

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 17, 2015**

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

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

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The meeting was called to order at 8:16 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

Chairman Murphy announced that the Planning Commission's Telecommunications Committee met earlier tonight to review editorial revisions to language pertaining to the pole sizes utilized by telecommunication facilities proposed in an upcoming Zoning Ordinance Amendment. He added this Zoning Ordinance Amendment would include numerous other issues and the public hearing for this Amendment would be heard by the Planning Commission on Wednesday, July 8, 2015.

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Commissioner Flanagan announced his intent to further defer the decision only for SE 2015-MV-003, which was scheduled for decision on Thursday, June 18, 2015. He indicated that negotiations with the applicant on multiple issues were still ongoing.

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Chairman Murphy announced that Kimberly Bassarab, Assistant Director of the Planning Commission, became a grandmother. He said that her oldest daughter gave birth to her first child, Alexandra Rose Griffin, on Thursday, June 11, 2015. Chairman Murphy added that mother and

child were in good health and sent Ms. Bassarab and her family the Planning Commission's best wishes.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR AF 2015-SP-001, HEATHER SCOTT-MOLLEDA AND JOSE MARIA MOLLEDA, TO A DATE CERTAIN OF SEPTEMBER 24, 2015.

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

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FS-M14-47 – VERIZON WIRELESS, 5400 Shawnee Road

(Start Verbatim Transcript)

Commissioner Strandlie: Mar. Chairman, I did have some Commission business. I have a "feature shown" on the agenda – FS-M14-47, Verizon Wireless. And I would like to move to approve that. I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF'S DETERMINATION FOR APPLICATION FS-M14-47, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY VERIZON WIRELESS LOCATED AT 5400 SHAWNEE ROAD, ALEXANDRIA, VIRGINIA, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO VIRGINIA CODE 15.2-2232, AS AMENDED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-M14-47, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you.

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

(End Verbatim Transcript)

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SE 2014-MV-073 – SUPERIOR CONCRETE MATERIALS INC. (Decision Only)
(The public hearing on this application was held on June 10, 2015.)

(Start Verbatim Transcript)

Commissioner Flanagan: Yes, I have a decision only for this evening. It's SE 2014-MV-073, Superior Concrete Materials Incorporated. On June 10, the Commission heard testimony regarding a proposed concrete batching facility on Terminal Road where it intersects with the Fairfax County Parkway in Lorton. During the hearing, the applicant proposed an additional Condition 19 that would prohibit concrete delivery and material trucks from using Lorton Road. Testimony confirmed that staff, the Commission, and the Board of Supervisors have approved conditions that prohibit trucks from using a portion of Lorton Road between Richmond Highway and Furnace Road. Staff, however, stated that they did not recommend the addition of the condition proposed by Superior Concrete and the Commission deferred a decision until tonight to allow Superior to consider revisions of their Condition 19 and also using a suggested side-agreement between Superior and the Lorton neighborhood instead. I have since worked – well – since last Thursday – with the Lorton neighborhood associations and Superior on both options. Since – and I am pleased to report that Superior has provided a revised Condition 19 and a side-agreement, either of which are acceptable to Superior, the Lorton neighborhood, and me. The revised Superior Condition 19 option would now only prohibit Superior trucks from using that portion of Lorton Road in the same way as previously approved by staff on other SE applications. The side-agreement option between Superior and the Lorton community would do the same, but be less bureaucratic, faster, and easier to enforce without the use of police. It is based upon an agreement between the Luck Stone Quarry in Sully District and adjacent communities that prohibited quarry truck drivers from using local roads, such as Pleasant Valley, Stone, and Old Post Office Roads, before such routes were posted by VDOT with “through-truck prohibited” signs. The prior Luck Stone agreement – and now VDOT signs – benefit adjacent neighborhoods, including the homes of Commissioners Hart and Litzenberger. Therefore, Mr. Chairman, I request that the applicant confirm for the record, their agreement to the proposed development conditions without a Condition 19 and dated June 4, 2015.

Chairman Murphy: Mr. Painter.

