

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 23, 2014**

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

ABSENT: None

The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

COMMISSION MATTERS

Commissioner Lawrence noted that the Tysons Corner Metrorail station was scheduled to open on Saturday, July 26, 2014, and stated that he would be unable to attend. He requested that Commissioners who planned to attend the opening take photographs from of the platform, cars, and station for later discussion at one of the Tysons Committee meetings.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on Thursday, July 31, 2014, from 7:00 to 9:30 p.m., in the Board Conference Room and stated that all were welcome to attend.

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Commissioner Hedetniemi announced that the Commission's Transportation Committee had met earlier this evening to discuss the Countywide Bicycle Master Plan and said that copies of the plan would be sent to members who did not have one by the following afternoon.

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Commissioner Sargeant announced that the Commission's Residential Studio Units (RSU) Committee would meet on Thursday, July 24, 2014, at 7:00 p.m., in the Board Conference Room and stated that all were welcome to attend.

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Commissioner Hall noted that the draft minutes for November and December of 2013 had been provided to the Planning Commission and requested that everyone review them. She stated that she would move their approval on Wednesday, July 30, 2014.

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Chairman Murphy announced that Deputy County Executive Robert A. Stalzer had held a seminar regarding the county's economic development. He added that since many of the Commissioners were unable to attend the seminar, he had asked Mr. Stalzer to present another seminar for the Commissioners in September. He noted that Saturday, September 13, 2014, and Saturday, September 27, 2014, were available and requested that Commissioners notify Jill Cooper, Executive Director of the Planning Commission Office, to let her know which date they preferred so that she could secure a room.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. CSP 2004-LE-012 – SPUSO5 WOOD GROVETON, LLC
2. CSP 2010-PR-014 – GS SPRINGHILL SUBSIDIARY, LLC
3. CSP 2011-LE-016 – HUNTINGTON METRO VENTURE, LLC

This agenda was accepted without objection.

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CSP 2004-LE-012 – SPUSO5 WOOD GROVETON, LLC – Appl.
under Sect. 12-210 of the Zoning Ordinance for approval of a
Comprehensive Sign Plan associated with RZ 2004-LE-012.
Located at 6850 Richmond Hwy., Alexandria, on approx. 2.98 ac.
of land zoned PRM, CRD and HC. Tax Map 93-1 ((38)) (1) 1A.
LEE DISTRICT. PUBLIC HEARING.

Commissioner Migliaccio 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 Migliaccio for action on this case.

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Chairman Murphy: The public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Can I briefly have the applicant come up and just confirm on the record that you agree to the development conditions dated July 8, 2014.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: We do.

Commissioner Migliaccio: Thank you.

Ms. Baker: Thank you.

Commissioner Migliaccio: Thank you, Mr. Chairman. This CSP is a fairly simple and straightforward one. It is for a – luxury apartments on Richmond Highway that – they took a chance and were the first one out there and they've fully leased out their residential, but their retail is still needing a little bit – a little bit of help. Hopefully this sign plan will do that. This sign plan has the support of the Lee District Land Use Committee, and it has staff's support, and my support. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2004-LE-012, SUBJECT TO THE CONDITIONS DATED JULY 8TH, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2004-LE-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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Commissioner de la Fe assumed the chair.

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CSP 2010-PR-014 – GS SPRINGHILL SUBSIDIARY, LLC –
Appl. under Sect. 12-210 of the Zoning Ordinance for approval of
a Comprehensive Sign Plan associated with RZ 2010-PR-014A.
Located on the W. side of Broad St., approx. 250 ft. S. of Spring
Hill Road on approx. 38,539 sq. ft. of land zoned PTC and HC.
Tax Map 29-3 ((31)) D and E. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Bob Katai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application CSP 2010-PR-014.

When Commissioner Flanagan asked whether a banner bearing the building's name as well as its website might not be considered an ad, Mr. Katai stated that it would not be considered a billboard in the Zoning Ordinance. Commissioner Lawrence suggested that the applicant would be able to answer the question more clearly.

Commissioner Ulfelder referenced the original proffers in the staff report, specifically Development Condition Number 3, and asked for clarification regarding "general consistency." Catherine Lewis, ZED, DPZ, explained that in this case, general consistency would allow for minor changes in materials for the signage identified by the applicant or change in font. She added that the county's Zoning Inspection Branch staff would review those changes during the permitting stage.

Commissioner Hart asked who the banner was meant for. Mr. Katai explained that although the photograph had been taken below the Metrorail station, the banner was meant to be seen by Metro passengers. Ms. Lewis added that staff had requested that the sign be smaller; however, the smaller sign was too difficult to read.

Vice Chairman de la Fe asked if the signs currently under discussion were temporary. Mr. Katai confirmed that they were.

Elizabeth Baker, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, stated that this would be the first residential building in the Planned Tysons Corner Urban District (PTC) and emphasized the importance of a successful sign plan. She said that the grid of streets around the building was under construction, adding that while the building would be large and easily visible, it would require promotion because it was a residential use in a well-established commercial area. She said that many of the residents would likely use the nearby Spring Hill Metro Station and, therefore, the signage was designed for and aimed at Metro customers. She stated that the temporary signs would remain for 12 months, adding that if after that period the building was not 90-percent leased, the applicant would request a one-time extension for 6 months. She noted that, at a pace of approximately 20 units per month, the applicant would need approximately 18 months to occupy this building. With regard to sign legibility, Ms. Baker noted that a "best readability formula" was established in that for every 10 feet, one inch of text was needed for the sign to be legible. She stated that the applicant had requested larger signs, but was satisfied that the proposed signs, with their simple designs, sizes and fonts, and locations, would be sufficient.

Commissioner Lawrence asked if there was any other way to access the website for The Ascent, other than "www.theascenttysons.com;" that is, might it be shortened by simply typing in "ascent." Ms. Baker stated that the web address was established and in use and could not be accessed otherwise. When Commissioner Lawrence noted that the signs' materials might need to be modified, Ms. Baker stated that the applicant would do so if the need should arise. Commissioner Lawrence asked who the intended customers would be for these apartment units. Ms. Baker said that while the building might have some special amenities for all customers, 20 percent of the units were dedicated Workforce Dwelling Units. When Commissioner Lawrence

asked if the applicant agreed with the development conditions now dated June 23, 2014, Ms. Baker said yes.

Commissioner Lawrence asked Mr. Katai if the sign package in this proposal would be similar to future sign proposals. Mr. Katai said yes, adding that future signs and banners would be similar in size and character. When Commissioner Lawrence asked how tall the letters on the permanent building sign would be, Mr. Katai stated that each letter would be five feet tall. Commissioner Lawrence noted that while the sign might not be in accordance with the Zoning Ordinance, it was mentioned twice in the staff report that the sign would not be disproportionate in relation to the building.

Commissioner Migliaccio referenced revised Development Condition Number 4, noting the 90-percent lease rate, and said that given the difficulty an owner would have reaching that occupancy within 12 months, the Commission's approval of the application with this condition would essentially mean approval of an 18-month temporary banner.

Commissioner Lawrence countered that the extension would be granted at the Zoning Administrator's discretion, noting that the language might need adjustment at some point; however, he said that developers needed every chance to build up the residential element in Tysons.

Commissioner Hart suggested caution with regard to excessive signage and pointed out that it was necessary to ensure the residential buildings in this area were successful. He referenced pages 27 and 28 of the Comprehensive Sign Design in Appendix 2 of the staff report and asked Ms. Baker who the smaller sign was intended for. Ms. Baker stated that it was aimed at Metro riders arriving at the station.

Commissioner Ulfelder asked if the applicant would be providing a questionnaire to customers regarding how they found out about The Ascent. Ms. Baker said yes. He asked her if a question might be added about the signs and banners, adding that it should be submitted at the end of the 12-month period if and when the applicant should request an extension for the banner. Ms. Baker agreed to add the question.

Commissioner Sargeant said that although the 90-percent lease rate might be high, he felt that the one-time extension would help govern the signage.

Vice Chairman de la Fe called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Commissioner Lawrence asked Ms. Baker if she agreed verbally, for the record, with Commissioner Ulfelder's suggestion to return the questionnaire information regarding the apartments. Ms. Baker confirmed that she did. When he asked county staff if they were satisfied with the agreement, Ms. Lewis said yes.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Lawrence for action on this case.

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

Commissioner Hall: I'm just telling you what he said.

Vice Chairman de la Fe: Well, I know. You have the Parliamentarian on the other side.

Commissioner Lawrence: Thank you, Mr. Chairman. I would also like to thank my colleagues for the input on this. This is the first of what are going to be many, so it's a good time for us all to use our heads and you all certainly did. Thank you very much. Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed development conditions dated June 23rd, 2014.

Commissioner Flanagan: Second.

Commissioner Lawrence: Wait, wait. The applicant is going to come and say –

Vice Chairman de la Fe: Does the applicant –

Commissioner Lawrence: – whether they concur or not.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, we do accept those development conditions; June 23rd.

Commissioner Lawrence: Thank you, Ms. Baker. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2010-PR-014, subject to the development conditions dated June 23rd, 2014. Now.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Mr. Flanagan. Any comments? No? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Murphy was not present for the vote.

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CSP 2011-LE-016 – HUNTINGTON METRO VENTURE, LLC –
Appl. under Sect. 12-210 of the Zoning Ordinance for approval of
a Comprehensive Sign Plan associated with RZ 2011-LE-016.
Located at 2804 Poag St., Alexandria, on approx. 3.38 ac. of land
zoned PRM, CRD, and HC. Tax Map 83-3 ((43)) A. LEE
DISTRICT. PUBLIC HEARING.

Nicholas Rogers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application CSP 2011-LE-016.

Commissioner Migliaccio asked if there would be any onsite lighting that would not conform with the Zoning Ordinance. Mr. Rogers said no. Commissioner Migliaccio noted that he had received correspondence in support of the application from citizens near the proposed site and added that he would provide it to county staff.

David Gill, Esquire, Applicant's Agent, McGuireWoods, LLP, stated that the applicant proposed an upscale apartment building that would ultimately help to give the area a sense of place. He added that the applicant had worked closely with the community, pointing out that the proposal had received the support of the Lee District Land Use Committee.

Commissioner Hart noted the amount of print on the temporary banner and asked if people would be able to read it. Mr. Gill explained that the sign was intended for drivers stopped at the light at the nearby intersection.

Commissioner Migliaccio asked Mr. Gill if the applicant was satisfied with the development conditions now dated July 10, 2014. Mr. Gill confirmed that he was.

Vice Chairman de la Fe called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Commissioner Hurley referenced the previous hearing regarding GS Springhill Subsidiary in Tysons Corner and asked if it would be appropriate to require the same reporting mechanism in the development conditions in this application. Commissioner Hart explained that it would not be appropriate as a development condition because it would not mitigate any impacts from the use. He also detailed the reason it was requested from the applicant in the previous public hearing. Vice Chairman de la Fe added that the information would provide helpful information because that would be the first residential building in Tysons. Commissioner Ulfelder further added that there were significant differences in timing in each marketing plan.

Mr. Rogers noted that staff had taken a cautious and conservative approach with these sign plan applications. With regard to the previous case, he added that staff regarded the communications feedback as a chance to learn more about the use and determine what opportunities might exist outside of rigorous development conditions.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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Vice Chairman de la Fe: If there is no further comment, I will close the public hearing, and this is in the Lee District.

Commissioner Migliaccio: Thank you, Mr. Chairman. Mr. Gill, I guess for verbatim purposes, can you please come up and reaffirm that you are fine with the proposed development conditions dated July 10th, 2014.

David Gill, Applicant's Agent, McGuireWoods LLP: Correct.

Commissioner Migliaccio: Mr. Chairman, this is – once again, this is our third CSP this evening and it's our third luxury apartment building. This one is the second –

Commissioner Hall: A lot of luxury going around.

Commissioner Migliaccio: This is the second one on Richmond Highway and – – and to be honest, this is the second one that's being built on Richmond Highway and, as Mr. Gill called it, upscale, whatever you want to call it, it's better than what we had before and we're looking forward to filling this up and having new residents on the highway. This is in a CRD and it has the temporary banners so we can get the residents in there. This one has the support of the Lee District Land Use Committee, it has staff's support, and it has my support; and therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2011-LE-016, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 10TH, 2014.

Commissioners Sargeant and Flanagan: Second.

Vice Chairman de la Fe: Seconded by Mr. Sargeant and Mr. Flanagan. Any comments?

Commissioner Flanagan: Yes I just want to make one comment about the word "luxury." It's my understanding that these – that the rentals of these units is – exceeds those of Tysons Corner.

Vice Chairman de la Fe: I'm not – never mind. Having heard all the comments –

Commissioner Migliaccio: Let's vote.

Vice Chairman de la Fe: All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 11-0. Commissioner Murphy was not present for the vote.

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The meeting was adjourned at 9:26 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, 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: Jeanette Nord

Approved on: March 26, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission