

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 29, 2011**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Kenneth A. Lawrence, Providence District

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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, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE ONLY THE PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE *VIRGINIA FREEDOM OF INFORMATION ACT* AND ONLY THE MATTER IDENTIFIED IN THE MOTION TO CONVENE CLOSED SESSION WAS HEARD, DISCUSSED, OR CONSIDERED BY THE PLANNING COMMISSION DURING THAT CLOSED SESSION.

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

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, October 5, 2011 at 7 p.m. in Conference Rooms 9/10 of the Fairfax County Government Center to discuss financing issues related to Tysons Corner redevelopment.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

JULY 14, 2010	JULY 15, 2010	JULY 22, 2010
JULY 28, 2010	JULY 29, 2010	SEPTEMBER 15, 2010
SEPTEMBER 16, 2010	SEPTEMBER 22, 2010	SEPTEMBER 30, 2010

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

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- FSA-L97-62-1 – AT&T MOBILITY, 3900 San Leandro Place
- FSA-L08-31-1 – AT&T MOBILITY, 6601 Telegraph Road
- FSA-H96-32-1 – AT&T MOBILITY, 11450 North Shore Drive
- FS-H11-30 – VERIZON WIRELESS, 1850 Centennial Park Drive

Chairman Murphy MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEMS.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. RZ/FDP 2011-SU-006 – LANDMARK ATLANTIC DEVELOPMENT, LLC
2. AR 89-D-001-02 – THE EAGLE FAMILY LIMITED PARTNERSHIP, CHARLOTTE FREDETTE SMITH EAGLE, FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT OF CHARLOTTE FREDETTE SMITH EAGLE
3. PRC 86-C-121-04 – RESTON SPECTRUM, LLLP AND HARRIS TEETER PROPERTIES, LLC

This order was accepted without objection.

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RZ 2011-SU-006/FDP 2011-SU-006 – LANDMARK ATLANTIC DEVELOPMENT, LLC – Appls. to rezone from R-1 and WS to PDH-8 and WS to permit residential development with an overall density of

5.26 du/ac, approval of the conceptual and final development plans, and a waiver of the minimum district size. Located on the E. side of Stone Rd. approx. 100 ft. N. of its intersection with Battery Ridge Ln. on approx. 1.9 ac. of land. Comp. Plan Rec: 2-3 du/ac and 5-8 du/ac. Tax Map 54-3 ((2)) 61 and 61C. SULLY DISTRICT. PUBLIC HEARING.

John Thillmann, agent for the applicant, reaffirmed the affidavit dated August 16, 2011. There were no disclosures by Commission members.

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 items. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-SU-006 AND THE ASSOCIATED CDP, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 20, 2011.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-SU-006, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2011-SU-006.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE REQUIRED PER ZONING ORDINANCE SECTION 6-207.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO GRANT A DEVIATION OF THE TREE PRESERVATION TARGET AREA AS REQUIRED IN PFM SECTION 12-0507.1.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 10-104 (3) OF THE ZONING ORDINANCE TO ALLOW A MAXIMUM EIGHT-FOOT TALL FENCE ALONG THE WESTERN PROPERTY LINE.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING 1 REQUIREMENT BETWEEN THE ATTACHED AND DETACHED UNITS ON THE SUBJECT PROPERTY, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

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

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AR 89-D-001-02 – THE EAGLE FAMILY LIMITED PARTNERSHIP, CHARLOTTE FREDETTE SMITH EAGLE, FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT OF CHARLOTTE FREDETTE SMITH EAGLE – Appl. authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously-approved Agricultural and Forestal District. Located at 8008 Georgetown Pk., McLean, 22102, on approx. 85.98 ac. of land zoned R-E. Tax Map 20-2 ((1)) 8Z, 13Z, 14Z, 16 and 48Z; 20-2 ((13)) 4Z and 5Z. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Donahue asked that Chairman Murphy ascertain whether there were any speakers for this item. 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

AR 89-D-001-02 – THE EAGLE FAMILY LIMITED
PARTNERSHIP, CHARLOTTE FREDETTE SMITH EAGLE,
FREDERICK SMITH TRUST UNDER WILL FOR THE BENEFIT
OF CHARLOTTE FREDETTE SMITH EAGLE

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closed the public hearing and recognized Commissioner Donahue for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 89-D-001-02 BE APPROVED IN APPENDIX F AND THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE EAGLE LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 13TH, 2011.

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

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PRC 86-C-121-04 – RESTON SPECTRUM, LLLP AND HARRIS
TEETER PROPERTIES, LLC – Appl. to approve the PRC plan
associated with RZ 86-C-121 to permit commercial and residential
development. Located N. of New Dominion Pkwy., E. of Fountain Dr.,
W. of Reston Pkwy., and S. of Baron Cameron Ave. on approx. 24.29
ac. of land zoned PRC. Comp. Plan Rec: Residential Planned
Community. Tax Map 17-1 ((1)) 3K, 3P, and 3Q. HUNTER MILL
DISTRICT. PUBLIC HEARING.

Commissioner de la Fe announced his intent to defer the decision on this case at the end of the public hearing.

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

Answering a question from Commissioner de la Fe, Ms. Grayson stated that the application was in conformance with the original proffers for the Reston Town Center and the Conceptual Plan Amendment (CPA) for the subject site, CPA 86-C-121-2-3, which had been approved by the Planning Commission on May 21, 2008.

Commissioner Hart pointed out that in the applicant's proposed set of development conditions dated September 23, 2011, the phrase, "their location based on recommendations from IPAR and," had been deleted from Condition Number 32, Public Art, although this phrase remained in

Condition Number 31 in staff's proposed set of development conditions dated September 27, 2011. Ms. Grayson replied that staff did not agree with this deletion. (Copies of the conditions are in the date file.)

Responding to another question from Commissioner Hart, Ms. Grayson said she believed that the Initiative for Public Art – Reston (IPAR) would make recommendations on the location and design of proposed public art features.

Mark Looney, Esquire, Cooley LLP, presented a brief background of the Reston Town Center, subject property, and the previously-approved CPA. He described the layout and orientation of the proposed development, open space, and underground structured parking. He said the subject Planned Residential Community (PRC) plan was in conformance with CPA 86-C-121-2-3. He reported that the applicant would present the architecture of the buildings to the Reston Town Center Design Review Board for approval. He described illustrations depicting the proposed development. Addressing Commissioner Hart's question about the public art component, Mr. Looney stated that the applicant's suggested change to Development Condition Number 31/32 removed a redundancy, noting that it was expected that IPAR would assist the applicant in identifying artists or public art features to be incorporated into the project, but the final decision would rest with the applicant. He noted that similar condition language had been implemented in a recent PRC plan without incident.

In response to questions from Commissioner Sargeant, Mr. Looney estimated that the development would be located approximately one-half to three-quarters of a mile from the planned Reston Parkway Metrorail Station. He explained that in the 1980s, the subject property had been rezoned to the PRC District, pursuant to the approval of the Reston Town Center rezonings. He said the applicant had underdeveloped the site as an interim use in anticipation of future growth as dictated by the market, and the subject PRC plan would implement the approved zoning up to its maximum. He said the Harris Teeter grocery store would expand to a little over 85,000 square feet after the neighboring Office Depot vacated, which would enable Harris Teeter to serve current and additional customers generated by the redevelopment.

Replying to questions from Commissioner Alcorn, Mr. Looney explained how the proposed development would extend the urban core of the Reston Town Center along Fountain Drive, stating that the proposal would develop more connections between local streets. He indicated that the Reston Master Plan Special Study would address future development on the other side of Fountain Drive comparable to this proposal and recommendations from this study and a subsequent rezoning application would require approval by the Board of Supervisors.

In reply to questions from Commissioner de la Fe, Mr. Looney confirmed that the Virginia Department of Transportation (VDOT) accepted the applicant's proposal to convert the right-hand travel lane along Fountain Drive to on-street parking during non-peak travel hours. Alan Kessler, Fairfax County Department of Transportation (FCDOT), concurred with Mr. Looney's

assessment. Mr. Kessler said staff was considering whether the new Transportation Design Standards for the Tysons Corner Urban Center related to on-street parking could also be applied to the Reston Town Center Core. Commissioner de la Fe requested that FCDOT staff convey to VDOT that similar urban street design guidelines should also be adopted in the Reston Town Center Core.

Commissioner Hart expressed concern that because Development Condition Number 31/32 would allow the applicant to make the final selection of the public art features and their location, it could never be enforced. He suggested that this condition be revised to ensure a meaningful, serious, and enforceable commitment to public art. Mr. Cooley responded that he was willing to further refine the condition language. He said that the applicant would work with IPAR to determine suitable public art features, but reinforced the importance of allowing the applicant to make the final decision as the property owner. Commissioner de la Fe agreed to work with Mr. Cooley on the condition language and described previous instances where other applicants had worked with IPAR to select a specific public art feature from a list of options based on IPAR's recommendations.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he 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, 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 DEFER THE DECISION ONLY ON PRC 86-C-121-04, RESTON SPECTRUM LLP, TO A DATE CERTAIN OF OCTOBER 13TH, 2011, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

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

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The meeting was adjourned at 9:06 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

September 29, 2011

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: Jacob Caporaletti

Approved on: June 28, 2012

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