

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 28, 2009**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Rodney L. Lusk, Lee District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
Peter F. Murphy, Jr., Springfield District

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

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COMMISSION MATTERS

Commissioner Hart noted that the Planning Commission's Environment Committee had met earlier this evening to vote on a recommendation regarding riparian buffers. He said copies of the recommendation and a memorandum from staff, with a similar recommendation from the Environmental Quality Advisory Council, would be distributed to the Commission prior to its vote on Thursday, June 11, 2009. He added that this recommendation would be presented to the Board of Supervisors' Environmental Committee on Monday, June 15, 2009. Commissioner Hart said the Committee had also received a staff presentation on the upcoming proposed Zoning Ordinance Amendment regarding residential structure height and fill, and also changes to the wording of the variance provisions in the Ordinance. He indicated that a Commission public hearing on this item would be held in July. He announced that the Committee would meet again on Thursday, June 11, 2009, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, to receive another staff presentation on encroachments into the Environmental Quality Corridor.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2008-PR-010 AND SE 2008-PR-021, JAMES W. JACKSON, TO A DATE CERTAIN OF SEPTEMBER 9, 2009.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 85-D-033-02, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, TO A DATE CERTAIN OF SEPTEMBER 10, 2009.

Commissioners Lusk and Flanagan seconded the motion which carried by a vote of 8-0-1 with Commissioner de la Fe abstaining; Commissioner Sargeant recused himself; Commissioners Harsel and Murphy absent from the meeting.

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Vice Chairman Alcorn noted that the Planning Commission's Tysons Corner Committee had met on Wednesday, May 27, 2009. He announced that the Committee would meet again on Thursday, June 18, 2009, at 7:00 p.m., in Conference Rooms 2/3 of the Fairfax County Government Center.

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Vice Chairman Alcorn pointed out that at the Board of Supervisors' meeting on Monday, June 1, 2009, the County Executive would recommend that the review period for FS-S09-12, Cricket Communications, 12895 Clifton Creek Drive, be extended to Friday, July 31, 2009.

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RZ 2005-HM-028 – PEDRO AND CARMEN TOSCANO

SE 2007-HM-023 – PEDRO AND CARMEN TOSCANO (Decisions Only)

(The public hearing on these applications was held on April 30, 2009. A verbatim transcript of the decisions made is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF RZ 2005-HM-028 AND SE 2007-HM-023.

Commissioners Lawrence and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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FSA-V08-92-1 – CRICKET COMMUNICATIONS, 5904 Mount Eagle Drive

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF DETERMINATION FOR FSA-V08-92-1, THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY CRICKET COMMUNICATIONS AT 5904 MOUNT EAGLE DRIVE, AS AMENDED BY MEMORANDUM DATED MAY 28, 2009, IS IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners Sargeant and Litzenberger seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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FS-M09-21 – CRICKET COMMUNICATIONS, 6129 Leesburg Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION TO APPROVE FS-M09-21, SUBJECT TO THE ADOPTED COMPREHENSIVE PLAN, AND THAT IT SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners Lusk and Lawrence seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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SEA 85-S-109-02 – MEDICAL FACILITIES OF AMERICA XXIX (29) LP (Braddock District)
(Decision Only) (The public hearing on this application was held on December 11, 2008. A verbatim transcript of the decision made is in the date file.)

On behalf of Commissioner Harsel, Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-S-109-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 20, 2009.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE REQUIREMENT IN PART 3 OF ARTICLE 9 THAT NO FREESTANDING NURSING FACILITY BE ESTABLISHED, EXCEPT ON A PARCEL OF LAND FRONTING ON AND WITH DIRECT ACCESS TO AN EXISTING OR PLANNED COLLECTOR OR ARTERIAL STREET.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION FOR THE 100-FOOT SETBACK REQUIREMENT BETWEEN THE MEDICAL CARE FACILITY AND THE ADJACENT LAND ZONED R-1.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PARKING OF VEHICLES NEAR R DISTRICT LOT LINES, AS REQUIRED IN SECTION 9-609.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM PRIVATE STREET LENGTH.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT FOR THE SOUTHEASTERN PROPERTY LINE TO ALLOW THE LANDSCAPING, AS SHOWN ON THE SEA PLAT.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Litzenberger abstaining; Commissioners Harsel and Murphy absent from the meeting.

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SE 2007-DR-025 – MR. MOSTAFA AND DR. LILY NADIMI (Decision Only)
(The public hearing on this application was held on May 6, 2009. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2007-DR-025, CONSISTENT WITH THE DEVELOPMENT CONDITIONS DATED MAY 28, 2009.

Commissioners Sargeant and Lusk seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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Criteria for Tysons Corner Demonstration Projects

Vice Chairman Alcorn MOVED THAT THE PLANNING COMMISSION ENDORSE THE PROPOSED TYSONS CORNER DEMONSTRATION PROJECT PROCESS.

Commissioners Lawrence and Donahue seconded the motion which carried unanimously with Commissioners Harsel and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Vice Chairman Alcorn established the following order of the agenda:

1. RZ 2008-PR-009 – INOVA HEALTH CARE SERVICES
SEA 80-P-078-15 – INOVA HEALTH CARE SERVICES
PCA 87-P-038-04 – INOVA HEALTH CARE SERVICES
2. PRC A-502 – TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VA
SE 2008-HM-024 – TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VA

This order was accepted without objection.

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RZ 2008-PR-009 – INOVA HEALTH CARE SERVICES – Appl. to rezone from R-1 and R-12 to C-3 to permit an expansion of existing medical care facilities (hospital and accessory uses) and public uses with an overall floor area ratio (FAR) of 0.8. Located in the N.W. quadrant of the intersection of Woodburn Rd. and Gallows Rd. on approx. 65.46 ac. of land. Comp. Plan Rec: Public Facilities and Institutional Uses. Tax Map 49-3 ((1)) 136C and 136C1; 059-2 ((1)) 1A pt., 1B, 1C, 1D, and 1E. (Concurrent with SEA 80-P-078-15 and associated with PCA 87-P-038-04.) PROVIDENCE DISTRICT.

SEA 80-P-078-15 – INOVA HEALTH CARE SERVICES – Appl. under Sects. 4-304, 9-301, and 9-607 of the Zoning Ordinance to amend SE 80-P-078 previously approved for medical care facilities (hospital and accessory uses) and increase in building height to permit increase in land area, building additions, site modifications, and associated modifications to site design and development conditions. Located at 3300-3312 Gallows Rd. and 3300-3340 Woodburn Rd. on approx. 65.46 ac. of land proposed to be zoned C-3. Tax Map 49-3 ((1)) 136C and 136C1; 059-2 ((1)) 1A pt., 1B, 1C, 1D, and 1E. (Concurrent with RZ 2008-PR-009 and associated with PCA 87-P-038-04.) PROVIDENCE DISTRICT.

PCA 87-P-038-04 – INOVA HEALTH CARE SERVICES – Appl. to amend the proffers for RZ 87 P-038 as amended previously approved for an assisted living facility and office uses to permit commercial development and public uses and associated modifications to proffers and site design with an overall floor area ratio (FAR) of 0.7. Located in the S.E. quadrant of the intersection of Arlington Blvd. and Williams Dr. on approx. 16.14 ac. of land zoned C-3. Comp. Plan Rec: Office. Tax Map 49-3 ((1)) 141. (Associated with RZ 2008-PR-009 and SEA 80-P-078-15.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Timothy Sampson, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated May 14, 2009. Commissioner Sargeant disclosed that as an employee of Virginia Dominion Power, he would recuse himself from this public hearing since his colleague from Dominion served on the Inova Board of Directors, as identified in the affidavit. Commissioner Hart also disclosed that his law firm, Hart & Horan, PC, had two pending cases with Mr. Sampson's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case. Vice Chairman Alcorn also disclosed that he had season tickets to the Washington Nationals with James Scott, who was listed in the affidavit as an agent for the applicant, but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

William O'Donnell, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission defer the decisions on these applications to allow additional time for staff to work with the applicant to resolve concerns and prepare a formal analysis and staff report addendum.

Mr. Sampson delivered a PowerPoint presentation, which showed the location of the property, layout of the uses, and development option plans. He stated that the applications sought to rezone the properties owned by Fairfax County and Inova Fairfax Hospital to the C-3 District and move the approved development density on the Willow Oaks site. He said approval of the

applications would also allow Inova Fairfax Hospital to continue to meet the health care service needs of the community. Mr. Sampson reviewed the proffered transportation, stormwater management, and environmental improvements and the park and school facilities contributions. (A copy of the presentation is in the date file.) He explained that the applicant would continue to collaborate with the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT) on the design of the proposed road improvements.

In response to questions from Commissioner Litzenberger, Mr. Sampson explained the penalty provision in the Transportation Demand Management (TDM) proffers and reviewed the bicycle facilities to be provided.

