

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 23, 2011**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Jay P. Donahue, Dranesville District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:20 p.m., by Chairman Peter F. Murphy, Jr. in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Harsel MOVED APPROVAL OF THE FOLLOWING MINUTES:

MARCH 3, 2010	APRIL 14, 2010	MAY 5, 2010
MARCH 4, 2010	APRIL 21, 2010	MAY 13, 2010
MARCH 10, 2010	APRIL 22, 2010	MAY 27, 2010
MARCH 18, 2010	APRIL 29, 2010	
MARCH 24, 2010		
MARCH 25, 2010		
MARCH 31, 2010		

Commissioners de la Fe and Hall seconded the motion which carried by a vote of 8-0-1, with Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the vote; Commissioners Donahue and Sargeant absent from the meeting.

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On behalf of Commissioner Alcorn, Commissioner Lawrence announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, June 29, 2011, at 7:00 p.m., in Conference Rooms 2/3, and noted that everyone was welcome to attend.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, July 7, 2011, at 7:00 p.m., in the Board Conference Room, to obtain stakeholder input regarding the strawman document for proposed changes to the Green Building Policy. He added that everyone was welcome to attend.

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FSA-L07-69-1 – VERIZON WIRELESS, 5801 Franconia Road

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-L07-69-1, LOCATED AT 5801 FRANCONIA ROAD, IS A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232.

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

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2232A-H00-39-1 – T-MOBILE NORTHEAST, LLC, 11400 South Lakes Drive

Chairman Murphy MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEM.

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

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APR 09-I-1L – SOUTH COUNTY APR ITEM (MASON DISTRICT)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION ACCEPT THE WITHDRAWAL OF APR ITEM 09-I-1L, SOUTH COUNTY APR ITEM, MASON DISTRICT.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. RZ 2011-SU-004 – INOVA HEALTH CARE SERVICES
PCA 2000-SU-032-03 – INOVA HEALTH CARE SERVICES
SEA 84-C-076-09 – INOVA HEALTH CARE SERVICES
2. RZ 2010-MV-011 – MEMORIAL VENTURE, LLC

This order was accepted without objection.

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RZ 2011-SU-004 – INOVA HEALTH CARE SERVICES – Appl. to rezone from R-1 to C-3 to permit commercial development with an overall Floor Area Ratio (FAR) of 0.35. Located on the S.E. side of Ox Trail approx. 1,200 ft. W. of its intersection with West Ox Road on approx. 1.09 ac. of land. Comp. Plan Rec: Hospital and related uses at 0.35 FAR. Tax Map 45-2 ((2)) 51A1. (Concurrent with PCA 2000-SU-032-03 and SEA 84-C-076-09.) SULLY DISTRICT.

PCA 2000-SU-032-03 – INOVA HEALTH CARE SERVICES – Appl. to amend the proffers for RZ 2000-SU-032 previously approved for commercial development to permit building additions and associated modifications to site design with an overall Floor Area Ratio (FAR) of 0.35. Located on the S.E. side of Ox Trail approx. 1,200 ft. W. of its intersection with West Ox Road on approx. 62.91 ac. of land zoned C-3. Comp. Plan Rec: Hospital and related uses at 0.35 FAR. Tax Map 45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5; 45-2 ((2)) 38, 39A, 39B, 46A1, and 51A1. (Concurrent with RZ 2011-SU-004 and SEA 84-C-076-9.) SULLY DISTRICT.

SEA 84-C-076-09 – INOVA HEALTH CARE SERVICES – Appl. under Sect. 4-304 of the Zoning Ordinance to amend SE 84-C-076 previously approved for a medical care facility to permit an increase in land area, building additions, and associated modifications to site design and development conditions. Located at 3575, 3600, 3620,

and 3750 Joseph Siewick Dr., 3801 and 3807 Rugby Road, and 12603 Ox Trail on approx. 62.91 ac. of land zoned C-3. Tax Map 45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5; 45-2 ((2)) 38, 39A, 39B, 46A1, and 51A1. (Concurrent with RZ 2011-SU-004 and PCA 2000-SU-032-03.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Timothy Sampson, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated June 14, 2011. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Mr. Sampson's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this public hearing.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

In response to a question from Commissioner Lawrence, Mr. O'Donnell confirmed that Development Condition Number 6 would continue to reflect the requirement for a certificate of public need.

Mr. Sampson said the proposal followed the recently-adopted Area Plans Review (APR) Nomination 08-III-3UP for Inova Health Care Services at Fair Oaks. He briefly described Inova's history and exemplary health care and said the hospital served approximately 95,000 households. He described the existing facility and said that Phase I would include the new Medical Office Building IV which would house a radiation/oncology facility, provide additional surface parking, expand the existing garage, and construct a new vehicular access to Rugby Road. Mr. Sampson noted that the oncology services provided at this site would allow the applicant to better disperse radiation therapy services between its two campuses, thereby providing services in greater proximity to patients in western Fairfax County. He stated that the entrance from Rugby Road would be built concurrently during Phase I of construction, but added that no timeline had yet been established for the additional development. Mr. Sampson mentioned two community outreach meetings, in January and June of 2011, both attended by approximately 25 individually-invited citizens and representatives from over 25 homeowners associations, in addition to meetings with the Sully District Land Use Committee and the Western Fairfax Citizens Association. He said that the plans had been generally well-received by the community, noting that the key focus of discussion had been the buffer along Rugby Road and its alignment. Mr. Sampson pointed out that the applicant would provide 180 additional trees in the buffer area during the first phase of construction and prior to the garage expansion. He also noted that the applicant had proffered additional landscaping in the buffer area and berming along Rugby Road.

In response to questions from Commissioner Litzenberger, Mr. Sampson confirmed that the hospital provided services to approximately 95,000 in western Fairfax and 27,000 households in Loudoun County. In addition, he noted that the proposal offered the least amount of impervious area in comparison to what had been approved during the last APR cycle and what currently existed on the property.

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

Bonnie Carroll, 3806 Rugby Road, Fairfax, did not support or oppose the application; however, she expressed concern about continuous runoff from the nearby pond and stream and the applicant's failure to adequately maintain them. She noted the benefits of having the hospital in the community, citing job opportunities and capital reinvestment. She said that Inova was a wonderful facility; however, it was not always an ideal neighbor, pointing out that 10 years had passed since her drainage pond had been cleaned out. Ms. Carroll stated that the proposed development would exacerbate the existing runoff problem and requested that enforcement measures be taken to rectify it.

Responding to a request from Chairman Murphy, Ms. Carroll indicated the location of her property.

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

Mr. Sampson pointed out that the Carrolls' property sat entirely within the Resource Protection Area, situated at the confluence of two streams draining a large watershed. He added that the County had acquired easements during the 1990s for stormwater flow across the Carrolls' property and had compensated them for residual damages from those easements. He then reiterated that the application proposed less impervious surface than the previous approvals.

Responding to questions from Commissioner Alcorn, Mr. Sampson confirmed that Inova was the only business doing construction in the area. Insofar as the runoff downstream, he explained that the applicant had followed the regulations provided in the Public Facilities Manual (PFM) and would continue to do so throughout the development.

Answering questions from Commissioner Harsel, Mr. Sampson clarified that the Carrolls were compensated by the County for damages to their property during the construction of the Fairfax County Parkway. The ensuing discussion revealed that runoff from exposed underground pipes originated from an upstream drainage shed that flowed into the Carrolls' pond. Mr. Sampson said that the applicant had met the requirements set forth in the PFM for mitigating impacts on downstream ponds, but added that Ms. Carroll could contact him to discuss her concerns.

Commissioner Litzenberger reiterated that this case had been before the Planning Commission during the last APR process and specified that the County had compensated the Carrolls for the easements on their property. He said that the majority of the runoff was from the Fairfax County Parkway, thereby making the County, if not the Virginia Department of Transportation, responsible for the cleanup of her pond. He said that in the past Ms. Carroll had contacted Sully District Supervisor Michael Frey's Office for assistance and suggested she continue to do so in order to have someone examine the pond.

Answering questions from Commissioner Hart, Mr. O'Donnell confirmed that County staff found no issues with the existing stormwater management plan, adding that Inova's stormwater management had proven adequate in the past. He noted that no additional impervious surface was proposed in the application; however, at site plan, Inova would have to prove that the stormwater detention was adequate.

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 applications. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2011-SU-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 6, 2011.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2000-SU-032-03, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 6, 2011.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 84-C-076-09, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 22, 2011.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A REAFFIRMATION OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT AND FURTHER DESCRIBED IN THE PROFFERS.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A REAFFIRMATION OF THE MODIFICATION OF THE LOADING SPACE REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

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RZ 2010-MV-011 – MEMORIAL VENTURE, LLC – Appl. to rezone from PRM, CRD, and HC to C-8, CRD, and HC to permit commercial development with an overall Floor Area Ratio (FAR) of 0.11 and modifications and waivers in a CRD. Located at the SE quadrant of the intersection of East Lee Ave. and Richmond Hwy. on approx. 1.23 ac. of land. Comp. Plan Rec: Office or retail use without drive-thru facilities. Tax Map 93-1 ((18)) (D) 117, 126, 130, and 138. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated May 24, 2011. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Ms. Mariska's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Commissioner Flanagan announced his intent to defer the decision only at the end of the public hearing.

Kelli Goddard-Sobers, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because it was neither in harmony with the Comprehensive Plan nor in conformance with the applicable Zoning Ordinance provisions. She also noted that the application did not contribute to revitalization efforts along this section of Richmond Highway.

Responding to questions from Commissioner Flanagan, Ms. Goddard-Sobers confirmed that the applicant had proposed 37 parking spaces for the site instead of the required 26 and pointed out that 21 spaces would be required if the site were developed by-right. In addition, she noted: page 3 of the staff report cited a 2004 Board of Supervisors approval of a building with streetscaping along the Richmond Highway frontage between the building and the roadway; page 5, paragraph 3, of the staff report provided Comprehensive Plan text that was from a recently adopted Out-of-Turn Plan Amendment that allowed for limited parking; pages 17-18 of the staff report contained the applicant's request for a waiver of the right-turn lane and reduction in the right-of-way. Further discussion ensued regarding the implementation of the Urban Design Criteria and its implementation on this site.

Ms. Mariska stated that the applicant did not expect a decision this evening, adding that the applicant had met with District Supervisor Gerald Hyland, Commissioner Flanagan, and County staff to discuss revisions to the proposed plan. She said that a revised site plan and proffers would be submitted for evaluation, noting that the deferral period would not only provide staff time to look over both items, but would also allow the applicant to submit additional revisions resulting from tonight's public hearing. Ms. Mariska stated that the Mount Vernon Council had recommended denial of the application and pointed out that several of their concerns would be addressed in the revised submission, adding that the applicant hoped to meet with Council representatives during the deferral period. She briefly discussed the history of the property and said that previous plans for development could not be realized. As a result, the property sat unused and served no revitalization goals. Recognizing the high-intensity, high-density urban vision for the Richmond Highway Corridor, Ms. Mariska stated that it could take many years before development was complete; therefore, the applicant proposed a community-serving, small scale retail center as an interim use that would not only be in conformance with the current Plan language, but also revitalize the site. She briefly described the proposal and noted that the site's design was a topic of concern. Ms. Mariska said the applicant had developed a revised site plan to address some of the concerns, including the number of parking spaces, required amount of dedicated right-of-way, and access to the site. She added that minor revisions had also been made to the proffers with regard to phosphorous removal and Leadership in Energy and Environmental Design (LEED) certification. She pointed out that the proposal would be sensitive to the adjacent residential development, noting that access to the site would occur from East Lee Avenue. Ms. Mariska stated that the success of the development greatly depended upon the availability of parking in front of the building. She further noted that locating the parking in front would help alleviate the impact to the adjacent residential community. She added that the applicant proposed an architectural block wall and additional screening along the rear of the property, which would improve upon the existing screening while remaining in conformance with current Zoning Ordinance recommendations. She said the proposal would be pedestrian friendly and noted that the applicant contemplated plans to accommodate an outdoor seating area for a coffee shop or restaurant. (A copy of the revised Sheet 1 of 1, Generalized Development Plan, is in the date file.)

Responding to questions from Commissioner Flanagan, Ms. Mariska confirmed that the proposed right-of-way dedication was in conformance with the current Comprehensive Plan. She explained that the applicant had submitted a request for a waiver from the right-turn lane requirement, but added that she would submit a proffer addressing construction of the turn lane and subsequent loss of footage from the proposed right-of-way dedication. She pointed out that the turn lane would be provided as an interim use based on a long-range development vision that would include three traffic lanes and a streetcar.

Commissioner de la Fe suggested that the applicant transpose the building and parking, particularly since no access would be available to the site from Richmond Highway. He pointed out that relocating the parking behind the building would eliminate many of the objections to the proposal and added that the proposed parking would be more suitable for a traditional strip mall type of development.

Commissioner Flanagan noted that an alternate site design similar to that suggested by Commissioner de la Fe had been proposed and would be taken into consideration during the deferral period.

Commissioner Hart noted that the plan was neither pedestrian-friendly nor pedestrian-oriented and described the circuitous routes necessary to enter the site and buildings. When he asked about the 40-foot building restriction line, Ms. Mariska explained that the information was incorrect and stated that the correct front yard setback would be 20 feet, as recommended in the Zoning Ordinance for a commercial revitalization district. Commissioner Hart further noted his agreement with Commissioner de la Fe's remarks with regard to the site layout. He then asked where the outdoor seating would be located and was told by Ms. Mariska and Commissioner Flanagan that it would be in the courtyard in the center of the site. Commissioner Hart further noted that the composition of the architectural block wall be specified.

During a brief discussion with Commissioner Alcorn, Commissioner Flanagan clarified that tonight's public hearing was based on the site plan in the staff report as well as the revised plan submitted to the Planning Commission prior to tonight's meeting. He stated that comments and suggestions would be integrated into the revised site plan and then formally submitted to County staff on Friday, June 24, 2011, for evaluation.

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

Haji Noor Ahmad, 3007 Preston Avenue, Alexandria, expressed dissatisfaction that a portion of his property had been taken by the Virginia Department of Transportation, but had no comment pertaining to the subject application.

Jeffrey Pandin, President, Memorial Heights Civic Association, 2620 Memorial Street, Alexandria, spoke in support of the proposal. He explained that the property had been vacant for approximately 20 years, resulting in unattended trash on the property and illegal activity that

directly impacted his neighborhood. He said that the Plan recommendation for high-density mixed use on the property had never been feasible, as was clearly evidenced by its failure to attract a viable proposal. He further noted that the high-density mixed use development in progress at the nearby Heights of Groveton, together with the lack of transportation funding and planning for Route 1, would simply accelerate the failure of such development on the site. Mr. Pandin explained that the Memorial Heights Civic Association had met with representatives from Memorial Venture and supported the proposal as an interim use. He disagreed with the recommendation for denial and said that the concern over the front lot parking was inappropriate, particularly considering the number of businesses that continued to offer parking along Richmond Highway. He explained that although it might look better for the parking to be moved off of the Route 1 Corridor, Memorial Heights residents expressed concern that parking in the rear would invite undesirable activity because of the lack of visibility from Route 1. Mr. Pandin added that, given the numerous and diverse businesses that had opened along Route 1 over the past 20 years, he saw no reason why this development should not be approved.

Answering questions from Commissioner Flanagan, Mr. Pandin confirmed that the Memorial Heights Civic Association had voted to recommend approval of the application with the original site plan. He also confirmed that the Association was part of the Mount Vernon Council, adding that Memorial Heights' recommendation for approval had been submitted to the Mount Vernon Planning and Zoning Committee at its June 6, 2011 meeting. He added that the Civic Association had expressed its objection to the recommendation for denial.

In reply to a question from Chairman Murphy, Mr. Pandin said that the subject property was in his neighborhood.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Mariska, who reiterated that the applicant proposed an interim development that would be sensitive to the community and revitalize the property.

After clarifying with Ms. Goddard-Sobers that the applicant would still be in conformance with Plan language if the parking were placed on the sides of the development, Commissioner Hall suggested that the applicant remove the parking from the front and move the building forward along Richmond Highway to make it more pedestrian-friendly. Ms. Mariska said that at least one row of parking in the front would be necessary for the development to be successful, explaining that the applicant's decision to retain the spaces resulted from discussions with retail and marketing experts. She further reiterated that the front parking would be limited, as was permitted by the language in the Comprehensive Plan.

Answering questions from Commissioner Lawrence, Ms. Goddard-Sobers explained staff's concerns about the architectural block wall and said that staff had requested clarification on the topographic depictions on Sheet 6 of 6 of the Cross Sections in the staff report in relation to the slope of the property.

Commissioner Lawrence suggested that the applicant review the tree plan and consider ways to make it work with the topography and mitigate additional impacts on the surrounding community. He also noted that the stormwater management plan should be reviewed, pointing out that the interim period of the development was essentially unlimited.

In reply to questions from Commissioner Flanagan, Ms. Goddard-Sobers said that staff could prepare an Addendum to the application by July 20, 2011, but cautioned that Commissioners would have only one week to review the report. She also said that a response from VDOT regarding the waiver request would be unlikely by that date, adding that staff preferred that the applicant proffer to submit a Proffered Condition Amendment application if the waiver request was denied.

Responding to questions from Commissioner Hart, Ms. Goddard-Sobers stated that nothing in either the Comprehensive Plan or the Policy Plan suggested that an interim development should be regarded more leniently than any other development. She added that staff had met with the applicant and would continue to work toward modifying the proposal to more closely reflect current Plan language.

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 Flanagan for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2010-MV-011 TO A DATE CERTAIN OF JULY 20, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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The meeting was adjourned at 10:08 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

June 23, 2011

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: April 18, 2012

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