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening, Mr. Chairman – Commissioner Flanagan. My name is Andrew Painter, for the record, with the law firm Walsh Colucci. For the record, we have read, understand, and agree to the conditions of approval without Condition 19.

Commissioner Flanagan: And you have given the community a side-agreement, I understand, also as well. Is that right?

Mr. Painter: We have – dated June 16th – that's correct.

Commissioner Flanagan: And they've agreed to that?

Mr. Painter: Correct.

Commissioner Flanagan: Okay. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-073, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 4, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-073, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain – not present.

Chairman Murphy: Mr. de la Fe abstains – not present for the public hearing. Thank you, Mr. Painter.

Mr. Painter: Thank you.

(The motion carried by a vote of 9-0-1. Commissioner de la Fe abstained. Commissioners Lawrence and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SEA 91-S-031 AND 2232-S14-9 – MILESTONE TOWER LIMITED PARTNERSHIP III, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND VIRGINIA ELECTRIC & POWER COMPANY d/b/a DOMINION VIRGINIA POWER
2. SE 2015-DR-005 – FATEMEH BATMANGHELIDJ d/b/a CHILDREN’S GARDEN

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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SEA 91-S-031 – MILESTONE TOWER LIMITED PARTNERSHIP III, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND VIRGINIA ELECTRIC & POWER COMPANY d/b/a DOMINION VIRGINIA POWER – Appl. under Sect. 3-C04 of the Zoning Ordinance to amend SE 91-S-031 previously approved for electric substation to permit a telecommunications facility, change in land area, and associated modifications to site design and development conditions. Located at 12895 Clifton Creek Dr., Clifton, 20124, on approx. 95.11 ac. of land zoned R-C and WS. Tax Map 75-3 ((1)) 10. (Concurrent with 2232-S14-9.) SPRINGFIELD DISTRICT.

2232-S14-9 – MILESTONE TOWER LIMITED PARTNERSHIP III, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND VIRGINIA ELECTRIC & POWER COMPANY d/b/a DOMINION VIRGINIA POWER – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit a telecommunications facility. Located at 12895 Clifton Creek Dr., Clifton, 20124, on approx. 95.11 ac. of land zoned R-C and WS. Tax Map 75-3 ((1)) 10. (Concurrent with SEA 91-S-031.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Frank Stearns, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated May 5, 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)

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Vice Chairman de la Fe: The public hearing is closed. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. The application is in the very lengthy staff report and the reason is because it needed a thorough analysis – where this monopole is scheduled to be built. It is on a Dominion easement close to the town of Clifton and near Clifton Creek Drive. During the process, we had a land use committee meeting and the applications were presented to the land use committee – the Springfield Land Use Committee – and the committee

unanimously voted to support the application and its recommendation for approval. One of the things that came up was the type of monopole the citizens would like to have in this location, which – as I said – in the middle of an easement where there aren't Dominion power lines. And after much consideration, the Clifton Town Council took a position and said that the Town Council voted unanimously to approve a 140-foot flat top tree pole, as opposed to a regular monopole. And that pole is now 130 feet high. When they made that recommendation, the applicant went back and provided information for the staff to do a quick analysis of this particular monopole at – in a designed – designed like a tree monopole and they are still recommending approval of the application. So I have two letters for the record. One is a letter from the Clifton Town Council and the second is a letter from Deborah Johnson, who is with Dominion Power. During our land use committee meeting, there were several citizens who asked about Dominion Power's procedures on the right-of-way and the Clifton substation regarding the lights and scheduling of maintenance. And the response to those questions and concerns are in this very short letter, which addresses them. So we did have two balloon tests. I believe one was winded out, if that's the correct pronunciation. The wind was so high that day the balloon was going all over the place so we couldn't tell exactly the height of the pole, as it's reflected in the height of the balloon. We had a second balloon test. People came out to see both of them. And from there, we went to the hearing with the land use committee. I want to thank Mary Ann Tsai, who did an excellent job shepherding this application through the process, as she always does. And I would like now to have the applicant come forward and confirm for the record the agreement of the proposed development conditions dated June 11th, 2015.

Frank Stearns, Esquire, Applicant's Agent, Donohue & Stearns, PLC: I do, Commissioner Murphy. And let me just say we also thank Mary Ann Tsai and Harvey Clark. This was not an easy project and they spent a lot of time on it and we do thank them.

Commissioner Murphy: Thank you very much.

Vice Chairman de la Fe: Thank you.

Commissioner Murphy: Mr. Chairman, I concur with the staff's conclusion that the proposed monopole by Milestone Tower Limited Partnership III, Cellco Partnership d/b/a Verizon Wireless and Virginia Power and Electric Company construct a 130-foot tall tree pole telecommunications facility at 12895 Clifton Creek Drive in Clifton, satisfies the criteria of character, location, and extent, as specified in *Virginia Code* Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-S14-9, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND I MOVE TO APPROVE THE 2232.

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.

Commissioner Murphy: Mr. Chairman, I ALSO MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-060 [sic], SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 11TH, 2015.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. 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. Thank you very much.

Commissioner Murphy: Yes, and I have a couple others that I will put together. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS' APPROVAL OF:

- THE MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT, IN FAVOR OF THE EXISTING VEGETATION ON THE SITE, THE LANDSCAPE PLANTINGS SHOWN ON THE SE exception – SPECIAL EXCEPTION AMENDMENT PLAT, AND THE DEVELOPMENT CONDITIONS; AND
- APPROVAL OF A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT ALONG ALL THE PROPERTY LINES.

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. Thank you.

Commissioner Murphy: Okay. Thank you, Mr. Stearns, and all the folks with your company. And – appreciate, again, Mary Ann. Thank you for an excellent job.

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

(End Verbatim Transcript)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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SE 2015-DR-005 – FATEMEH BATMANGHELIDJ d/b/a
CHILDREN’S GARDEN – Appl. under Sect(s). 6-105, 6-106 and
8-305 of the Zoning Ordinance to permit a home child care facility.
Located at 1214 Rowland Dr., Herndon, 20170, on approx. 15,771
sq. ft. of land zoned PDH-1. Tax Map 11-1 ((10)) 101.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Fatemeh Batmanghelidj, Applicant/Title Owner, reaffirmed the affidavit dated May 11, 2015.

There were no disclosures by Commission members.

Commissioner Ulfelder 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 Ulfelder for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Ulfelder.

Commissioner Ulfelder: Thank you. Could you come forward, please? Ms. Batmanghelidj, could you – do you indicate that you agree with the proposed development conditions now dated June 12th, 2015?

Fatemeh Batmanghelidj, Applicant/Title Owner: Yes, I do.

Commissioner Ulfelder: Okay, thank you. Mr. Chairman, this applicant has been operating a state-licensed daycare at this residence for 24 years and has a letter from the Shaker Woods Homeowners Association in the staff report indicated that it hasn’t seen any negative impact on the neighborhood due to the operation of this daycare operation. Therefore, Mr. Chairman, I
MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF

SUPERVISORS APPROVE SE 2015-DR-005, SUBJECT TO THE DEVELOPMENT
CONDITIONS DATED JUNE 12TH, 2015.

Commissioners Hedetniemi and Litzenberger: Seconded.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-DR-005, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Ulfelder: Thank you, Kelly Atkinson.

Chairman Murphy: Yes, thank you, Ms. Atkinson – excellent staff report. And thank you. Good luck to you.

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

(End Verbatim Transcript)

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The meeting was adjourned at 8:33 p.m.

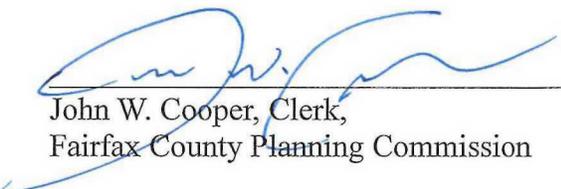
Peter F. Murphy, Chairman

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 W. Cooper, Clerk,
Fairfax County Planning Commission