MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 11, 2012

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon 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: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District

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The meeting was called to order at 8:22 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 Lawrence announced that the Planning Commission's Policy and Procedures Committee would meet again on Wednesday, December 5, 2012, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center to continue the discussion on Fairfax Forward.

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Commissioner de la Fe announced that the Commission's Transportation Committee would meet on Wednesday, October 17, 2012, at 7:00 p.m., in the Board Conference Room.

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Commissioner de la Fe announced his intent to defer the public hearing on SE 2012-HM-009, Insite Real Estate Investment Properties, LLC, originally scheduled for Wednesday, October 17, 2012, to a date certain of Wednesday, December 5, 2012.

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FSA-Y96-70-2 – SPRINT, 12777 Fair Lakes Circle (Springfield District)

Chairman Murphy MOVED THE APPROVAL OF THE CONSENT AGENDA ITEM.

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

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2012-SU-002, NADEEM P. MALIK, TO A DATE CERTAIN OF WEDNESDAY, DECEMBER 5, 2012.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hart having recused himself from the vote; Commissioners Alcorn and Hall absent from the meeting.

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Commissioner Migliaccio announced that he would move on an administrative item by Vornado on RZ 2007-LE-007, Springfield Town Center, Exterior Design Package, at the Commission's meeting on Wednesday, October 17, 2012. He encouraged the Commissioners to review the plans and submit comments or questions prior to the meeting.

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ORDER OF THE AGENDA

In Secretary Hall's absence, Chairman Murphy established the following order of the agenda:

1. CSP 86-C-119 AND CSP 86-C-121-03 – RESTON VA 939, LLC AND DISCOVERY SQUARE, LLC
2. SEA 93-L-014-02 – BURGUNDY FARM COUNTRY DAY SCHOOL, INC.

This order was accepted without objection.

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CSP 86-C-119 – DISCOVERY SQUARE, LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 86-C-119. Located at 12012 Sunset Hills Rd., Reston, 20190, on approx. 4.87 ac. of land zoned PRC. Tax Map 17-3 ((1)) 5H1. (Concurrent with CSP 86-C-121-03.) HUNTER MILL DISTRICT.

CSP 86-C-121-03 – RESTON VA 939, LLC AND DISCOVERY SQUARE, LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 86-C-121. Located at 12010, 12011, 12021 Sunset Hills Rd., Reston, 20190, on approx. 19.52 ac. of land zoned PRC. Tax Map 17-3 ((1)) 5 and 35B. (Concurrent with CSP 86-C-119.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

In response to questions from Commissioner Lawrence, Ms. Tsai said that the development conditions addressed sign illumination only by noting that it would conform to the requirements set forth in the Zoning Ordinance. She added that it would not adversely impact nearby residents.

Commissioner de la Fe noted that there were illuminated signs currently on the site to which the residents were accustomed.

Brian Winterhalter, Esquire, Cooley LLP, noted that the existing signage had not been included in the proposed Sign Plan and requested a deferral of the decision only to incorporate all of the signage prior to approval.

Commissioner de la Fe pointed out that the decision to incorporate the omitted signage was made upon review of Development Condition Number 14, which stated, “All other signage not identified in the CSP shall conform with the requirements of Article 12 of the Zoning Ordinance.” He pointed out that although inclusion of the signage would not impact the application, all of the existing signage should be depicted on the plans.

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

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR CSP 86-C-119 AND CSP 86-C-121-03 TO A DATE CERTAIN OF NOVEMBER 1, 2012, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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SEA 93-L-014-02 – BURGUNDY FARM COUNTRY DAY SCHOOL, INC. – Appl. under Sect. 3-404 of the Zoning Ordinance to amend SE 93-L-014 previously approved for nursery school, child care center, and private school of general education to permit increase in land area, building additions, and associated modifications to site design and development conditions. Located at 3700 Burgundy Rd., Alexandria, 22303, on approx. 23.66 ac. of land zoned R-4. Tax Map 82-2 ((1)) 5, 6, and 8; 82-2 ((11) 1. LEE DISTRICT. PUBLIC HEARING.

Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated September 28, 2012. There were no disclosures by the Commissioners.

Megan Brady, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Migliaccio, Ms. Brady noted that there was a development condition permitting the applicant to demolish and replace the single-family dwelling on Lot 1 so long as the replacement structure was compatible with the surrounding neighborhood. In addition, she confirmed that the new structure would also look like a single-family home.

Answering a question from Commissioner Hurley in reference to Development Condition Number 13, Ms. Brady stated that the applicant had proposed to provide LEED elements for the Loft Building; however, she could not verify whether the applicant had the option of participating in the Collaborative for High Performance Schools (CHPS) program, to which the Fairfax County Public Schools belonged. Ms. Hurley said that CHPS should be available to both public and private schools in the County.

Referencing a photograph sent to him by Ms. Brady in an email dated October 11, 2012, Commissioner Hart expressed concern that the existing sign near Lot 1 was actually in the Virginia Department of Transportation right-of-way and questioned the County's authority to approve anything outside the boundaries of the subject site. Regina Coyle, ZED, DPZ, concurred, adding that the validity of the sign's permit might also be in question. Commissioner Hart also expressed concern about the sign's location with regard to Zoning Ordinance regulations on objects within a sight distance triangle, as cited in Section 2-505. (A copy of the email including the photograph is in the date file.)

Commissioner Hart acknowledged Ms. Brady's email response that the sign would have LED illumination; however, he expressed concern about its impact on the surrounding residential neighborhood. He suggested more specificity in Development Condition Number 11 to indicate the amount of lighting and/or type of materials permitted. When he asked about additional signage for the nearby community pool, Ms. Brady stated that no additional signage was depicted on the plat. Also, Ms. Coyle noted that additional signage would not be regulated by this application. Commissioner Hart pointed out, however, that Development Condition Number 2 of SPA 93-L-015-02, in Appendix 2 of the staff report, precluded the addition of any signage on this site and suggested that even if the community pool members might not currently want a sign, it would be prudent to include a provision for future signage in the development conditions to avoid the need to file a Sign Plan or Special Exception Amendment in the future.

Mr. Pritchard noted there was a by-right sign currently on the site, which the applicant proposed to illuminate with an LED light. He added that since the lighting was expected to be in use over a long period, there were no plans to change the sign; however, he stated that the applicant would apply for an appropriate sign permit if a new sign was needed.

Responding to questions from Commissioner Migliaccio, Mr. Pritchard explained that the applicant proposed a tree preservation plan to remove invasive ivy and other species from Lot 8, as well as the entire site. He added that the applicant would submit a development condition indicating that the applicant would report periodically to the County's Urban Forest Management Division to verify the removal of invasive species. When asked about signage for delivery vehicles, Mr. Pritchard explained that the current delivery route would remain in place. With regard to Development Condition Number 13 regarding green building elements for the Loft Building, Mr. Pritchard stated that since the applicant had not committed to attain LEED certification for the building, the condition was adequate and would sufficiently serve the subject property as currently written.

Answering questions from Commissioner Hart, Mr. Pritchard confirmed that he was referring to the revised development conditions dated October 11, 2012, a copy of which is in the date file, in his responses. He reiterated that the applicant was not requesting approval for signage, but noted that if and when it should become necessary, the new signage would be similar to the existing sign. When Commissioner Hart asked if a new structure on Lot 1 would be big enough for the school's needs, Mr. Pritchard explained that it would be sufficient since it would only house administrative offices and approximately five employees.

Commissioners Migliaccio and Hart discussed adding a development condition to clarify the sign's lighting and construction requirements. In response to a question from Commissioner Migliaccio, Ms. Coyle confirmed that staff could formulate verbiage for such a condition. When Ms. Coyle asked for clarification from Commissioner Hart regarding the sign's illumination, he explained that while the up-lighting might be unusual, he was more concerned about the sign materials, the brightness of the lighting, and ensuring that the sign would not be internally illuminated.

Responding to a question from Commissioner Migliaccio, Ms. Brady said that there were no outstanding stormwater management issues and noted that the final engineering plans for the facilities would be provided during the site plan review process.

Mr. Pritchard pointed out that the house near the sign was owned by the school, who would thus be most impacted by the sign's illumination. In addition, he noted that the language in the current development condition addressed the County's lighting standards, thereby resolving the concerns about the sign's illumination.

Commissioner Lawrence and Chairman Murphy commended Commissioner Migliaccio for his diligence in bringing this case before the Planning Commission with no speakers or opposition.

In response to a question from Commissioner Flanagan, Mr. Pritchard said that all development would occur away from the floodplain area on Lot 6, describing the property boundary lot line. A brief discussion followed regarding the land between the boundary line of Lot 6 and the residential homes on Norton Road, wherein Commissioner Hart revealed that it was a separate, undevelopable parcel that belonged to the Commonwealth of Virginia.

Chairman Murphy called for speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary.

Ms. Coyle proposed development condition language to address the lighting issues discussed earlier, as follows: "The proposed free-standing sign shown near Lot 1 shall not be internally illuminated." Commissioner Migliaccio and the applicant concurred with the language.

There were no further comments or questions from the Commission and staff had no further closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on these items. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 93-L-014-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 11, 2012, AND AMENDED AS FOLLOWS:

- ADD A SENTENCE TO DEVELOPMENT CONDITION NUMBER 11 TO READ: "THE PROPOSED FREE-STANDING SIGN SHOWN NEAR LOT 1 SHALL NOT BE INTERNALLY ILLUMINATED."

- ADD THE FOLLOWING TEXT TO DEVELOPMENT CONDITION NUMBER 13: "LEED OR ITS EQUIVALENT".

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS AROUND THE PERIMETER OF THE SITE IN FAVOR OF A SIX-FOOT CHAIN LINK FENCE AND THE EXISTING VEGETATION AND SUPPLEMENTAL PLANTINGS SHOWN ON THE SEA/SPA PLAT.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

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

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The meeting was adjourned at 9:15 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 21, 2013

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