Mr. Sampson replied to questions from Commissioner Flanagan about the TDM penalty. Mr. Sampson said he would provide Commissioner Flanagan with more information on it.

Mr. Sampson; Michael Davis, FCDOT; and Commissioner Hart discussed traffic circulation and access to the property.

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

Linda Fischer, 3125 Williams Drive, Fairfax, spoke in opposition to the applications citing concerns about the parking structures, security and vandalism, and the loss of the existing tree canopy and bird and wildlife habitats. She recommended that the applicant tailor the plans to meet and preferably exceed the tree preservation requirement. (A copy of her remarks is in date file.)

Responding to a question from Commissioner Hall, Ms. Fischer said she had discussed her concerns with staff and would meet with the applicant after this meeting.

Commissioner Flanagan pointed out to Ms. Fischer that staff was also concerned about the proposed tree preservation plan and had recommended this issue be resolved after the rezoning.

In response to questions from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, explained that staff would work with the applicant to add tree canopy and identify more tree save areas to satisfy the new Tree Conservation Ordinance.

Commissioner Lawrence pointed out to Ms. Fischer that staff and the applicant would continue to discuss the issues she had raised.

Replying to questions from Commissioner Litzenberger, Mr. O'Donnell identified the maximum heights allowed for the buildings and Garage B.

Fran Wallingford, 3311 Mantua Drive, Fairfax, member of the Pine Ridge Civic Association and Chair of the Mantua Citizens Association's Land Use Committee, said the community would work with Ms. Fischer to address her concerns about tree preservation. She requested assurance

that vehicles would be able to easily access the hospital and that appropriate road signage would be provided. She expressed objection to reducing parking during renovation and waiving stormwater management requirements. Ms. Wallingford commented on the design of the hospital rooms and the number of beds available during construction. She said she thought it was inappropriate for the applicant, a non-profit organization, to be requested to make contributions to the Fairfax County Park Authority (FCPA) and Fairfax County Public Schools (FCPS).

In response to comments from Commissioner Hall, Ms. Wallingford agreed that some of her issues were not land use related and that the Health Care Advisory Board was aware of the community's concerns. Ms. Abrahamson noted that the Advisory Board's recommendations were contained in the staff report.

There being no more speakers, Vice Chairman Alcorn called for a rebuttal statement from Mr. Sampson.

Mr. Sampson identified the location of Ms. Fischer's property in relation to the proposed Willow Oaks development. He noted that the applicant had proffered to provide a 100-foot setback between Ms. Fischer's property and the parking garage and to comply with the Outdoor Lighting Standards of the Zoning Ordinance. He said the applicant would meet with Ms. Fischer to address her concerns. Mr. Sampson explained that since the tree canopy requirement set forth in the new Tree Conservation Ordinance could not be met on-site, the portion of the requirement that could not be met on-site would be met through the use of off-site tree preservation. He said the applicant would reexamine the tree canopy issue during the deferral period. Addressing Ms. Wallingford's concern about access to the hospital from the northbound HOT lanes, Mr. Sampson explained that an ambulance could surmount the barrier along the HOT lanes to exit at Gallows Road and future design plans allowed for an emergency vehicle only access ramp to Gallows Road. He also addressed Ms. Wallingford's concern about the parking reduction and said the total number of spaces would still significantly exceed the requirement. He noted that the existing BMPs on the Willow Oaks site might need to be deferred while the construction was underway on the permanent SWM/BMP pond. Mr. Sampson said it would be inappropriate for him to comment on Ms. Wallingford's remarks regarding the contribution to the FCPA and FCPS.

Responding to a question from Commissioner Hart, Mr. Sampson explained that the conservation easement was providing the BMP for water quality and it could be vacated on an interim basis while the pond was constructed. He said a detention measure would remain in place during construction to prevent flooding onto adjacent properties.

In response to another question from Commissioner Hart, Ms. Abrahamson noted that during the deferral period, staff would investigate the history of the drainage divides in the area.

Replying to a question from Commissioner Lawrence, Ms. Abrahamson said construction activities associated with the proposed development would not aggravate the flooding problem in

the Accotink Creek Watershed. She noted that the stormwater detention and site outfall measures would be addressed at site plan review.

Commissioner Hart commented that downstream drainage must be accommodated throughout construction. Ms. Abrahamson agreed and said the construction would be phased.

Commissioner Lawrence pointed out that at any stage in any of the development options, the site outfall would meet the Public Facilities Manual requirements.

Ms. Abrahamson responded to questions from Commissioner Flanagan regarding on-site clearing and grading, preservation and replacement of trees, and the SWM/BMP pond.

Commissioner Lawrence announced that he would defer the decisions on these applications and that the record would remain open for additional comments. He explained that a staff report addendum and new set of plans and proffers would be available prior to the decisions. He noted that the scheduled Board of Supervisors' public hearing date of June 22, 2009 would need to be rescheduled accordingly.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR RZ 2008-PR-009 AND SEA 80-P-078-15, TO A DATE CERTAIN OF JUNE 25, 2009, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Sargeant not present for the vote; Commissioners Harsel and Murphy absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 87-P-038-04, TO A DATE CERTAIN OF JUNE 25, 2009, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Sargeant not present for the vote; Commissioners Harsel and Murphy absent from the meeting.

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Vice Chairman Alcorn disclosed that he was a member of the United Christian Parish of Reston; therefore, he would recuse himself from the next case. He relinquished the Chair to Acting Chairman Hart.

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The Commission went into recess at 10:13 p.m. and reconvened in the Board Auditorium at 10:26 p.m.

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PRC A-502 – TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VIRGINIA – Appl. to approve the PRC plan associated with RZ A-502 to permit the expansion of an existing church with a childcare center and nursery school. Located at 11506 and 11508 North Shore Dr. on approx. 4.26 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-2 ((1)) 6 and 13. (Concurrent with SE 2008-HM-024.) HUNTER MILL DISTRICT.

SE 2008-HM-024 – TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VIRGINIA – Appl. under Sect. 9-301 of the Zoning Ordinance to permit an existing church with child care center and nursery school with a maximum daily enrollment of 135 children to permit a building expansion and increase in seats within the church up to 350. Located at 11506 and 11508 North Shore Dr. on approx. 4.26 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-2 ((1)) 6 and 13. (Concurrent with PRC A-502.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Fred Taylor, Esquire, with Bean, Kinney & Korman, PC, reaffirmed the affidavit dated May 5, 2009. There were no disclosures by Commission members.

Kelli Goddard-Sobers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Mr. Taylor stated that the proposed expansion was supported by the Reston Association's (RA) Design Review Board (DRB) and Planning and Zoning Committee. He explained that the applicant had made a great effort to save trees along North Shore Drive and that the use of a pervious surface for the parking spaces would result in tree save because it would lessen the need for off-site storm sewer easements. Mr. Taylor said the surplus parking spaces would be located away from Hickory Cluster development and carved into a hill. He noted that a retaining wall would be constructed to avoid headlight spillage into the adjacent subdivision and a sidewalk and bus shelter would be provided for the benefit the entire area. He pointed out the child care center would operate during the week only and that two services would be held on Sunday with about 150 people in attendance at each.

Acting Chairman Hart called the first listed speaker.

William Schillig, 11500 Sunder Court, Reston, representing the Sunderbriar Cluster Association, spoke in opposition to the applications citing concerns about safety, removal of trees, the deer run, stormwater management, and reduced parking. He suggested that pervious pavers and removable or breakaway bollards be used at the proposed two-way entrance if it was required for heavy truck delivery or fire/emergency vehicles. Mr. Schillig said the existing entrance to the site should be the only access point for the public. He recommended that the applicant use the stated alternatives for underground stormwater management and omit the proposed sidewalk and retaining wall. He also requested that the County provide a crosswalk on the west side of Fairway Drive for pedestrians who parked on Fairway Drive or the south side of North Shore Drive. (A copy of his remarks is in the date file.)

Otto Tubito, 1656 Bachan Court, Reston, aligned himself with the remarks of Mr. Schillig.

Madeline Cohen, 11521 Hickory Cluster, Reston, representing the Hickory Cluster Homeowners Association, expressed opposition to the proposed church expansion due to concerns about loss of trees, lighting, traffic, parking, and safety. She said the proposal would be incompatible with the neighborhood and requested that two-way access only be provided at the existing western entrance. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Flanagan, Ms. Cohen said she was concerned that most of the trees proposed to be removed were located close to residential properties.

Replying to a question from Commissioner Sargeant, James McCormack, engineer with Burgess & Niple, Inc., said the applicant was considering an underground detention facility. He described the proposed bio-retention facilities to be located near the eastern entrance to the site.

In response to a question from Commissioner de la Fe, Mr. McCormack explained that the bio-retention facilities would look and function differently from a dry detention pond, as shown in photograph #8 on page 7 of Mr. Schillig's remarks.

Responding to a question from Commissioner Lawrence, Mr. McCormack stated that the eastern entrance would be built as a two-way entrance only if the applicant could obtain an off-site sight distance easement from the Hickory Cluster Homeowners Association. He noted that if this was the case, the bio-retention facilities could only contain vegetation that would be maintained at a low level to preserve the sight distance. He said if the applicant could not obtain the easement, the eastern entrance would have in access only and the bio-retention facilities could contain trees.

Reverend Joan Bell-Haynes, Pastor of the United Christian Parish of Reston, 11508 North Shore Drive, Reston, spoke in support of the application because the church cared about the well-being and safety of Reston residents and was dedicated to supporting the best interests of its congregation and surrounding neighbors.

In reply to questions from Commissioner Hall, Ms. Bell-Hayne said she had seen deer on the church property. She noted that the applicant would work with the community to address their concerns.

There being no more speakers, Acting Chairman Hart called for a rebuttal statement from Mr. Taylor.

Mr. Taylor stated that the tree preservation plan exceeded the tree canopy requirement by 300 percent. He pointed out that the Virginia Department of Transportation (VDOT) had concluded that parking would not be prohibited along North Shore Drive. He addressed the sight distance and parking concerns that had been raised by the first two speakers, noting that both VDOT and the Fairfax County Department of Transportation had scrutinized the traffic study.

Responding to a question from Commissioner Lawrence, Mr. Taylor said the applicant preferred that the eastern entrance provide two-way access because it would help mitigate traffic flow within the on-site parking lot and facilitate access to the site from both directions.

In response to another question from Commissioner Lawrence, Ms. Goddard-Sobers noted that staff had recommended that the eastern entrance provide in access only due to concerns about sight distance, removal of trees, and the ability of the applicant to obtain the off-site sight distance easement.

Replying to a question from Commissioner Hall, Ms. Goddard-Sobers said that if the applicant obtained the easement prior to site plan approval, staff would accept the two-way entrance as an alternate design but the bio-retention facilities would need to be relocated outside of the sight distance.

In reply to another question from Commissioner Hall, Mr. Taylor explained that the bio-retention facilities would be naturally vegetated similar to a rain garden.

Responding to a question from Acting Chairman Hart, Kristen Abrahamson, ZED, DPZ, said staff would add a development condition that required all parking to be on-site. Mr. Taylor pointed out that currently there was a parking agreement between the applicant and Lake Anne Elementary School for overflow parking on Sundays.

In response to a comment by Commissioner Hart, Mr. Taylor agreed that there was sufficient on-site parking to accommodate the church and nursery school/child care uses.

Commissioner Flanagan suggested that language be added to Development Condition 11 stipulating the traffic flow through the site. Mr. Taylor said the applicant would consider this.

Commissioner de la Fe pointed out that the proposal had been supported by both the RA's Planning and Zoning Committee and the DRB. He reviewed the changes that had been made to the plans, as requested by the Hickory Cluster Homeowners Association. Commissioner de la Fe

announced that he would defer the decisions on these applications to allow time for staff to make additional revisions to the development conditions. He, therefore, recommended the following changes:

- Condition 3 – The revision date of the Special Exception Plat and PRC Plan should be changed from "March 2009" to "May 2009."
- Condition 21 – The path accessing the memorial garden should be made from pervious material and not gravel or asphalt.

Commissioner de la Fe also suggested that the proposed two-way entrance be further examined. He said he was surprised by Mr. Schillig's suggestion to omit the sidewalk from the plan since the sidewalk had been requested by several members of the community. He pointed out that there was currently parking along North Shore Drive and said he believed that the proposal would not cause the traffic situation to become more hazardous. Commissioner de la Fe commented that parallel parking often helped reduce the speed of traffic.

Acting Chairman Hart said he supported the sidewalk because it would safely separate the pedestrians from the motorists along North Shore Drive. He suggested that Development Condition 25 be revised to require that the applicant maintain the bio-retention facilities, remove any dead or dying trees, and keep the facilities free from trash.

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

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR SE 2008-HM-024 AND PRC A-502, TO A DATE CERTAIN OF JUNE 11, 2009, WITH THE RECORD REMAINING OPEN FOR ANY FURTHER COMMENTS.

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

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At the conclusion of this case, Parliamentarian de la Fe resumed the Chair and adjourned the meeting.

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ADJOURNMENT

May 28, 2009

The meeting was adjourned at 11:29 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, 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: Kara A. DeArrastia

Approved on: October 6, 2010

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission