MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 10, 2008

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
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Rodney L. Lusk, Lee District

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy, Jr., 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 de la Fe announced that the Planning Commission's Transportation Committee would meet on Thursday, July 24, 2008, at 7:00 p.m., in the Board Conference Room, to receive a staff briefing on the 2232 and Special Exception applications related to the Dulles Rail Stations. He said the public hearings on these applications would be held this fall.

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Commissioner Hart noted that the Planning Commission's Environment Committee had met earlier this evening to discuss the riparian buffers project and the proposed Tree Conservation Ordinance. He said the Committee would meet on Thursday, July 31, 2008, at 7:00 p.m., in the Board Conference Room, to continue discussion on the proposed Tree Conservation Ordinance.

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Commissioner Hart announced that the Environment Committee and Environmental Quality Advisory Council would hold meetings on Wednesday, July 23, 2008, from 7:00 to 9:00 p.m. in Conference Rooms 106/107 in the Herrity Building, and Wednesday, July 30, 2008, from 7:00 to 9:00 p.m. in Conference Rooms 9/10 in the Fairfax County Government Center, to obtain stakeholders' input on the riparian buffers project. He requested that Commissioners RSVP by

tomorrow, July 11, 2008, to Judith Cronauer, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services. Commissioner Hart said that at the July 23rd meeting, the discussion topics would be headwater limits and buffer widths and at the July 30th meeting, the topics would be preservation, restoration, and allowed uses.

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Commissioner Flanagan noted that Commissioners had received a copy of the June issue of the *Fort Belvoir* newsletter and recommended that they read the article on page 2 describing the direct ramp from the High Occupancy Vehicle (HOV)/High Occupancy Toll (HOT) lanes on I-95 into the Engineer Proving Ground. He said this solution had been developed by the Virginia Department of Transportation to help solve the transportation problems related to the Base Realignment and Closure actions.

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Chairman Murphy announced that the Planning Commission was celebrating its 70th Anniversary this week, which commenced on Sunday, July 6, 2008. He noted that on Sunday, July 13, 2008, at 6:00 p.m., the Commission and its invited guests would hold a dinner and program to commemorate the anniversary and to honor former Commissioners Ronald W. Koch, Sully District, and Nancy Hopkins, Dranesville District. Chairman Murphy said the Commission had received a proclamation from the Board of Supervisors on Monday, June 30, 2008, at 9:30 a.m., to recognize the anniversary and designate July 6 through 13, 2008 as Planning Commission Week in Fairfax County. He recognized Planning Commission Office staff and Harry Rado, Planning Division, Department of Planning and Zoning, for designing a great display commemorating the 70th anniversary, which was in the lobby of the Fairfax County Government Center. He also thanked Commission staff for producing an excellent 70th anniversary special issue of the *Planning Communicator*, which featured Commissioner Harsel on the front cover, and *A Look Back: 1938-2008* booklet that would be distributed to attendees at the dinner.

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<u>FSA-M97-15-2 - SPRINT-NEXTEL, 6200 Wilson Boulevard</u>
<u>FSA-M00-32-3 - SPRINT-NEXTEL, 3100 S. Manchester Street</u>
<u>FS-M08-22 - VERIZON WIRELESS, 6200 Wilson Boulevard</u>

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE FOLLOWING THREE “FEATURES SHOWN” AS BEING CONSISTENT WITH *VIRGINIA CODE* SECTION 15.2-2232: FSA-M97-15-2, SPRINT-NEXTEL, LOCATED AT 6200 WILSON BOULEVARD; FSA-M00-32-3, SPRINT-NEXTEL, LOCATED AT 3100 SOUTH MANCHESTER STREET; AND FS-M08-22, VERIZON WIRELESS, LOCATED AT 6200 WILSON BOULEVARD.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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FS-B08-29 - VERIZON WIRELESS, 5687 Rolling Road

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY VERIZON WIRELESS, FOR THE UTILITY TRANSMISSION TOWER OWNED BY DOMINION VIRGINIA POWER LOCATED AT 5687 ROLLING ROAD, IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners Alcorn and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Lusk absent from the meeting.

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FS-P07-65 - T-MOBILE, 2071 Chain Bridge Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH CONSENT AGENDA ITEM FS-P07-65, T-MOBILE, LOCATED AT 2071 CHAIN BRIDGE ROAD.

Without objection, the motion carried unanimously with Commissioner Lusk absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. S08-III-P1 - COMPREHENSIVE PLAN AMENDMENT (Ox Road Assisted Living Facility)
2. SE 2007-DR-018 - WILLIAM P. SLOAN
3. SE 2008-SU-001 - JAI HOTELS, LLC

This order was accepted without objection.

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S08-III-P1 - COMPREHENSIVE PLAN AMENDMENT (Ox Road Assisted Living Facility) - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The proposed Plan Amendment concerns approx. 5.3 ac. generally located on Ox Road, north of the Shoppes at Lorton Valley, south of the Crosspointe subdivision (Tax Map 106-2 ((1)) 8) in the Pohick Planning District. The area is planned for residential use at 0.5-1.0 du/ac. The proposed Amendment will consider recommending an assisted living facility on the subject parcel. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Meghan Van Dam, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed Comprehensive Plan Amendment.

Chairman Murphy called the first listed speaker.

Gregory Riegle, Esquire, with McGuire Woods LLP, representing Sunrise Senior Living, Inc., which planned to develop a Sunrise Assisted Living Facility on the subject property, stated that Sunrise agreed with the staff recommendations and analysis. He noted that Sunrise had been working with staff for over a year on the project, which would comply with the County's adopted Over 50 guidance, feature 70 percent open space, minimize peak hour traffic, and commit to green building techniques. Mr. Riegle then described the surrounding uses. He said Sunrise would continue to perform extensive outreach to the community and that the project had received the support of the adjacent Crosspointe community, the Mount Vernon Council, and the South County Federation.

There being no more speakers, Chairman Murphy called for concluding staff remarks from Ms. Van Dam, who declined.

Commissioner Sargeant thanked Commissioner Flanagan for inviting to him to participate in the discussions on the project, noting that he lived in the Crosspointe community and near the subject property. He commented that the development would be in harmony with the surrounding area and would establish positive precedents of how to adaptively reuse a property that had been originally zoned residential. He commended staff, Sunrise, Commissioner Flanagan, and the citizens for their work on this amendment.

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

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF COMPREHENSIVE PLAN AMENDMENT S08-III-P1.

Commissioners Litzenberger and Sargeant seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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SE 2007-DR-018 - WILLIAM P. SLOAN - Appl. under Sect. 9-610 of the Zoning Ordinance to permit a waiver of the minimum lot width requirement. Located at 1942 Virginia Ave. on approx. 1.0 ac. of land zoned R-2. Tax Map 41-1 ((9)) 1A. DRANESVILLE DISTRICT. PUBLIC HEARING.

Jane Kelsey, with Jane Kelsey & Associates, Inc., reaffirmed the affidavit dated January 24, 2008. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had ended a case for which Ms. Kelsey had been hired as a consultant and an expert witness. He indicated that since this financial relationship had occurred during the time the subject application had been filed, he would recuse himself and not participate in this case.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Commissioner Donahue noted that Development Condition Numbers 5(B)(1), 5(B)(6), and 5(B)(9) concerning the conservation easement had been changed, as shown in the set of development conditions dated July 10, 2008, and that the applicant had agreed to them.

Ms. Kelsey explained that the application was in harmony with the Comprehensive Plan and met the applicable Zoning Ordinance requirements and was compatible with the general area in lot size, building footprint, disturbed area, and impervious surface. Ms. Kelsey noted that the applicant had agreed to the revised development conditions and the tree preservation plan. She stated that the proposed conservation easement would run in perpetuity with the property to address the concern raised by the community, as indicated in Development Condition Number 5.

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

Adrienne Whyte, 6704 West Falls Way, Falls Church, President of McLean Land Conservancy, Inc., spoke in opposition to the application because it would set a precedent for future lot width waivers and allow construction of two houses instead of one. She said the proposed conservation easement protection was not significant and did not meet Federal, State, or County definitions. She commented that protection of the easement would be difficult to monitor and enforce due to the lack of County resources and pointed out that a land use trust or organization

specializing in monitoring easements had not been specified in the development conditions. Ms. Whyte emphasized that the property did not meet the criteria contained in the Policy Plan stating that conservation easements should be used for preserving open space in developed areas in order to provide natural areas, protect environmentally-sensitive resources, and preserve wildlife habitat. She expressed concern about the easement being put in an outlot in order for the developer to receive Best Management Practices (BMP) credit.

In response to a question from Commissioner Alcorn, Ms. Lewis explained that approval of this application would not create a precedent for assumed approval of future similar applications because staff diligently evaluated each one against the applicable Zoning Ordinance standards.

Responding to questions from Commissioner Lawrence, Ms. Lewis said she would verify whether the proposed conservation easement violated the County definition of a conservation easement. Referring to a concern raised by Ms. Whyte, Ms. Lewis explained that the conservation easement would not be used for BMP credit.

Robert Adriance, 2110 Virginia Avenue, McLean, said he was opposed to the proposed development because the placement of two houses closer together and closer to the street would detract from the neighborhood. He pointed out that if the application was approved, similar applications would follow suit. Mr. Adriance read from a letter dated March 19, 2008, from Dale Murad, Co-Chair of the McLean Citizens Association's (MCA) Planning and Zoning Committee, to the Planning Commission Office, stating that there was nothing unique about the property which warranted a waiver of the minimum lot width requirement. (A copy of the letter is in the date file.)

In response to a question from Commissioner Alcorn, Ms. Lewis read from Paragraph 2 of Section 9-610 of the Zoning Ordinance which stated that certain criteria had to be met to justify a waiver, but the word "unique" was not used. She also noted that Paragraph 3 stated that it must be demonstrated that there would be no deleterious effect on existing or planned development of adjacent property.

Mark Zetts, 6640 Kirby Court, Falls Church, Co-Chair of the MCA's Planning and Zoning Committee, expressed opposition to the application because the tree preservation area did not justify the requested lot width waiver, the property could sufficiently accommodate a single house, and the construction of two houses would result in more impervious surface. He said the distance between the proposed houses and their proximity to the street would not be compatible with the character of the neighborhood. Mr. Zetts expressed concern about the language in Development Condition Number 5(B)(1) that excused the homeowner from the obligation to replace or replant any trees if determined by the Urban Forester that the damage or loss had been caused by actions or conditions beyond the owner's control. He commented that lot width waivers, unless there was a clear public benefit, were wrong and undermined the Zoning Ordinance.

Commissioner Donahue pointed out that the language Mr. Zetts had referred to in Condition Number 5(B)(1) had been strengthened, noting that it allotted a greater degree of authority to the

Urban Forester and deleted the statement "then the owner will be excused from the obligation to replace/replant," as indicated in the revised set of conditions dated July 10, 2008.

Mr. Zetts responded to questions from Commissioner Hall regarding his position on the application.

Responding to a question from Commissioner Sargeant, Ms. Lewis cited the sizes of the abutting and adjacent lots along Virginia Avenue.

In response to another question from Commissioner Sargeant, Mr. Zetts noted that the Franklin Park community had numerous nonconforming parcels because they had been developed before the County had adopted the Zoning Ordinance; however, this should not entitle the property owner to a reduced lot width.

Steve DelBianco, 1920 Virginia Avenue, McLean, Vice President of the Franklin Area Citizens Association (FACA), noted that he had distributed a letter and resolution of opposition from the Fairfax County Federation of Citizens Associations (FCFCA) and the FACA. He explained that the FCFCA requested that the Commission establish a consistent and rational basis for applications requesting lot width waivers to protect the interests of citizens and avoid abuse. He noted that the FCFCA opposed the application because the tree save area in the rear of the lot did not provide sufficient public interest benefits to offset the adverse impact on the neighborhood. Mr. DelBianco said the application was not in harmony with the Ordinance and pointed out that Paragraph 2 of Section 9-610 was impossible to fulfill, noting that all existing vegetation and topography would not be preserved in any development. He commented that the application would set a precedent of allowing future applicants to abuse the use of a conservation easement and demand extra buildable lots under the threat of clear-cutting the lot by-right. (Copies of the letter and resolutions are in the date file.)

Responding to a question from Commissioner Sargeant, Mr. DelBianco explained his interpretation of public benefit.

In response to another question from Commissioner Sargeant, Ms. Lewis indicated that the proposed houses met the minimum front yard and side yard setback requirements for the R-2 District.

Responding to questions from Commissioner Hall, Ms. Lewis said the applicant had not requested any variances or waivers of setbacks and had only requested a waiver of the lot width. She referred to a map of the subject property and its surrounding properties on page 14 of the staff report, noting that many of the existing houses touched or crossed over the lot lines.

Mr. DelBianco responded to questions from Commissioner Hall about his position on the application and discussed with her the distance of the proposed houses to the street compared to the adjacent houses as well as the preservation of trees in the neighborhood.

Commissioner Flanagan explained that since there was no grandfather clause in the Zoning Ordinance requiring that the original setback and lot width standards be maintained, older neighborhoods would continue to face problems when homes were torn down and rebuilt. He pointed out that in this case, only one of the proposed houses would be closer to the street than the other houses. Mr. DelBianco recommended that the language in Paragraph 2 of Section 9-610, requiring the applicant to demonstrate that the waiver would result in a development that preserved existing vegetation and topography, be revised to specify what would qualify as a sufficient amount of preserved vegetation and topography to compensate for the increased yield.

Commissioner Harsel pointed out that the applicant could build a 150-foot wide house by-right and still meet the required side yard line; however, in this case, the applicant proposed to build two houses that could be no more than 60 feet wide each. Mr. DelBianco claimed that the preservation of trees in the backyard, if one house was built by-right, did not compensate for the construction of two houses located closer to the street.

Marina Djernaes, 1907 Virginia Avenue, McLean, spoke in opposition to the proposed development because all the trees in the front yard would be cut down, which would significantly impact the appearance of the neighborhood. She urged the Commission not to allow a higher density and to consider a tree ordinance that preserved the density of the trees.

In response to questions from Commissioner Hall, Ms. Djernaes indicated that her lot was 38A. She said she did not support the proposed conservation easement to offset the development of the additional house.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Kelsey.

Ms. Kelsey stated that the applicant had never proposed to clear-cut all the trees or build right up to the setback lines. She explained that the applicant would provide a 25,700-square foot conservation easement that guaranteed the area would remain undisturbed in perpetuity and that violators would be penalized stringently. She said the conservation easement would benefit the environment and preserve the wildlife. Ms. Kelsey referred to Development Condition Number 5(B)(1), noting that if a tree within the conservation easement died, it must remain unless it was unsafe for the habitat. She said the application would not set a precedent for future requested lot width waivers because each one was different and would be examined on its own merits.

Samuel Doan, project arborist with Geoforestry, Inc., appearing on behalf of the applicant, identified the location and species of trees on the property, the limits of disturbance, the tree preservation line, and the conservation easement. He noted that many changes had been made to the original plan at the request of County staff and the community, including moving the houses forward so more trees could be saved. He said the trees located at the rear of the property would most likely survive, unlike those in the front which would probably die as a result of construction.

Responding to a question from Commissioner Lawrence, Mr. Doan identified trees that would be planted, removed, and preserved in the front yard.

Mr. Doan and Heather Finch, County Arborist, Urban Forest Management Division (UFMD), Department of Public Works and Environmental Services, responded to questions from Commissioner Litzenberger about the preservation of a large black oak tree located adjacent to the undisturbed area.

In response to a question from Commissioner Hall, Ms. Finch said that, in her personal opinion, the proposed conservation easement area was valuable and worth saving because it was a multi-layered, mostly undisturbed area of woods that would benefit the wildlife habitat and water quality in the area.

Responding to questions from Commissioner Sargeant, Ms. Finch noted that if the property was subdivided, the owner of the western lot would be responsible for maintaining the black oak since its trunk was located on that side. She explained that this tree would be protected by the conservation easement and cutting its limbs would not be allowed without prior permission from the County, noting that the only time UFMD would request the homeowner to prune the tree would be if the limbs were dead and posed a hazard to the property.

In response to a question from Commissioner Harsel, Ms. Finch said she had not visited the property since last November when the trees appeared to be generally healthy, but conditions could have changed since that time. She noted that Mr. Doan had performed an in-depth evaluation of the trees and had provided staff with condition ratings.

Responding to another question from Commissioner Harsel, Ms. Lewis stated that Development Condition Number 5(B)(2) granted the Board of Supervisors and/or its agents, rather than UFMD, the right to monitor the conservation easement.

In response to a concern expressed by Commissioner Donahue about this case setting a precedent, Ms. Kelsey said although she would use this application as an example when evaluating similar cases, she would also take into account differences that might exist. Ms. Lewis agreed.

Commissioner Donahue asked if the applicant would agree to a new development condition that required each new homeowner to be informed of the conservation easement on the property. Ms. Kelsey said the applicant did not disagree with this condition because this disclosure would also be in the title.

In response to a question from Commissioner Alcorn, Ms. Lewis said that if the application was approved, it would not set a legal precedent for the County to approve future lot width waivers, noting that there was a similar case in the Hunter Mill District of which staff was strongly recommending denial.

Ms. Kelsey distributed copies of a document that listed compatibility research data regarding the lot size, building footprint, disturbed area, and impervious area of the properties along Virginia Avenue. (A copy of the document is in the date file.)

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 Donahue for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2007-DR-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 10, 2008.

Commissioner Alcorn seconded the motion which carried unanimously; Commissioner Hart recused himself; Commissioner Lusk absent from the meeting.

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SE 2008-SU-001 - JAI HOTELS, LLC - Appl. under Sect. 5-304 of the Zoning Ordinance to permit a hotel. Located at 14530 Lee Road on approx. 5.20 ac. of land zoned I-3 and WS. Tax Map 34-3 ((1)) 22. SULLY DISTRICT. PUBLIC HEARING.

Elizabeth McKeeby, land use planner with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated June 11, 2008. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. McKeeby's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Suzianne Battista, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Sargeant, Ms. Battista said the applicant had agreed to pursue Leadership in Energy and Environmental Design (LEED) certification and provide a "green building escrow," as indicated in the development conditions.

Ms. Battista answered questions from Commissioner Harsel about the interparcel access easement, tree cover, the Dulles Suburban Center design guidelines, and the proposed identification monument-style sign.

Ms. McKeeby stated that the proposed development fulfilled the Comprehensive Plan's vision for a mixed-use Dulles Suburban Center. She said the proposed conservation easement and commitment to LEED certification would make the project an attractive addition to the Lee Road corridor. She explained that the Western Fairfax County Citizens Association's (WFCCA) Land

Use Committee had voted unanimously to recommend approval of the application, subject to the following: a positive staff report, incorporation of a pedestrian crosswalk from the hotel to the street, an attempt to contact the Meadows of Chantilly Citizens Association regarding the application, and establishment of guidelines for community use of the hotel meeting room. Ms. McKeeby noted that the applicant had revised the plan to meet these conditions. She said the applicant had met with the Sully District Council, which had indicated no objection to the application.

In response to questions from Commissioner Harsel, Ms. McKeeby said although the hotel would be similar to the standard prototype Country Inns and Suites, the architectural variation, site design, plantings, and connections with adjacent properties met the Dulles Suburban Center design guidelines for high quality architecture and design. She added that the reduced trip generation and LEED certification also contributed to a high quality design. Responding to further questions, Ms. McKeeby said a substantial buffer would be provided to the south adjacent to an industrial building and that the signage would meet Zoning Ordinance requirements and Virginia Department of Transportation sight distance regulations.

Ms. McKeeby said the hotel sign would comply with Development Condition Number 11, the applicable Zoning Ordinance requirements, and the Virginia Department of Transportation sight distance regulations.

Chairman Murphy called the first listed speaker.

Vinay Patel, with JAI Hotels, LLC, 45620 Falke Plaza, Sterling, said that the sign on the building itself would be lighted and the minimum required number of signs would be provided.

In response to a question from Commissioner Lawrence, Mr. Patel said a shuttle service would be provided to take hotel users to the Vienna/Fairfax-GMU Metro station or the planned Herndon-Monroe Metro station.

Responding to a question from Commissioner Hart, Ms. McKeeby said a shuttle service would be run on a per-request basis to take hotel users to a particular restaurant in the vicinity.

In response to questions from Commissioner Sargeant, Ms. McKeeby explained that Development Condition Number 10B indicated the applicant's intent to attain certification in the Version 2.2 LEED-New Construction rating system; however, it also provided flexibility for the applicant to attain a different LEED category if the LEED consultant had determined at the time of final site plan that it would be more appropriate. She said this condition required the applicant to certify the building in accordance with Policy Plan language addressing green building. Commissioner Alcorn said he supported the current development condition language, noting that a specific reference might be outdated by the time the building was actually constructed.

Responding to a question from Commissioner Flanagan, Ms. McKeeby explained that at the initial time of LEED certification, a professionally-accredited commissioning agent would verify

that all implemented systems were adequate to achieve LEED credit, but that there was not a continuous monitoring process under the U.S. Green Building Council at this time.

Commissioner de la Fe expressed concern about Development Condition Number 10C requiring a contribution to a "green building escrow" fund although this fund had not been adopted as a County policy.

In response to a question from Commissioner Harsel, Ms. Battista said any hotel tenant would need to be in substantial conformance with the architecture, building materials, height, colors, and other design features as shown on Exhibit A of the staff report.

Responding to a question from Commissioner Harsel, Commissioner Litzenberger said the applicant had satisfied all of the WFCCA's recommended conditions.

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 this case. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-SU-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 7, 2008.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REQUEST TO WAIVE ZONING ORDINANCE SECTION 9-512 TO ALLOW THE DEVELOPMENT AS CURRENTLY PROPOSED.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0-1 with Commissioner Harsel abstaining; Commissioner Lusk absent from the meeting.

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The meeting was adjourned at 10:55 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: November 19, 2009

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