior to the Board of Supervisors' public hearing:

- Proffer Number 2I would be modified to increase the contribution to the realignment of North Kings Highway and Shields Avenue from \$160,000 to \$250,000;
- Proffer Number 2F would be modified to include the Pavilions at Huntington Metro as an additional association; and
- Proffer Number 16A would be modified to also provide the name and telephone number of a contact person for construction issues at the Pavilions at Huntington Metro.

Ms. Strobel noted that while the applicant's contribution to the realignment was not as large as the contribution made in RZ/FDP 2011-LE-016, she reiterated that the applicant had provided the designs and analysis for the alignment at their expense and asked that this be taken into consideration along with the unique characteristics of the site. She also addressed Commissioner Hart's concern regarding vehicular stacking in the left turn lane from Shields Avenue in the interim alignment, noting that the applicant had conducted a queuing analysis for this lane and concluded that there would not be sufficient trips to cause backup. Ms. Strobel then stated that the applicant had met with the surrounding communities and indicated that the proposal had the

support of the Fair Haven Civic Association, the Pavilions at Huntington Metro, the Jefferson Manor Community, and the Mount Vernon Council.

A discussion ensued between Commissioner Flanagan and Ms. Strobel regarding the modifications made to a design submitted by consultants from Gorove/Slade Associates, Inc. for the ultimate alignment of Shields Avenue and North Kings Highway wherein Ms. Strobel said that the amount of stacking the left turn lane into the subject property could be accommodated by this design and while VDOT had expressed concerns about this design, the applicant and the consultants had concluded that it was feasible.

Answering additional questions from Commissioner Flanagan, Ms. Strobel confirmed that vehicles could enter and exit the site directly from the left turn lane on Shields Avenue in the proposed interim alignment and that vehicles could also make the necessary left turn to travel northbound on Richmond Highway. She also clarified that both residents and retail customers would utilize the left turn lanes to enter the site, reiterating that the traffic analysis conducted for this intersection had concluded that there would not be excessive stacking in these lanes.

Commissioner Migliaccio pointed out that the purpose of the realignment of Shields Avenue and North Kings Highway was to reduce cut-through traffic along School Street and asked if the transportation provisions for the proposed development would function if the left turn lane into the site was removed. In response, Ms. Strobel said that the provisions would work.

In response to questions from Commissioner Litzenberger, Ms. Strobel indicated that the ground floor retail would be served by surface parking and portions of the underground parking, which would be appropriately signed. She also stated that the proposal would include between one and two levels of parking, depending on the grade of the site. A discussion between Commissioner Litzenberger and Ms. Strobel ensued regarding possible difficulties in constructing the underground parking garage.

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

Steve Lee, 7535 Little River Turnpike, Suite 200A, Annandale, representing 1004 Kings, LLC, stated that he was the owner of the shopping center located at North Kings Highway and School Street. He said that he supported the development of the area, but he requested that the Commission defer decision on these applications because he had only been recently informed of the proposed development and he required additional time to coordinate with the applicant to resolve concerns about the potential traffic impact of the proposal. He also expressed concern about vehicular stacking in the left turn lane entering the property from Shields Avenue and the impact it would have on traffic along North Kings Highway, which he said was currently subject to frequent congestion during peak hour periods. He added that the proposed ultimate alignment could exacerbate this problem, which would negatively affect his shopping center. (A copy of Mr. Lee's statement is in the date file.)

Commissioner Migliaccio pointed out to Mr. Lee that he had been informed of the previously-approved Out-of-Turn Plan Amendment for the area. He also reminded him that he had attended the public hearing for RZ/FDP 2011-LE-016 and he did not voice any concerns, noting that the applicant for that case had proffered a \$250,000 contribution to his shopping center. When

Commissioner Migliaccio asked if he had contacted Supervisor McKay's office regarding his concerns, Mr. Lee indicated that his attorney had contacted his office via email and telephone, but had not received a response. A discussion between Commissioner Migliaccio and Mr. Lee ensued regarding the extent to which Mr. Lee was notified of the subject applications and RZ/FDP 2011-LE-016, the proffered \$250,000 contribution to his shopping center in RZ/FDP 2011-LE-016, and the process for approving the design for the ultimate alignment for North Kings Highway and Shields Avenue.

Catherine Ledec, 2440 Huntington Park Drive, Alexandria, representing the Pavilions at Huntington Metro Community Association, spoke in support of the proposal. She indicated that her community had met with the applicant and provided input on the designs for the proposed development. She said the proposal would revitalize the area. She also described the current amenities at Mount Eagle Park, which was located near the proposed development and would serve its future residents. Referencing her written statement, Ms. Ledec indicated that while an athletic field had been included in the master plan for the park, it had been removed at the request of the surrounding community. She also pointed out that there were no lights at Mount Eagle Park, which created safety concerns due to criminal activity in the area at night. Subsequently, she requested that the applicant's contributions to the FCPA be earmarked to install safety lighting at Mount Eagle Park to deter criminal activity. (A copy of Ms. Ledec's statement is in the date file.)

In response to questions from Chairman Murphy, Ms. Ledec stated that she had raised concerns about criminal activity in the area at previous community meetings. She also indicated that she had spoken to Commissioner Flanagan and intended to follow up with Supervisor Hyland on this issue.

Commissioner Flanagan stated that after conversations with Ms. Ledec, the Mount Vernon Council agreed to incorporate a recommendation for providing funds for Mount Eagle Park in its resolution. He also said that he had spoken to Supervisor Hyland about this issue and had been told that improvements to the park had been completed, but he planned to meet with Ms. Ledec to address this issue. He added that the FCPA and the Mount Vernon District Supervisors Office would determine how the applicant's park contributions would be allocated, but noted that the funds would not be available until the issuance of a Residential Use Permit. Ms. Ledec then expressed confidence that the necessary improvements would be ready for construction by then.

Frank Cohn, 8809 Gateshead Road, Alexandria, representing the Mount Vernon Transportation Advisory Commission, voiced support for the proposal, but opposed staff's preferred designs for the ultimate alignment of Shields Avenue and North Kings Highway. He stated that removing the left turn into the site on Shields Avenue would increase cut-through traffic in the neighboring residential communities and create inefficient traffic patterns by forcing residents exiting the site to make U-turns. He added that he had attended public meetings on this issue and noted the concern of other attendees about the proposed ultimate alignment. He said that while he concurred with staff's intent to implement traffic calming measures on School Street, he favored other methods of traffic calming and endorsed retaining the left turn lane along Shields Avenue into the proposed development.

Commissioner Migliaccio clarified for Mr. Cohn that the left turn lane would not be removed under the subject applications and that additional traffic calming measures for School Street were under consideration.

Addressing Ms. Cohn's concerns about the design of the ultimate alignment, Commissioner Hart echoed staff's remarks regarding his earlier questions, stating that approval of these applications would not favor the current preferred design for the alignment or preclude alternative designs. When Commissioner Hart asked Mr. Cohn if he had any additional concerns about the proposal, he reiterated that he supported the applications and the interim alignment.

Gretchen Walzl, 7917 New Market Road, Alexandria, representing the Mount Vernon Council of Citizens' Associations (MVCCA), spoke in the support of the proposal because it would contribute to the revitalization of the Richmond Highway Corridor and was consistent with the Comprehensive Plan. She stated that the applicant had met with the MVCCA and their concerns were sufficiently addressed. Ms. Walzl also commended the applicant for their extensive outreach to the surrounding community. She stated that the MVCCA passed an official resolution on April 24, 2013, expressing support for the proposal. (A copy of the MVCCA resolution is in the date file.)

Responding to questions from Commissioner Flanagan, Ms. Walzl reiterated that she supported the proposal as presented by staff and she favored the interim alignment of Shields Avenue and North Kings Highway. She also said she understood that decisions regarding the ultimate alignment would be made at a later time and indicated that would participate in future meetings on this issue. In addition, Ms. Walzl aligned herself with Ms. Ledec position that a portion of the contribution to the FCPA be earmarked for Mount Eagle Park.

Catherine Voorhees, 8029 Washington Road, Alexandria, voiced support for the proposal because it would contribute to the revitalization of the Richmond Highway Corridor, but concurred with remarks made by Mr. Lee regarding the current traffic congestion in the area. She then indicated that she favored the retention of the left turn lane on Shields Avenue. Referring to the memorandum in Appendix 10 of the staff report, Ms. Voorhees pointed out that the Comprehensive Plan recommended only one access point each for Richmond Highway and North Kings Highway and expressed safety concerns for the current design for the ultimate alignment, noting the potential for increased U-turns and the difficulty for large trucks entering the site. In addition, she said that the ultimate alignment would not reduce cut-through traffic on School Street.

A discussion ensued between Commissioner Flanagan and Ms. Voorhees regarding the intersection at Richmond Highway and Huntington Avenue where there was no left turn lane into a nearby development wherein Ms. Voorhees stated that the traffic volume along North Kings Highway was too high to permit a similar alignment.

Jesse Schrum, 6231 Gentle Lane, Alexandria, representing the Huntington Forest Homeowners Association (HFHOA), expressed concern about the impact the ultimate alignment of Shields Avenue and North Kings Highway would have on his neighborhood. He provided a brief history of his community, noting the high land values due to its close proximity to the Huntington Avenue Metrorail Station. He then pointed out that the ultimate alignment would negatively

impact his community by hindering access to Richmond Highway and the Huntington Avenue Metrorail Station. Mr. Schrum stated that the ultimate alignment would increase traffic congestion on Telegraph Road, which was already congested due to developments at Fort Belvoir. He also expressed concern that the traffic issues associated with the ultimate alignment would adversely impact response times for emergency vehicles. He also indicated that Supervisor Hyland had informed him that the proposed design for the ultimate alignment was tentative and no decision would be made on the alignment with this proposal, but representatives from VDOT had indicated that there were no other alternative designs currently under consideration. Subsequently, Mr. Schrum requested that the applicant amend the proffers to ensure that the existing turn lanes for entering and exiting his community were retained. (A copy of Mr. Schrum's statement is in the date file.)

Commissioner Flanagan informed Mr. Schrum that the County could not impose changes to proffers because they were binding on the applicant and not the County. Mr. Mayland concurred, noting that the applicant could not bind the County or VDOT to a particular design for the ultimate alignment because the applicant would not be constructing this improvement.

In reply to questions from Commissioner Hedetniemi, Mr. Schrum clarified that the HFHOA only represented a portion of the approximately 480 residences located between Telegraph Road and North Kings Highway. He also stated that HFHOA had not considered a shuttle service to the Huntington Avenue Metrorail Station, but such a service might be implemented if accessing the Metrorail station became more difficult.

Brian Elson, 6001 Bangor Drive, Alexandria, representing the Fair Haven Citizens Association (FHCA), spoke in support of the proposal because it would contribute to the economic revitalization of the surrounding area. He briefly described other revitalization efforts within the surrounding community and emphasized the importance of effective communication amongst stakeholders. He then commended the applicant for meeting with the community, attending meetings, and addressing the concerns of the residents. Mr. Elson expressed support for the applicant's proffered traffic calming measures, noting the current traffic patterns in the area during peak hour periods and expressing safety concerns about the level of congestion. He also aligned himself with Ms. Ledec's concerns regarding Mount Eagle Park and supported efforts to reduce the criminal activity in the area. He also expressed concern about additional traffic in his neighborhood due to the ultimate alignment of Shields Avenue and North Kings Highway, adding that his community would continue to coordinate with the applicant and the County to address their issues. (A copy of Mr. Elson's statement is in the date file.)

A discussion ensued between Commissioner Flanagan and Mr. Elson regarding the pedestrian traffic and the locations of various traffic signals in the Fair Haven community wherein Mr. Elson concurred with Commissioner Flanagan's assessment that the ultimate alignment of North Kings Highway and Shields Avenue would lead to increased cut-through traffic.

Replying to a follow-up question from Commissioner Flanagan, Mr. Elson said that the proposed interim alignment for North Kings Highway and Shields Avenue would not increase cut-through traffic in his neighborhood.

Referring to Proffer Number 2F, which stated that the applicant would provide written support to the FHCA if traffic calming measures were requested, Commissioner Migliaccio asked if the FHCA had sought additional funds for such measures. Mr. Elson indicated that his community favored directing portions of the funds proffered in Proffer Number 2I towards traffic calming and would coordinate with the applicant's engineers to determine the appropriate measures and associated costs. Commissioner Migliaccio recommended that Mr. Elson submit a written request to the applicant if the FHCA sought a monetary contribution prior to the Board of Supervisors' approval of the proposal.

Chairman Murphy called for speakers from the audience.

Nikzad Moradi, 9446 Onion Patch Drive, Burke, stated that he did not oppose the subject applications, but echoed Mr. Lee's remarks in that he had only been recently informed of this proposal. He also pointed out that nearby parcel of land containing a Papa Johns restaurant was not owned by Papa Johns, noting that they were a tenant. He then reiterated that this parcel had not been acquired by the applicant.

In response to questions from Chairman Murphy, Mr. Moradi clarified that he was the owner of the parcel that contained the Papa Johns restaurant and reiterated that he had only been recently informed of these applications and expressed concern that his property would be adversely affected by the proposed development.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel, who indicated that the applicant did not object to allocating funds towards Mount Eagle Park, but stated that after working with Supervisor Hyland, the applicant would retain the current language of the proffer. She also noted that there had been discussions between the applicant and the owner of the parcel containing the Papa Johns restaurant on incorporating the property into the proposed development, adding that she would follow up on this issue. In addition, Ms. Strobel said that she would follow up with the surrounding community to discuss traffic calming measures.

Responding to a question from Commissioner de la Fe, Ms. Strobel confirmed that the applicant would be amenable to revising the proffer language regarding traffic calming measures, subject to further discussions with the surrounding community.

Answering questions from Commissioner Sargeant, Ms. Strobel explained that, in accordance with Proffer Number 13D-ii, the applicant would provide annual reports to FCDOT regarding the effectiveness of the TDM plan and would continue to work with FCDOT to determine appropriate solutions if deficiencies were identified. Commissioner Sargeant expressed support for this measure and emphasized the importance of coordinating with the surrounding properties to manage traffic.

In reply to a question from Commissioner Hedetniemi, Ms. Strobel said that while the applicant would work with the surrounding community to determine the need for a shuttle service to the Huntington Avenue Metrorail Station, she indicated that the proposed development would not generate enough ridership to warrant such a service.

Chairman Murphy called for closing remarks from Mr. Mayland, who stated that the applicant would install a bus shelter on Richmond Highway. He also said that while a shuttle service was not included with these applications, there were existing bus services to transport residents to the Huntington Avenue Metrorail Station. In addition, he addressed concerns raised by speakers regarding Mount Eagle Park, indicating that staff favored using generic language in Proffer Number 6C to allow greater flexibility for the FCPA and Supervisor Hyland in determining the allocation of the applicant's parks contribution.

Commissioner Migliaccio submitted for the record a packet of emails that he had received regarding these applications. (Copies of these emails are in the date file.)

Replying to questions from Commissioner Hart, Mr. Mayland explained that the Comprehensive Plan recommended full consolidation of the parcels listed in Land Unit D and Sub-Unit F1, but pointed out the site containing the Papa Johns restaurant was not included in these parcels. He also noted that the proposal would not negatively affect the current use of the aforementioned site or preclude future development, subject to its current zoning and size constraints.

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

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-MV-018 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN (CDP), SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT AND THE FOLLOWING REVISION:

- MODIFY MONETARY CONTRIBUTION WITHIN PROFFER NUMBER 2I TO \$250,000, AS AGREED UPON BY THE APPLICANT.

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

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2012-MV-018, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2012-MV-018 AND THE ASSOCIATED CDP.

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

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- WAIVER NUMBER 9285-WPFM-001-1 OF SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL (PFM) TO ALLOW FOR AN UNDERGROUND STORMWATER VAULT ON A RESIDENTIAL PROPERTY, SUBJECT TO THE WAIVER CONDITIONS IN ATTACHMENT A OF APPENDIX 3 OF THE STAFF REPORT;
- A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND WAIVER OF SECTION 13-304 FOR THE BARRIER REQUIREMENTS BETWEEN THE RESIDENTIAL AND COMMERCIAL USES WITHIN THE PROPERTY AND ALONG THE PROPERTY BOUNDARIES, IN FAVOR OF THE LANDSCAPING DEPICTED ON THE CDP/FDP;
- A WAIVER OF SECTION 12-0508 OF THE PFM FOR THE TREE PRESERVATION TARGET; AND
- A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY.

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

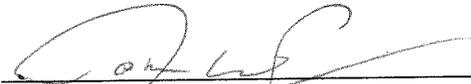
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The meeting was adjourned at 11:20 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

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: Jacob Caporaletti

Approved on: June 11, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission