

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 12, 2007**

PRESENT: Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Ronald W. Koch, Sully District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:15 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 Lusk MOVED THAT THE JOINT PUBLIC HEARING ON RZ 2005-LE-025 AND FDP 2005-LE-025, MIDTOWN SPRINGFIELD, LLP, BE DEFERRED INDEFINITELY.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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Chairman Murphy extended condolences on behalf of the Planning Commission to former Planning Commissioner and current Dranesville District Supervisor Joan DuBois, whose brother, Richard Brodalski, had passed away earlier this week.

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Chairman Murphy announced that the Planning Commission would not meet on Wednesday, July 18, 2007, and would reconvene on Thursday, July 19, 2007.

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FS-S07-28 - T-MOBILE, 4641C West Ox Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH CONSENT AGENDA ITEM FS-S07-28.

Without objection, the motion carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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ORDER OF THE AGENDA

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

1. 2232-H07-1 - FAIRFAX WATER
2. PCA 1998-SU-009-02 - FAIR RIDGE, LLC
RZ 2007-SU-003 - FAIR RIDGE, LLC
SE 2007-SU-002 - FAIR RIDGE, LLC
3. RZ 2007-SU-006 - VAHID K. AMIN
4. FDPA 80-P-073-03-05 - 2900 FAIRVIEW PARK DRIVE, LLC
5. RZ 2006-HM-019 - MB HERNDON, LLC
PCA 79-C-037-06 - MB HERNDON, LLC

This order was accepted without objection.

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2232-H07-1 - FAIRFAX WATER - Appl. to construct a new water main along the east side of Fairfax County Parkway in the Reston/Herndon area, from the Fox Mill Tanks and Pump Station on New Parkland Dr. to an existing water main near New Dominion Parkway. The proposal includes development of approximately 12,000 feet of 54-inch and 42-inch water main on portions of Tax Maps 16-4 ((1)) 26; 16-4 ((5)) 5; 16-4 ((8)) 1, 2, 3, 4; 17-1 ((1)) 16B; 17-3 ((1)) 2A, 33C; 17-3 ((8)) 7A, 7C1; 25-2 ((6)) 664, S, R; 25-2 ((4)) A1, A2; portion of 28-3 ((1)) 51 located on Tax Maps 17-1 and 17-3; and portions of road rights-of-way on Tax Maps 16-4, 17-3, and 25-2.
Area III. HUNTER MILL DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal to be substantially in accord with provisions of the adopted Comprehensive Plan.

Jamie Hedges, Director of Planning and Engineering, Fairfax Water, stated that after meeting with the residents adjacent to the proposed pipeline, the applicant agreed to lengthen the tunneling in order to eliminate the need to remove trees along the Fairfax County Parkway and Archdale Road. She indicated that the Hunter Mill Lane Use Committee had voted to endorse the proposal.

In response to questions from Commissioner de la Fe, Ms. Hedges said the applicant would continue to coordinate review of the plans with the utility companies that owned the existing easements that the proposed water main alignment would cross. She noted that the water main would also cross under portions of the Dulles International Airport Access Highway/Dulles Toll Road. She pointed out that the applicant would coordinate with the Dulles Corridor Metrorail Project team to verify adequate depth for the water main where rail track would be located.

There being no speakers for this proposal, Chairman Murphy noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner de la Fe for action on this proposal. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND 2232-H07-1 IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED, AND SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Hopkins and Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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PCA 1998-SU-009-02 - FAIR RIDGE, LLC - Appl. to amend the proffers and conceptual development plan for RZ 1998-SU-009 to delete land area to be incorporated with RZ 2007-SU-003. Located on the N. side of Fair Ridge Dr. and S. of Ox Hill Rd. on approx. 6.94 ac. of land zoned PDC, HC and WS. Comp. Plan Rec: Fairfax Center Area, option for independent living facility not to exceed 200 units at the overlay level. Tax Map 46-3 ((1)) 14C. (Concurrent with RZ 2007-SU-003 and SE 2007-SU-002.) SULLY DISTRICT.

RZ 2007-SU-003 - FAIR RIDGE, LLC - Appl. to rezone from PDC, HC and WS to R-8, HC and WS to permit residential development at a density of 28.82 dwelling units per acre (du/ac). Located on the N. side of Fair Ridge Dr. and S. side of Ox Hill Rd. on approx. 6.94 ac. of land. Comp. Plan Rec: Fairfax Center Area, option for independent living facility not to exceed 200 units at the overlay level. Tax Map

46-3 ((1)) 14C. (Concurrent with SE 2007-SU-002 and PCA 1998-SU-009-02.) SULLY DISTRICT.

SE 2007-SU-002 - FAIR RIDGE, LLC - Appl. under Sect. 3-604 of the Zoning Ordinance to permit an independent living facility. Located on the N. side of Fair Ridge Dr. and S. side of Ox Hill Rd. on approx. 6.94 ac. of land zoned R-8, HC and WS. Tax Map 46-3 ((1)) 14C. (Concurrent with RZ 2007-SU-003 and PCA 1998-SU-009-02.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Sack, Harris & Martin, PC, reaffirmed the affidavit dated June 7, 2007. There were no disclosures by Commission members.

Tracy Strunk, 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 applications.

Mr. Martin stated that the proposed independent living facility would generate less traffic than the previously approved office use. He indicated that the development would contain four buildings, each four stories with a loft, with a maximum of 200 units on the site. He said the current applications were in compliance with the amended Comprehensive Plan language that had been adopted last year. Mr. Martin explained that structured parking for the residents would be provided under each building; proposed amenities would include a clubhouse, a pool, plaza seating areas, and a shuttle to nearby transit, shopping, recreation, and medical facilities; and each building would have similar architectural treatment and materials on all four sides. He noted that the applicant had proffered to provide \$106,000 worth of improvements to Fair Oaks Park to the east, as coordinated with and approved by the Fairfax County Park Authority. Mr. Martin stated that the applicant had worked with the residents of the Fair Oaks Estates community to the north to agree to expanding the buffer, constructing a solid wooden fence with brick piers, and providing supplemental landscaping in the open space. He indicated that the applicant had also proffered full cutoff lighting designed to limit the impact on the adjacent residences. He said the Sully District Council had recommended approval of the proposal and the applicant anticipated that the Fair Oaks Estates Homeowners Association would do the same.

Commissioner Koch pointed out that he would defer decision on these applications until next week to provide the Fair Oaks Estates Homeowners Association with the opportunity to review the revised proffers. Mr. Martin replied that the changes to the proffers had addressed all concerns that had been expressed by members of the association.

There being no speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA 1998-SU-009-02, RZ 2007-SU-003, AND SE 2007-SU-002, TO A DATE CERTAIN OF JULY 19, 2007, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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RZ 2007-SU-006 - VAHID K. AMIN - Appl. to rezone from I-3, AN, HC and WS to I-5 AN, HC and WS to permit industrial development with an overall Floor Area Ratio (FAR) of 0.17. Located on the N. side of Lee Jackson Memorial Hwy. adjacent to its intersection with Pleasant Valley Rd. on approx. 1.53 ac. of land. Comp. Plan Rec: campus-style office and industrial/flex. Tax Map 33-2 ((1)) 3. SULLY DISTRICT. PUBLIC HEARING.

Saeid Rahnavard, agent for the applicant, reaffirmed the affidavit dated March 14, 2007. There were no disclosures by Commission members.

Kristen Abrahamson, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced Shelby McKnight, a new member of the ZED/DPZ staff.

Ms. McKnight presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Rahnavard stated that the subject application had received support from the Sully District Council. He presented slides of the architectural renderings and said the proposed design would be an enhancement to the area.

In response to a question from Commissioner Koch, Ms. McKnight said the proffers dated July 12, 2007 included only minor, editorial changes.

There being no speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2007-SU-006, SUBJECT TO THE DRAFT PROFFERS DATED JULY 12, 2007.

Commissioners Lawrence, Sargeant, and Lusk seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE REQUIREMENT TO INSTALL A SERVICE DRIVE ALONG ROUTE 50, IN FAVOR OF THE APPLICANT PROVIDING INTERPARCEL ACCESS TO THE ADJOINING PROPERTY TO THE EAST, PARCEL 33-2 ((1))-4.

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

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FDPA 80-P-073-03-05 - 2900 FAIRVIEW PARK DRIVE, LLC -
Appl. to amend the third final development plan for FDP 80-P-073 previously approved for mixed use development to permit site modifications and associated changes to development conditions. Located in the S.E. quadrant of the intersection of Lee Hwy. and I-495 and W. of Fairview Park Dr. on approx.24.94 ac. of land zoned PDC and HC. Tax Map 49-4 ((1)) 73A. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Inda Stagg, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated June 11, 2007. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. Stagg's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Jonathan Papp, 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 application.

Ms. Stagg stated that the proposed design was in conformance with the approved Conceptual Development Plan (CDP) and proffers and would enhance the layout, design, and implementation of the previously-approved Final Development Plan Amendment (FDPA). She indicated that the approved FDPA depicted an eight-story, 165,000-square-foot office building and a three-story parking garage adjacent to the existing stormwater management pond on the northern portion of the site and a 10-story, 215,000-square foot office building and a three-story parking garage on the southern portion of the site. She explained that the current application proposed to eliminate the freestanding parking garage that abutted the pond; retain the amount of approved gross floor area of 380,000 square feet; and amend the site layout to contain a three-story, 128,000-square foot office building adjacent to the pond, a five-story parking garage located between the two proposed office buildings, and a 10-story, 252,000-square foot office building located farthest away from the adjacent Lakeford residential community. Ms. Stagg explained that the overall site plan would maintain the approved 0.35 floor area ratio (FAR); feature world-class architecture; enhance the area; provide a significant, 110-foot minimum setback for the structures; create a wide vegetative buffer along Fairview Park Drive; preserve approximately 12.47 acres or 50 percent of the site as open space; and maintain the Resource Protection Areas and the shoreline of the existing pond.

In response to a question from Commissioner de la Fe, Ms. Stagg said at this time the applicant had not agreed to dedicate additional right-of-way along I-495 frontage to accommodate the planned HOT Lanes, but if the right-of-way was determined to be needed, the applicant would work with the Virginia Department of Transportation to find a solution that would minimally impact the site.

Responding to a question from Commissioner Lawrence, Mr. Papp pointed out that staff would add the standard tree preservation language regarding fees and bonding that had inadvertently been left out of the development conditions.

In response to another question from Commissioner Lawrence, Ms. Stagg stated that the proposed office building closest to the adjacent residential community would be significantly lower than what had been previously-approved. She said the proposal would provide attractive architectural treatment to the garage and buildings.

Responding to a question from Commissioner Sargeant, Ms. Stagg noted that the proposed development would be significantly less intense than the maximum building height of 15 stories permitted by the approved CDP.

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

Jeanette Stewart, 2909 Charing Cross Road, Falls Church, President and Founder of LANDS and WATERS, noted that the subject property contained a mature forest of native plants, a habitat for wildlife, and a small wetland located by the stormwater management pond. She expressed concern that development of the property would contaminate and increase the water runoff. She spoke in support of the proposed "green" techniques and said she would work with the applicant

and adjacent residents to evaluate options that would help preserve or mitigate the impacts on the wetland and maximize the amount of forest that would be preserved.

Ms. Stewart replied to questions from Commissioner Lawrence about her nonprofit organization, which performed native plant rescue and restoration.

Morris Simon, 7967 Yancey Drive, Falls Church, President of the Lakeford Community Association, explained that the association supported the proposed development, subject to the implementation of the following improvements and conditions: 1) maintain a minimum of a 100-foot tree and groundcover buffer along Fairview Park Drive; 2) prevent the endangerment of the wildlife on the site; 3) ensure that all on-site lighting would not reflect a glare onto the neighboring development; 4) prohibit left turns from the site in order to direct all vehicles exiting the site toward Route 50; 5) provide acoustical barrier buffers at all locations of the outdoor emergency generators; 6) reconsider the building materials of the 10-story office building so it looked similar to other buildings in the area with a polished stone finish and minimal glare; and 7) reduce the 10-story building to 8 stories with an equivalent decrease in the FAR. (A copy of his remarks is in the date file.)

In response to a question from Chairman Murphy, Mr. Simon said that he personally did not support the last proposed condition because a bigger footprint in a lower building would not be as environmentally-sensitive as a taller building with a smaller footprint, but that the condition had been included at the request of the community.

Responding to a question from Commissioner Hopkins, Mr. Simon noted that the proposed parking garage would probably be visible to the Lakeford community during late fall and winter when the foliage would be less dense.

In response to a question from Commissioner Hart, Mr. Simon stated that the objective of the third proposed condition was to reduce the amount of traffic exiting the subject site from traveling toward the Lakeford community. He said a sign could be posted along that portion of Fairview Park Drive to prohibit vehicles from making a u-turn. Commissioner Hart expressed concern that this condition would cause vehicles to stay on the road longer, create more traffic in a different location along the road, and increase pollution. Chairman Murphy agreed and said this would only transplant the traffic problem to somewhere else.

Responding to questions from Commissioner Sargeant, Andrew Smith, architect with Noritake Associates, explained that the applicant sought to design the northern, multi-tenant office building according to the certified Leadership in Energy and Environmental Design program standards, which would include site improvements, energy conservation methods, and innovative stormwater management techniques, such as an on-site rain garden that would mitigate the majority of the water runoff from the above-grade parking structure.

In response to questions from Commissioner Hopkins, Mr. Smith indicated that the face of the parking garage would be in full view, the sides would be in partial view from the Lakeford community, the below-grade portion would be enclosed with pre-cast bars, the above-grade

portion would be open and naturally-ventilated, parking and lighting would also be located on the top level, and the garage would not have plantings.

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

Ms. Stagg stated that the applicant would work with Ms. Stewart and Mr. Simon to address their concerns.

Commissioner Lawrence pointed out that staff would determine if the on-site wetlands area was protected by federal laws. He also noted that the applicant would work with the community to help resolve the environmental issues.

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 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 DECISION ONLY ON FDPA 80-P-073-03-05 TO A DATE CERTAIN OF JULY 26, 2007, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Lusk and Koch seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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RZ 2006-HM-019 - MB HERNDON, LLC - Appl. to rezone from I-4 to C-3 to permit office development with an overall Floor Area Ratio (FAR) of 1.0. Located in the S.W. quadrant of the intersection of Sunrise Valley Dr., and Dulles Technology Dr. on approx. 14.7 ac. of land. Comp. Plan Rec: Mixed Use at .50-1.0 FAR. Tax Map 16-3 ((1)) 31A1 and 4N1. (Concurrent with PCA 79-C-037-06.) HUNTER MILL DISTRICT.

PCA 79-C-037-06 - MB HERNDON, LLC - Appl. to amend the proffers for RZ 79-C-037 previously approved for office development with an overall Floor Area Ratio (FAR) of 1.0. to permit deletion of land area Located in the S.W. quadrant of the intersection of Sunrise Valley Dr., and Dulles Technology Dr. on approx. 14.7 ac. of land zoned I-4. Comp. Plan Rec: Mixed Use at .50-1.0 FAR. Tax Map 16-3 ((1)) 31A1 and 4N1. (Concurrent with RZ 2006-HM-019.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Inda Stagg, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits dated May 30, 2007. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. Stagg's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Kristen Abrahamson, 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 applications.

In response to a question from Commissioner de la Fe, Ms. Abrahamson said the changes included in the proffers dated July 10, 2007 only clarified the applicant's proposed commitments.

Responding to a question from Commissioner Hart, Ms. Abrahamson stated that the Paragraph B language that had been added to Proffer 14 was non-committal and indicated that the applicant would explore, and possibly include, the use of environmentally-responsible materials and techniques in the construction and operation of the additional office building. She said staff would continue to work with the applicant to determine if this proffer could be further revised so it represented a more substantive commitment. Commissioner de la Fe pointed out that this proffer had been revised at his request as well as the Hunter Mill District Land Use Committee and said the applicant would not need to commit to a specific technique until standard language had been adopted by the County.

In response to questions from Commissioner Sargeant, Ms. Abrahamson noted that the applicant proposed to eliminate the existing surface parking in the northeastern corner of the property to address concerns expressed by staff and proposed to construct a seven-level parking garage with 1,634 spaces to meet the proposed additional square footage. She stated that the applicant had consulted with the Fairfax County Department of Transportation to develop the proposed Transportation Demand Management (TDM) program, which according to a traffic study was achievable. Ms. Abrahamson explained that the proposed TDM strategies, such as shuttles and carpooling, would help address the lack of public transportation in the area and result in trip reductions for the entire site, including the trips generated by the additional building. She said the applicant would probably publish informational materials on more than a quarterly basis to promote the TDM strategies and would be required to provide annual reports to staff.

Ms. Stagg stated that the subject property contained two existing buildings and asphalt surface parking lots. She explained that the applications proposed to provide amenities, implement the proffers, increase landscaped open space by almost an acre, install impervious pavers adjacent to the new building, and dedicate a 14-foot wide right-of-way along Sunrise Valley Drive as per the request of the County. She said the proposed TDM program sought to reduce the peak hour trips by 35 percent and provided for penalties if the applicant failed to achieve this goal. Ms. Stagg indicated that the proposed ratio of the number of parking spaces per 1,000 square feet had been reduced from 3.78 to 3.39. She said the additional parking would accommodate the varying work schedules of the tenants.

There being no speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he 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 RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 79-C-037-06.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2006-HM-019, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED JULY 10, 2007.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioners Alcorn, Hall, and Harsel absent from the meeting.

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The meeting was adjourned at 9:36 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: April 16, 2009

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