

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 27, 2006**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Nancy Hopkins, Dranesville District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:17 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

Chairman Murphy announced that the Planning Commission would be in recess during the month of August and public hearings would resume on Wednesday, September 13, 2006. He wished everyone a pleasant recess.

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Commissioner Harsel referred to a pending “feature shown” application, FSA-B01-18-1, Nextel Communications of the Mid-Atlantic, Inc., and recommended that applicants contact the appropriate District Commissioner where the facility was located to address possible questions or concerns.

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Commissioner Alcorn noted that the Planning Commission’s Transit-Oriented Development Committee had met earlier this evening and received a presentation by Maria Zimmerman, Center for Transit-Oriented Development/Reconnecting America.

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Commissioner Alcorn announced that the Transit-Oriented Development Committee would meet on the following dates to hear from citizen panelists who are or would be directly affected by such development:

- Wednesday, August 2, 2006, at 7:00 p.m. in Conference Rooms 4/5 at the Fairfax County Government Center, and;
- Thursday, September 7, 2006, at 7:30 p.m. in the Helen Wilson Room at the Franconia Governmental Center at 6121 Franconia Road, Alexandria.

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Chairman Murphy conveyed his thanks to County staff and the Cable Channel 16 crew for their outstanding work and particularly recognized both the Commission and Department of Planning and Zoning staff members for their attendance at Commission and citizen meetings, production of staff reports, and coordination of all Commission activities. He said 2006 has been a very successful year thus far and also commended all who had been involved in the South County Area Plans Review (APR) process.

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Commissioner Harsel expressed her appreciation for the work performed by members of the Braddock District APR Task Force, who had met for over 18 months on a regular basis, and said they had served that district well.

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Commissioner Koch MOVED THAT THE PUBLIC HEARING ON PCA 2003-SU-040, WMH, LLC, BE DEFERRED TO A DATE CERTAIN OF SEPTEMBER 13, 2006.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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APR 05-II-1F (Braddock District) (Decision Only)

(The public hearing on this nomination was held on June 22, 2006. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN FOR APR 05-II-1F:

ON NUMBER 8: "THE RIDGE MANOR SUBDIVISION, TAX MAP 68-2((1)) 12, 12A, AND 68-2((2)) LOTS 1 THROUGH 29, IS AN ESTABLISHED, STABLE, LOW

DENSITY RESIDENTIAL NEIGHBORHOOD WITH ENVIRONMENTALLY-SENSITIVE FEATURES THAT INCLUDE STANDS OF MATURE TREES, FLOODPLAIN, AND PORTIONS OF TWO STREAM VALLEYS. TO RETAIN THIS AREA'S EXISTING LOW DENSITY RESIDENTIAL CHARACTER AND PRESERVE ITS ENVIRONMENTAL FEATURES, THE NEIGHBORHOOD SHOULD REMAIN PLANNED AS SHOWN ON THE COMPREHENSIVE PLAN LAND USE MAP AND SHOULD BE PROTECTED FROM CONSOLIDATION AND HIGHER DENSITY DEVELOPMENT. MOREOVER, PUBLIC, INSTITUTIONAL, OR UNIVERSITY-RELATED USES ARE INAPPROPRIATE FOR THIS AREA."

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Hopkins and Wilson absent from the meeting.

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FS-Y06-27 - T-MOBILE NORTHEAST LLC, 6002 Pleasant Valley Road

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-Y06-27 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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FS-Y06-30 - FIBERTOWER CORPORATION, 14005 Vernon Street

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-Y06-30 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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FS-Y06-33 - FIBERTOWER CORPORATION, 7400T Ordway Road

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-Y06-33 IS SUBSTANTIALLY IN ACCORD WITH THE

PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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APR 05-I-1L (Mason District) (Decision Only)

(The public hearing on this nomination was held on June 28, 2006. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PLANNING COMMISSION ALTERNATIVE FOR APR 05-I-1L, AS SHOWN IN THE HANDOUT DATED JULY 27, 2006.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Hopkins and Wilson absent from the meeting.

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FS-M06-29 - T-MOBILE NORTHEAST LLC, 6565 Arlington Boulevard

Commissioner Hall MOVED THAT THE PLANNING COMMISSION FIND THAT FS-M06-29 IS NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD NOT BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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FS-V06-44 - FIBERTOWER CORPORATION, 9128 Belvoir Court

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-V06-44 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners Hall and Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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FS-M06-38 - FIBERTOWER CORPORATION, 2946 Sleepy Hollow Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-M06-38 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Lawrence not present for the vote; Commissioners Hopkins and Wilson absent from the meeting.

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FS-M06-37 - FIBERTOWER CORPORATION, 3407 Moray Lane

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-M06-37 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* 15.2-2232, AS AMENDED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. CSPA 83-P-107 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC.
2. PCA 2006-MV-005 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-001 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-013 - PACE-BOSWELL ASSOCIATES, LLC
3. 2232-Y06-6 - COLONIAL PIPELINE COMPANY
SE 2006-SU-006 - COLONIAL PIPELINE COMPANY
4. PCA-C-696-06/FDPA-C-696-03 - OTO DEVELOPMENT, LLC

This order was accepted without objection.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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CSPA 83-P-107 - LINCOLN PROPERTY COMPANY
SOUTHWEST, INC. - Appl. to amend the previously approved
Comprehensive Sign Plan for RZ 83-P-107 to include revised signs for
retail and residential uses. Located at 12100-12200 West Ox Rd. on
approx. 22.79 ac. of land zoned PDC, HC, and WS. Tax Map 46-3
(1) 24A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Sack, Harris & Martin, PC, noted that a Comprehensive Sign Plan Amendment application did not require an affidavit.

Commissioner Murphy asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 83-P-107, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 27, 2006.

Commissioners Hall and Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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

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PCA 2006-MV-005 - PACE-BOSWELL ASSOCIATES, LLC - Appl.
to establish proffers on the site and approve waivers and modifications
in a Commercial Revitalization District (CRD) with an overall Floor
Area Ratio (FAR) of 0.22. Located in the N.E. quadrant of the
intersection of Boswell Ave. and Richmond Hwy. on approx. 2.01 ac.
of land zoned C-8, R-2, HC, and CRD. Comp. Plan Rec: Office use

PCA 2006-MV-005 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-001 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-013 - PACE-BOSWELL ASSOCIATES, LLC

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up to .50 FAR. Tax Map 102-1 ((7)) (4) 26, 28, and 30. (Concurrent with SE 2006-MV-001.) MOUNT VERNON DISTRICT.

SE 2006-MV-001 - PACE-BOSWELL ASSOCIATES, LLC - Appl. under Sect. 4-804 of the Zoning Ordinance to permit a drive-thru pharmacy, waiver of minimum open space and lot width requirements, and waivers and modifications in a Commercial Revitalization District (CRD). Located at 7629 and 7635 Richmond Hwy. on approx. 1.49 ac. of land zoned C-8, HC, and CRD. Tax Map 102-1 ((7)) (4) 26 and 28. (Concurrent with PCA 2006-MV-005.) MOUNT VERNON DISTRICT.

SE 2006-MV-013 - PACE-BOSWELL ASSOCIATES, LLC - Appl. under Sect. 9-616 of the Zoning Ordinance to permit a driveway for uses in a commercial district. Located at 2908 Boswell Ave. on approx. 22,500 sq. ft. of land zoned R-2 and HC. Tax Map 102-1 ((7)) (4) 30. (Concurrent with PCA 2006-MV-005 and SE 2006-MV-001.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire Woods LLP, reaffirmed the affidavits dated June 28, 2006. There were no disclosures by Commission members.

Andrew Hushour, 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.

Commissioner Byers recommended that the timeframe for the traffic impact study depicted in Development Condition Number 9 be reduced to 9-12 months following the issuance of a Non-Residential Use Permit. Angela Rodeheaver, Site Analysis Section, Fairfax County Department of Transportation (FCDOT), agreed with this recommendation.

In response to a question from Chairman Murphy, Mr. Hushour stated that the intent of Development Condition Number 8 was not to limit the number of drive through trips but to restrict the type of transactions that could occur at the drive through window.

Chairman Murphy suggested that a sign be posted in the drive through lane to indicate that general retail sales would not be permitted from the drive through window.

Responding to questions from Commissioner Hart, Mr. Hushour explained that Development Condition Number 15 would prohibit the neon sign inside the second-level window of the building as depicted on the building elevations sheet. He said staff believed that this signage would exhibit a strip-commercial appearance, which would not be in compliance with the goals

of the Comprehensive Plan for the Richmond Highway corridor. He noted that this condition would also preclude additional building-mounted signage in the ground-level windows.

Commissioner Hart recommended that Development Condition Number 15 be revised to indicate whether signage, such as advertisements, would be prohibited.

Commissioner Byers suggested that the following sentence be added to the end of Development Condition Number 8: "A sign to this effect shall be posted prominently in the vicinity of the drive through window."

Mr. Riegler stated that the applicant had agreed to remove the proposed neon sign in the second level window. He noted that the retail pharmacy use was permitted in the C-8 District and the drive through would generate a minimal amount of trips above those typically generated by a retail use. He said the applications would provide a number of important public benefits combined with a land use that would be considerably less intense than other uses permitted in the C-8 District. Mr. Riegler explained that the applicant had acquired an adjacent parcel to provide additional buffering and proposed proffers to restrict its use to a permanent open space buffer in the form of a conservation easement would create a permanent transition to the adjacent residential use. He indicated that the applicant had established landscaping and tree save commitments that would meet or exceed the Richmond Highway corridor requirements. He stated that the proposed use would be significantly less intense than the uses that had previously operated on the site. Mr. Riegler noted that a traffic impact analysis had demonstrated that the impacts would be reasonably mitigated, and had been approved by FCDOT staff. He explained that the traffic impact study would assess the impacts on the unrestricted Boswell Avenue and if additional mitigation was required following the review of the study by FCDOT and the Virginia Department of Transportation (VDOT), then the applicant would provide entrance improvements to prohibit its access. He said the applications, if approved, would transform the site into a regulated environment, which would represent a positive complement to the Richmond Highway corridor.

Commissioner Byers pointed out that the applicant had proposed to post signage on both sides of Boswell Avenue that would prohibit blocking the entrance to the site and had requested that VDOT switch the streetlights to help mitigate traffic.

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

Terry Jemison, 2804 Boswell Avenue, Alexandria, spoke in favor of the applications based on the caveat that Proffer Number 9, which required that the right westbound lane on Boswell Avenue be re-striped to reflect a right-turn only onto Richmond Highway, be deferred during the traffic impact study. Mr. Jemison concurred with Commissioner Byers' recommendation to limit the traffic study to one year. He commended the applicant for conducting extensive outreach to the community to address concerns, committing to a landscaping plan and conservation

easement, and offering funds for offsite improvements to fix deteriorating neighborhood sidewalks.

Queenie Cox, 2920 Douglas Street, Alexandria, representing the New Gum Springs Civic Association, said the Gum Springs community was opposed to the proposed drive through and had expressed concerns similar to Commissioner Byers' regarding the traffic study. She noted that the applicant had failed to return to the Mount Vernon Council of Citizens Association's Transportation Committee to address outstanding concerns. She requested that the Planning Commission approve the applications without the proposed waivers and upon resolution of the outstanding traffic issues and the opportunity for the Gum Springs Civic Association and the Mount Vernon Council to review the new design and revisions. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Byers, Ms. Cox said residents of the Gum Springs community would often use the service drive to avoid heavy traffic on Richmond Highway.

Deane Elliott, 2900 Woodlawn Trail, Alexandria, pointed out that residents of Woodlawn Trail would frequently use the service road to turn left onto Boswell Avenue to avoid hazardous traffic conditions.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegler.

Mr. Riegler indicated that the applicant had met with Commissioner Byers, Mount Vernon District Supervisor Gerald Hyland, the Chair of the Mount Vernon Council's Transportation Committee, County staff, and representatives of the Gum Springs and Hybla Valley communities to address concerns as reflected in revised Development Condition Number 9. He said the applicant would be willing to accept either option concerning the Boswell Avenue entrance, a new condition imposed by the Commission, or an alternative solution.

Commissioner Byers commented that the property could not accommodate both the proposed streetscape improvement and the existing service road.

Responding to a question from Commissioner Hart, Mr. Riegler said the applicant agreed with Development Condition Number 15.

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

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PCA 2006-MV-005 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-001 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-013 - PACE-BOSWELL ASSOCIATES, LLC

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2006-MV-005, SUBJECT TO THE PROFFERS DATED JULY 27, 2006.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2006-MV-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 26, 2006, WITH THE FOLLOWING CHANGES:

AT THE END OF DEVELOPMENT CONDITION NUMBER 8, ADD: "A SIGN TO THIS EFFECT SHALL BE POSTED PROMINENTLY IN THE VICINITY OF THE DRIVE-THROUGH WINDOW" AND

IN DEVELOPMENT CONDITION NUMBER 9, CHANGE THE TIME LIMIT FROM 15 TO 9 MONTHS AND FROM 18 TO 12 MONTHS.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2006-MV-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 26, 2006.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY.

Commissioner Lusk seconded the motion which carried by a vote of 8-1-1 with Commissioner Hall opposed; Commissioner Hart abstaining; Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE EASTERN PERIMETER OF THE C-8 PARCEL OF THE SUBJECT PROPERTY, IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIER SHOWN ON THE GDP/SE PLAT.

PCA 2006-MV-005 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-001 - PACE-BOSWELL ASSOCIATES, LLC
SE 2006-MV-013 - PACE-BOSWELL ASSOCIATES, LLC

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Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE OPEN SPACE REQUIREMENT FOR THE C-8 PORTION OF THE PCA SITE.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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2232-Y06-6 - COLONIAL PIPELINE COMPANY - Appl. to construct facilities to deliver jet fuel to Dulles International Airport. The proposal includes a new take-off facility on the N. side of McLearen Rd. about ½ mile E. of Centreville Rd. where it will tap into an existing interstate jet fuel main pipeline approx. 36 inches in diameter that crosses Fairfax County, and a new transmission pipeline in the vicinity of McLearen Rd., Centreville Rd., EDS Dr., and Sully Rd., which will be approx. 20 inches in diameter and run underground about 2.4 miles from the take-off facility to new receipt tanks and the existing fuel tank farm on Airport property W. of Sully Rd. Portions of Tax Maps 24-4 ((1)) 6B, 6B1, 6C, 6D2, 6D4, 6E; 25-3 ((1)) 14; 25-3 ((4)) B1; 25-3 ((10)) C; Portions of Virginia Department of Transportation rights-of-way or easements on Tax Maps 24-2, 24-4, and 25-3. Area III. SULLY DISTRICT.

SE 2006-SU-006 - COLONIAL PIPELINE COMPANY - Appl. under Sects. 3-304 and 6-105 of the Zoning Ordinance to permit a petroleum product distribution station and transmission line. Located N.W. of McLearen Rd. on approx. 1.96 ac. of land zoned R-3, PDH-3, and WS. Tax Map 25-3 ((4)) B1 pt. and 25-3 ((10)) C pt. SULLY DISTRICT. JOINT PUBLIC HEARING.

Michael Kinney, Esquire, with Hunton & Williams LLP, reaffirmed the affidavit for SE 2006-SU-006 dated July 12, 2006. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Vanderpool, Frostick & Nishanian, PC listed on the affidavit but there was no financial relationship and it would not affect his ability to participate in this case.

John David Moss, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report for SE 2006-SU-006, a copy of which is in the date file. He noted that staff recommended approval of the application.

David Jillson, Planning Division, DPZ, presented the staff report for 2232-Y06-6, 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.

Mr. Kinney said the applicant had accepted the proposed development conditions and satisfactorily addressed all issues. He indicated that the applicant had met with the Sully District Council's Land Use and Transportation Committee, conducted an open house to provide citizens the opportunity to meet with experts involved in the proposal, and met with the West Fairfax County Citizens Association's Land Use Committee and received its recommendation for approval. He presented a letter dated July 27, 2006 from Jeffrey Fairfield, President of the Committee for Dulles, a copy of which is in the date file.

In response to questions from Commissioner Koch, Mr. Kinney stated that the proposal would significantly streamline the current delivery system for jet fuel and would eliminate the need for offsite fuel storage and tanker truck delivery. He noted that the proposed facility and pipeline would serve to avoid the daily need for 120 to 180 large tanker trucks to deliver jet fuel to Washington Dulles International Airport on local and regional highways. Mr. Kinney said the proposed pipeline would not run along McLearen Road to avoid impacts on commercial development, utility facilities, numerous re-crossings of the road, and school facilities.

Responding to questions from Commissioner Alcorn, Terry Mock, II, right-of-way consultant with the Colonial Pipeline Company, indicated that the proposed pipeline would consist of welded steel pipe joints, which would be inspected using a nondestructive testing method to ensure the integrity of the welds. He said the applicant would use advanced internal inspection tools at regular intervals to detect abnormalities. He explained that the proposed facility would comply with federal and state safety standards established and enforced by the U.S. Department of Transportation's Office of Pipeline Safety and the State Corporation Commission's Division of Utility and Railroad Safety/Pipeline Safety Section, including requirements for pipeline design, construction, inspection, testing, operation, and maintenance. Mr. Mock noted that some piping of the pipeline facility and components within the distribution station would be located above ground, which would be periodically inspected. He stated that a main line block valve would be installed on an existing 36-inch diameter interstate jet fuel main pipeline. He explained that sensors would be installed on the pipeline to validate the type of fuel in the line at the take-off facility and once the fuel entered an appropriate interval within that stream, an additional valve for the 20-inch pipeline would be opened to make deliveries to the new tanks being constructed at the airport. Mr. Mock said the applicant was not currently performing groundwater monitoring at the take-off facility.

In response to questions from Commissioner Lawrence, Mr. Mock stated that periodic reports would be conducted at a minimum of five-year intervals, as required by the U.S. Department of Transportation guidelines. He noted that the applicant's control center near Atlanta would continuously monitor the volumes inputted into the system and perform calculations to ensure stability.

Responding to a question from Commissioner Hart, Mr. Moss said staff would clarify in Development Condition Number 10 that the landscape screening would consist of native species. Mr. Kinney agreed with this clarification.

Chairman Murphy called the first listed speaker.

Sandy Ylinen, Senior Facilities Manager, EDS, said EDS would have to bear a disproportionate share of the burden for the location and construction of the proposed pipeline as well as accept the long-term potential risks of the pipeline residing in such easement. She explained that EDS had only agreed to permit the applicant to bisect its property due to potential eminent domain proceedings. She noted that the proposal would have an impact on EDS's ongoing business activities and proposed development plans for the property and would place EDS, its customers, and its tenants at risk due to disruption of power and communications. Ms. Ylinen stated that EDS would have to continue to spend significant financial resources to identify all buried communications and other private utilities which could be affected by the proposal and other future impacts to EDS. She recommended that the pipeline be located in the existing Virginia Department of Transportation right-of-way/utility easement along McLearen Road. She claimed that sufficient consideration had not been given to the proposed route that would cross the Resource Protection Area land north of McLearen Road. (A copy of her remarks is in the date file.)

In response to a question from Chairman Murphy, Ms. Ylinen said EDS would have to ensure that the pipeline construction would not interrupt its buried utilities and redundant communications.

Responding to questions from Commissioner Byers, Ms. Ylinen noted that EDS had worked with the applicant to mitigate the risk to the buried communications from multiple carriers located on EDS property. She explained that EDS would map existing conditions and place that information into a database for reference.

In response to a question from Commissioner Alcorn, Ms. Ylinen said the applicant did not own an existing easement across the EDS property.

Chris Brown, Airport Manager, Washington Dulles International Airport, said the Metropolitan Washington Airport Authority supported the proposal. He spoke in favor of the proposed pipeline because it would provide a stable and sufficient supply of aircraft fuel for the three new aircraft fuel storage tanks at the airport, help retain and expand the air service opportunities available to the community, and ensure the region's economic strength and long-term competitive advantage.

Carol Fernandez, Director of Government Affairs, United Airlines, also supported the proposed pipeline and said it would meet both the current and future demand for aviation fuel at the Washington Dulles International Airport and help avoid shortages, possible delays, and service cancellations.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Mr. Kinney.

Mr. Kinney indicated that the applicant had been collaborating with EDS since September 2005 to address issues and development plans. He stated that EDS had requested that the originally proposed pipeline route be transferred to the current route, noting that this route had been shown on the latest rezoning plat that EDS had submitted to the County. Mr. Kinney said the applicant had not threatened to exercise its power of eminent domain as Ms. Ylinen had claimed. He noted that the applicant would continue to work cooperatively with EDS.

Responding to a question from Commissioner Koch, Mr. Kinney stated that the applicant would implement various construction techniques to address concerns regarding the crossing of utilities.

Commissioner de la Fe suggested that the applicant meet the requirements set forth by the Fairfax County Park Authority regarding the requested easement in Horsepen Run Stream Valley Park. Mr. Kinney replied that the applicant would ensure the preservation of the property.

Chairman Murphy called for concluding staff remarks from Mr. Moss.

Mr. Moss pointed out that the Commission had received development conditions dated July 20, 2006, as part of the staff report addendum.

There were no further comments or questions from the Commission; therefore, Chairman Murphy 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 FIND THAT 2232-Y06-6 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED BY SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND IS HEREBY SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2006-SU-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 20, 2006, WITH SPECIFICATION ADDED TO DEVELOPMENT CONDITION NUMBER 10 THAT NATIVE SPECIES WILL BE USED IN THE PLANTINGS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING 3 REQUIREMENT IN FAVOR OF A 25-FOOT WIDE STRIP OF VEGETATIVE SCREENING, AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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PCA-C-696-06/FDPA-C-696-03 - OTO DEVELOPMENT, LLC -
Appls. to amend the proffers and final development plan for RZ C-696 previously approved for mixed use to include a convention center, office space and research and development to permit mixed use, (including two hotels) at an overall Floor Area Ratio (FAR) of 0.82. Located in the N.E. and S.E. quadrants of the intersection of Sunrise Valley Dr. and Dulles Station Blvd. on approx. 11.84 ac. of land zoned PDC. Comp. Plan Rec: Mixed use. Tax Map 15-4 ((5)) 3pt., 4, and 5pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

Jason Heinberg, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated June 26, 2006. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Mr. Heinberg's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Chairman Murphy suggested that the staff addendum cover sheet indicating changes had been made to proffers and/or development conditions be color coded.

John David Moss, 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.

Mr. Heinberg stated that the applications sought to revise a portion of the approved Conceptual Development Plan Amendment/Final Development Plan Amendment (FDPA) associated with RZ C-696 to permit an option for a hotel use within Land Bay IV of the Dulles Station that had been currently designated exclusively for office use. He noted that the applications also proposed to retain the option for office development on both Land Bay III and Land Bay IV in accordance with the existing approval if the option for hotel development on Land Bay IV was not pursued. He explained that the applications further sought to retain the flexibility currently allowed under the FDPA to reallocate unused density on Land Bay IV to Land Bay III provided that both land bays did not exceed 425,000 in total gross square footage. Mr. Heinberg said the

applicant had improved proffered commitments to provide a traffic signal at the intersection of Sunrise Valley Drive and the entrance to the subject property. He indicated that if the Virginia Department of Transportation determined that a signal was not warranted, the applicant would escrow the sum of \$200,000 with the County to be designated for other motorized and/or non-motorized transportation projects in the area. He stated that a traffic analysis had been reviewed and approved by the County and demonstrated that the proposed hotel use would have a lower trip generation rate than the office use. Mr. Heinberg said the applications would infuse a greater mix of uses within the Dulles Station project, which would benefit the Dulles Corridor area and the County as a whole. He noted that the applications had received the unanimous support of the Hunter Mill Land Use Committee.

Chairman Murphy called for speakers from the audience, but received no response. He called for concluding staff remarks from Mr. Moss.

Mr. Moss pointed out that development conditions were not required due to a revised statement of justification provided by the applicant.

There were no further comments or questions from the Commission; therefore, Chairman Murphy 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-C-696-6, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED JULY 19, 2006.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-C-696-3, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA-C-696-6.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM ALL PREVIOUSLY APPROVED WAIVERS AND MODIFICATIONS LISTED BELOW FOR OPTION A AND AFFIRM THE SAME WAIVERS AND MODIFICATIONS FOR OPTION B:

- MODIFICATION OF THE LOADING SPACE REQUIREMENT AS REQUIRED IN SECTION 11-200 OF THE ZONING ORDINANCE;

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG A PORTION OF THE SOUTHERN BOUNDARY OF THE SITE WHERE IT ABUTS THE EXISTING MULTI-FAMILY DEVELOPMENT;
- WAIVER OF THE BARRIER REQUIREMENT ALONG A PORTION OF THE SOUTHERN BOUNDARY OF THE PROPERTY WHERE IT ABUTS THE EXISTING MULTI-FAMILY DEVELOPMENT;
- WAIVER OF THE 600 FEET MAXIMUM LENGTH OF PRIVATE STREETS;
- MODIFICATION OF THE CONSTRUCTION MATERIALS FOR SIDEWALKS PER SECTION 8-0100 OF THE PUBLIC FACILITIES MANUAL (PFM); AND
- MODIFICATION OF THE CONSTRUCTION MATERIALS FOR TRAIL REQUIREMENTS PER SECTION 8-0200 OF THE PFM.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hopkins and Wilson absent from the meeting.

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The meeting was adjourned at 10:22 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 10, 2008

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