

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 13, 2012**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District

//

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

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet in the Board Conference Room of the Fairfax County Government Center on the following dates:

- Thursday, October 4, 2012, at 7:00 p.m.
- Thursday, November 29, 2012, at 7:00 p.m.

//

Chairman Murphy announced that the Commission's Land Use Process Review Committee would meet on Thursday, September 20, 2012, at 7:00 p.m., in the Board Conference Room.

//

Chairman Murphy also announced that the Commission's Personnel and Budget Committee would meet in closed session on Thursday, September 27, 2012 at 7:30 p.m. in the Board Conference Room.

//

FS-B12-15 – NEW CINGULAR WIRELESS PCS, LLC, (AT&T MOBILITY), 11191 Waples Mill Road

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-B12-15, NEW CINGULAR WIRELESS PCS, LLC (AT&T MOBILITY), AT 11191 WAPLES MILL ROAD.

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

//

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR RZ/FDP 2010-PR-021 AND PCA 92-P-001-08, CAPITAL ONE BANK (USA) NA, TO A DATE CERTAIN OF SEPTEMBER 20, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

//

RZ/FDP 2010-PR-019 – KETTLER SANDBURG, LLC (Decisions Only) (The public hearing on these items was held on July 12, 2012. A verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 11, 2012.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30, 2012, AND THE BOARD’S APPROVAL OF THE ASSOCIATED REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A DEVIATION OF THE TREE PRESERVATION TARGET REQUIREMENT IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 11-302 (1) OF THE ZONING ORDINANCE REQUIREMENT THAT PRIVATE STREETS WITHIN A DEVELOPMENT BE LIMITED TO THOSE WHICH ARE NOT DESIGNED TO PROVIDE ACCESS TO ADJACENT DEVELOPMENTS.

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

//

ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. PCA/FDPA 92-H-015 – GBI CORPORATION (Dranesville District)
2. PCA 87-A-011-02 AND PCA 89-A-001-02 – BOARD OF SUPERVISORS’ OWN MOTIONS (Braddock District)

This order was accepted without objection.

//

Chairman Murphy noted that in Commissioner Donahue’s absence, the first public hearing would be handled by Commissioner Litzenberger.

//

PCA/FDPA 92-H-015 – GBI CORPORATION – Appls. to amend the proffers, conceptual, and final development plans for RZ 92-H-015 previously-approved for a child care center to permit an increase in FAR for the child care center (to 0.24) and associated modifications to proffers and site design (overall Floor Area Ratio (FAR) remains 0.16.) Located in the N.E. quadrant of the intersection of Sunrise Valley Dr. and Dulles Town Blvd. on approx. 40,075 sq. ft. of land zoned PDH-20 and SC. Comp. Plan Rec:

Mixed Use. Tax Map 15-4 ((1)) 3E. DRANESVILLE DISTRICT.
PUBLIC HEARING.

//

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated May 31, 2012. There were no disclosures by the Commissioners.

Commissioner Litzenberger asked that Chairman Murphy ascertain whether there were any speakers for these applications. 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 Litzenberger for action on these cases. (A verbatim excerpt is in the date file.)

//

On behalf of Commissioner Donahue, Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 92-H-015, SUBJECT TO THE PROFFERS DATED JUNE 13, 2012.

Commissioners Alcorn and Migliaccio seconded the motion which carried unanimously with Commissioners Donahue and Flanagan absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 92-H-015, SUBJECT TO THE BOARD'S APPROVAL OF PCA 92-H-015 AND THE DEVELOPMENT CONDITIONS DATED JUNE 28, 2012.

Commissioners Alcorn and Migliaccio seconded the motion which carried unanimously with Commissioners Donahue and Flanagan absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING MODIFICATIONS IN FAVOR OF THE TREATMENTS DEPICTED ON THE FDPA:

- THE BARRIER REQUIREMENT BETWEEN THE PROPOSED CHILD CARE CENTER AND THE ADJACENT MULTI-FAMILY DEVELOPMENT TO THE SOUTH AND EAST;
- THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT; AND
- THE TEN-YEAR TREE CANOPY REQUIREMENT.

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

//

PCA 89-A-001-02 – BOARD OF SUPERVISORS’ OWN MOTION

– Appl. to amend the proffers for RZ 89-A-001 previously-approved for assisted and independent living for the elderly and related programs at an existing 0.18 floor area ratio (FAR) for the adult day care to permit additional participants in the elder day care program with associated modifications to proffers. Located in the S.E. quadrant of the intersection of Little River Tpk. and Olley Ln. on approx. 14.04 ac. of land zoned R-3. Comp. Plan Rec: multi-family housing for the elderly. Tax Map 58-4 ((1)) 47A1, 47A2, and 47L. (Concurrent with PCA 87-A-0 11-02.) BRADDOCK DISTRICT.

PCA 87-A-011-02 – BOARD OF SUPERVISORS’ OWN MOTION

– Appl. to amend the proffers for RZ 87-A-011 previously-approved for assisted and independent living for the elderly and related programs at an existing 0.18 floor area ratio (FAR) for the adult day care, to permit additional participants in the elder day care program with associated modifications to proffers. Located in the S.E. quadrant of the intersection of Little River Tpk. and Olley Ln. on approx. 7.28 ac. of land zoned R-2. Comp. Plan Rec: multi-family housing for the elderly. Tax Map 58-4 ((1)) 41A. (Concurrent with PCA 89-A-001-02.) BRADDOCK DISTRICT. JOINT PUBLIC HEARING.

//

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY REGARDING AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING, AND PROCEED WITH THE PUBLIC HEARING IN REFERENCE TO PCA 89-A-001-02 (AND PCA 87-A-011-02).

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

Commissioner Hurley disclosed that she had received a campaign contribution from a member of the Board of Supervisors. There were no additional disclosures by the Commissioners.

Commissioner Hurley asked that Chairman Murphy ascertain whether there were any speakers for these applications. There being none, she 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 Hurley for action on these cases. (A verbatim excerpt is in the date file.)

//

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 87-A-011-02 AND PCA 89-A-001-02,

SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE FOUND IN EXHIBIT A OF THE STAFF REPORT.

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

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION REAFFIRM THE PREVIOUSLY-APPROVED WAIVERS AND MODIFICATIONS, INCLUDING A WAIVER OF THE SERVICE DRIVE, MODIFICATION OF SCREENING, AND WAIVERS OF BARRIERS, IN FAVOR OF THAT PROVIDED ON THE GDP/SEA PLAT AND PROFFERED CONDITIONS.

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

//

PRESENTATION OF TYSONS CORNER COMMITTEE RECOMMENDATIONS

On behalf of the Commission's Tysons Corner Committee, Committee Chairman Walter Alcorn indicated that staff would provide an overview of the Committee's recommendations to the Commission to address the Board of Supervisors' Tysons follow-on motions, particularly as they related to financing transportation infrastructure. He noted that the Draft Strawman V document, dated September 10, 2012, had been forwarded to Commissioners in advance and was available to the public on the Commission's website. (*Note:* Information on the Tysons Corner Committee can be found on the Planning Commission's website at <http://www.fairfaxcounty.gov/planning>.)

Barbara Byron, Director, Fairfax County Office of Community Revitalization (OCR), and Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT), presented the Committee's recommendations on the funding of transportation improvements and transit operating costs for Tysons Corner through the year 2050 (Table 7 in the Tysons Comprehensive Plan), to include: the "grid of streets" necessary for the Tysons infrastructure; neighborhood and access improvements; Tysons-wide road improvements; transportation funding monitoring and its relationship to the tax rate; options for interim commuter parking at Metrorail stations; development of a Countywide policy for walking distance in transit-oriented developments; and affordable housing contributions from non-residential developers on a Countywide basis.

Ms. Byron noted that prior to the Commission's scheduled markup of the proposed recommendations on Thursday, September 20, 2012, staff would update the Board of Supervisors' Transportation Committee on the status of the recommendations on Tuesday, September 18, 2012 in Conference Rooms 9 and 10 of the Fairfax County Government Center. She added that on Tuesday, October 2, 2012, County staff would provide a presentation of the Planning Commission's recommendations to the Board of Supervisors' Community Revitalization and Reinvestment Committee, also in Conference Rooms 9 and 10. Following these two meetings, Ms. Byron noted that the Board of Supervisors' hearing on the

PRESENTATION OF TYSONS CORNER
COMMITTEE RECOMMENDATIONS

September 13, 2012

Commissioner's recommendations would be held on Tuesday, October 16, 2012 in the Board Auditorium of the Government Center.

Commissioner Alcorn recommended that the Fairfax County Chamber of Commerce be added to Recommendation Number 23. Commissioner Sargeant noted that additional requests would likely come from other community organizations wanting to be added to the list of stakeholders.

Referencing a letter from Sally Horn, President, McLean Citizens Association (MCA), received via email on September 13, 2012, Commissioner Alcorn asked Ms. Byron if the first suggestion would be feasible. Ms. Byron said that a new recommendation could be created so that the language would no longer be part of the introduction. She explained that the language, currently in the September 10, 2012, strike-through version of the Tysons Committee Recommendations, on page 2, lines 64 to 68, would remain unchanged to read as follows: "However, the Planning Commission recommends that as the Tysons transportation improvement funding arrangements are reviewed and adjusted if necessary to accommodate the expected changes, there should be no disproportionate change in the share of the total burden that is borne by Fairfax County taxpayers." (A copy of the MCA letter is in the date file.)

Commissioner Alcorn noted that the MCA had also suggested adding language to Recommendation Number 15 for a summary report to the Board of Supervisors on alternatives for funding in the event that state, regional, or federal funding should become unavailable; however, Ms. Byron stated that the annual Capital Improvement Program (CIP) and budget review processes produced very detailed documents and stated that an additional report would not be necessary.

In response to questions from Commissioner Lawrence, Ms. Byron explained that the status of Tysons' transportation funding would be part of the CIP process as well as continued outreach performed by staff. She added that language contained in other parts of the Tysons recommendations would ensure that the regular monitoring of the transportation improvement funding arrangements would help prevent a disproportionate share of the financial burden from being borne by County taxpayers.

In reply to a question from Commissioner Sargeant, Mr. Biesiadny said that staff would closely monitor the status of state and federal funding.

Commissioner Alcorn recommended that the Planning Commission concur with the MCA's suggestion to remove the following sentence from Recommendation Number 15: "County funding should be used as the source of last resort for Tysons-wide Road Improvements." He also recommended that "Planning Commission's policies" in line 650 of Recommendation Number 25 be changed to "Planning Commission's recommended policies." In addition, Commissioner Alcorn noted that he had spoken to a representative of the MCA who had requested that "funding recommendations" be changed to "funding allocations" in lines 650 to 651 in the same recommendation. After a brief discussion, the Planning Commission decided to accept Commissioner Alcorn's suggested change but to retain "funding recommendations" in Recommendation Number 25.

PRESENTATION OF TYSONS CORNER
COMMITTEE RECOMMENDATIONS

September 13, 2012

At Commissioner Alcorn's request, Ms. Byron explained that the draft strawman document did not incorporate the edits as outlined in an e-mail dated September 11, 2012, from Michael Caplin, Executive Director of the Tysons Partnership, because staff believed that it would be inappropriate to include opinions. Also, the editorial suggestions therein were consistent with the Committee's deliberations and therefore unnecessary for inclusion. (A copy of this e-mail is in the date file.)

Commissioner Alcorn also addressed concerns expressed by the Tysons Partnership with regard to adding projects to Table 7, and stated that the County was unable to impose caps on the infrastructure costs for Tysons.

Commissioner Lawrence pointed out that while proportional figures would be appropriate to place in the current document, quantitative predictions about costs incurring over the next 40 years, including caps, must be excluded.

Answering a question from Commissioner Sargeant, Ms. Byron said that members of the Board of Supervisors always considered the needs of their respective districts in their deliberations on the annual budget and CIP, so there was no need to specifically identify district or supervisory needs in the recommendations.

Commissioner Alcorn suggested that staff prepare a preamble to the recommendations addressing the importance of Tysons Corner not only to Fairfax County, but also to the Commonwealth, as a vital, economic urban center with infrastructure needs.

Commissioner de la Fe pointed out that the Tysons recommendations would also serve as a foundation for similar areas in the County, such as Reston, which was planned to have two Metrorail stations and require significant infrastructure and transit development.

Commissioner Hart pointed out that implementation of the proposed recommendations would be very slow and deliberate and added that the current presentation was a template/projection for the next 40 years, during which there would be ample opportunity for reevaluation and reprioritization by the Planning Commission and the Board of Supervisors.

When Commissioner Litzenberger asked if the transportation funding plan was flexible enough to handle situations when the state declined to contribute funds, Commissioner Alcorn explained that the "Tysons Table 7 Funding Summary Using 7 Cents Service District Tax Rate" document, in Attachment 5 of the draft strawman, had indicated that Unspecified State/Federal Sources were expected to contribute approximately \$208 million, or 9.1 percent of the total capital cost for the Tysons-wide roadway improvements, over 40 years. A brief discussion ensued wherein Commissioner Litzenberger suggested providing an explanation of the economic benefits of Tysons to Virginia state officials to help preclude denial of state funds to Tysons in the future.

Commissioner Lawrence pointed out that Tysons Corner Center received more visitors annually than many other places worldwide, and said that a cost-benefit analysis would prove Tysons' value as a growth center in the County, region, and Commonwealth.

PRESENTATION OF TYSONS CORNER
COMMITTEE RECOMMENDATIONS

September 13, 2012

Commissioner de la Fe noted his opposition to the provision of commuter parking at Metrorail stations in Tysons on an interim basis, as requested in Follow-on Motion Number 14, adding that such a provision simply raised the expectations of those who continued to drive to Tysons.

Commissioner Alcorn encouraged everyone to submit final remarks/suggestions prior to the September 20 markup and thanked County staff, citizens, and Committee members for their contributions to the strawman document and recommendations.

Mr. Biesiadny acknowledged Scott Sizer, Revitalization Program Manager, OCR, and Ray Johnson, Senior Transportation Planner, Coordination and Funding Division, FCDOT, for their assistance with the presentation documents.

Commissioner Hart stated that Commissioner Alcorn should be acknowledged for his contribution to the Tysons planning process over the past several years.

Chairman Murphy noted that while the recommendations would be heard by the Board of Supervisors on October 16, citizens and developers should submit any final suggestions to the Planning Commission prior to September 20. Explaining its historic precedence, Chairman Murphy pointed out that the recommendations and subsequent implementation of the redevelopment projects and transportation improvements in Tysons were being followed nationally. He said that submitting suggestions prior to the Planning Commission's markup and recommendation to the Board would ensure their full consideration in the final deliberations. He thanked staff, Commissioners, Committee members, and citizens for their participation in the meetings and submission of suggestions. Chairman Murphy then adjourned the meeting.

//

The meeting was adjourned at 9:33 p.m.
Peter F. Murphy, Jr., 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: February 7, 2013

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