

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 20, 2011**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Jay P. Donahue, Dranesville District
Timothy J. Sargeant, 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, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Commission, Chairman Murphy congratulated Tom Biesiadny on his recent appointment as Director of the Fairfax County Department of Transportation by the Board of Supervisors on Tuesday, October 18, 2011.

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Chairman Murphy announced that the Planning Commission's Telecommunications Committee would meet on Thursday, October 27, 2011, at 7 p.m. in the Board Conference Room.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, November 2, 2011, at 7 p.m. in the Board Auditorium, to discuss the cost allocations for the grid of streets in Tysons and associated priority needs.

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER INDEFINITELY THE PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENT

S11-CW-1CP REGARDING UPDATES TO THE COMPREHENSIVE LAND USE PLAN MAP AND THE COUNTYWIDE TRANSPORTATION PLAN MAP IN ORDER TO ADDRESS TECHNICAL ISSUES WITH THE MAP.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Donahue and Sargeant absent from the meeting.

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Commissioner Hart stated that the public hearing regarding the Zoning Ordinance Amendment for Independent Living Facilities for Low-Income Residents and Modifications to the Definitions of Dwelling Unit and Living Facility had been deferred from Thursday, November 17, 2011 to Thursday, January 26, 2012.

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2232A-Y00-3-4 – AT&T MOBILITY, Northwest Quadrant of I-66 and Route 28

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

Without objection, the motion carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

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FSA-Y96-17-2 – AT&T MOBILITY, 3600 Joseph Siewick Drive (Fair Oaks Hospital)

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FSA-Y96-17-2, FOR THE ADDITION OF NINE PANEL ANTENNAS ON THE ROOFTOP OF 3600 JOSEPH SIEWICK DRIVE, WHICH IS THE FAIR OAKS HOSPITAL.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Donahue and Sargeant absent from the meeting.

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RZ/FDP 2006-PR-027 – TCR MID-ATLANTIC PROPERTIES AND FAIRFAX RIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION

SEA 00-P-050 – TCR MID-ATLANTIC PROPERTIES (Decisions Only) (The public hearing on these applications was held on October 6, 2011. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2006-PR-027, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 19, 2011.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2006-PR-027, SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 00-P-050, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED SEPTEMBER 22, 2011.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT FOR LAND BAY A ONLY.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE I-66 RIGHT-OF-WAY.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 50 AND I-66.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF ON-SITE STORMWATER MANAGEMENT REQUIREMENTS, IN FAVOR OF THE REGIONAL POND CONSTRUCTED ON LAND BAY A.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE OPEN SPACE REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner de la Fe seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Murphy abstaining; Commissioners Donahue and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-P11-11/SEA 2008-MD-034 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)
2. SE 2011-MV-006 – HAMDI H. ESLAQUIT, d/b/a HAMDI'S CHILD CARE & SELIM M. ESLAQUIT
3. RZ 2011-LE-008 – LOISDALE 24, LLC

This order was accepted without objection.

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2232-P11-11 – METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY IN COORDINATION WITH THE VIRGINIA
DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
ON BEHALF OF WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY – Appl. under Sects. 15.2-2204 and

15.2-2232 of the *Code of Virginia* to permit the construction of a Kiss-and-Ride lot. Located in the N.W. and S.W. quadrant of the intersection of Leesburg Pk. and Spring Hill Rd. and a portion of Leesburg Pk. right-of-way on approx. 3.23 ac. of land zoned C-7 and I-5, HC and SC. Tax Map 29-3 ((1)) 53 pt., 53A, 57H pt., 57J and portions of right-of-way associated with Rt. 7. (Concurrent with SEA 2008-MD-034.) PROVIDENCE DISTRICT.

SEA 2008-MD-034 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY IN COORDINATION WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY – Appl. under Sects. 4-704 and 5-504 of the Zoning Ordinance to amend SE 2008-MD-034 previously-approved for an electrically-powered regional rail transit facility to permit increase in land area and associated modifications to site design and development conditions. Located in the N.W. and S.W. quadrant of the intersection of Leesburg Pk. and Spring Hill Rd. and a portion of Leesburg Pk. right-of-way on approx. 3.23 ac. of land zoned C-7 and I-5, HC and SC. Tax Map 29-3 ((1)) 53 pt., 53A, 57H pt., 57J and portions of right-of-way associated with Rt. 7. (Concurrent with 2232-P11-11.) HUNTER MILL AND PROVIDENCE DISTRICTS. JOINT PUBLIC HEARING.

Lori Greenlief, Land Use Planner, McGuireWoods LLP, reaffirmed the affidavit dated October 11, 2011. There were no disclosures by Commission members.

Tracy Strunk, 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 both SEA 2008-MD-034 and 2232-P11-11.

In response to a question from Commissioner de la Fe, Ms. Strunk confirmed that SEA 2008-MD-034 addressed the properties on the north side of Route 7 in the Providence District with no changes proposed to the south side in the Hunter Mill District.

Ms. Greenlief explained that the negotiation process between the County, property owners, and development entities had facilitated the proposal to add land area to allow the reorientation of a north entrance pavilion to support better integration with the Spring Hill Station development proposed by Georgelas Group LLC, located on the north side of Route 7, and to accommodate a proposed kiss-and-ride lot. She stated that the land rights would be transferred to the County and then ultimately to the Washington Metropolitan Area Transit Authority (WMATA), portions of which would be fee simple with a surface easement. Ms. Greenlief pointed out that the proposed kiss-and-ride lot would be an interim facility that would eventually be incorporated into the

surrounding uses. Ms. Greenlief said the applicants agreed with the proposed development conditions. She also noted that the applicants had met with residents who had not expressed major concerns in the adjacent Rotunda condominium and Westwood Village townhome communities. She said the proposal would help facilitate the kind of redevelopment for the Tysons West area envisioned in the Comprehensive Plan, meet the intent of the applicable zoning districts, and not cause adverse impact to adjoining properties. She added that the installation of appropriate signage, as required in the development conditions, would not cause safety concerns or unreasonable impacts to the surrounding street system.

Responding to questions from Commissioner Flanagan, Ms. Greenlief explained that the interim location of the kiss-and-ride facility would ultimately be integrated into the Spring Hill Station development. She indicated that plantings and a chain-link fence would be provided around the perimeter of the site. Ms. Strunk added that transitional screening or barriers were not required for this proposal, in conformance with the Zoning Ordinance and the Tysons Corner Urban Center portion of the Comprehensive Plan.

Answering questions from Commissioner Lawrence, Ms. Greenlief confirmed that the majority of users of the planned Tysons West/Tysons-Spring Hill Road Metrorail Station would be pedestrians and reiterated that the kiss-and-ride lot would provide interim parking to serve the station until it was ultimately provided as part of the surrounding development. She also confirmed that the applicants would continue to work with the Virginia Department of Transportation (VDOT) to install signage to direct vehicles to the kiss-and-ride facility from Route 7 eastbound and westbound.

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

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), expressed concerns that the proximity of the proposed kiss-and-ride facility entrance on Spring Hill Road to its Route 7 intersection would cause vehicles to stack within the facility when the traffic signal was red and that vehicles exiting the facility to turn left would have limited distance to change lanes. He pointed out that the Spring Hill Station development proposed to construct Retail Circle for additional access from the north and he hoped it would be completed before the kiss-and-ride facility was operational. Mr. Zetts stated that the MCA supported this proposal provided that Retail Circle or a temporary access road connected to the proposed facility from the north prior to opening, as indicated in the MCA Resolution dated October 5, 2011, a copy of which is in the date file.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Greenlief.

Addressing the MCA's recommendation, Ms. Greenlief explained that this entrance was a proffered condition with the adjacent Spring Hill Station rezoning and the provision of a full public road or temporary access point to either Tyco Road or Spring Hill Road was not part of the funding or scope for this project. She noted that the proposed right-in/right-out only access to

Spring Hill Road had been approved by VDOT. She pointed out that the location of a second entrance to the site would be determined by future development of the surrounding street grid network, which had not yet been finalized. Ms. Greenlief stated that if the additional access point to either Tyco Road or Spring Hill Road were constructed, it would probably not intersect either road at a traffic light, which would fail to mitigate traffic issues in this area. She added that access to the site would be adequate in its temporary state, with provision for additional access as the surrounding street network was developed in the future.

Replying to questions from Commissioner Lawrence, Ms. Greenlief stated that there were no funds available for land acquisition, design, or construction for temporary additional access to serve the kiss-and-ride lot until the new street was built. She said she did not believe that the applicants had the ability to request funds for such a temporary road in the event of substantial traffic congestion under the interim condition.

Answering more questions from Commissioner Lawrence, Ms. Strunk confirmed the following provisions for the development:

- Georgelas Group intended to reactivate the Conceptual Development Plan for the section containing the kiss-and-ride area in late 2011;
- The critical link of Retail Circle would be provided through the approval of a Final Development Plan (FDP) for a major building or buildings to be served by that street;
- The filing of such a FDP would be driven by market conditions; and
- It had not yet been determined when the interim condition of the kiss-and-ride lot would end.

Responding to additional questions from Commissioner Lawrence, Michael Davis, Fairfax County Department of Transportation, described how the traffic bollards near the exit from the facility would prevent vehicles from turning left onto Spring Hill Road, blocking through lanes of traffic, or creating any traffic conflicts. Mr. Davis stated that staff and the applicants were working with VDOT to obtain "Do Not Block Intersection" signage for the entrance to the kiss-and-ride lot to help deter vehicles from blocking the Route 7/Spring Hill Road intersection.

In reply to questions from Commissioner Harsel, Ms. Strunk described how vehicles would enter and exit the kiss-and-ride facility. She said additional access to the site would be provided via a future driveway or public road connected to either Spring Hill Road or Tyco Road after the Georgelas Group property was redeveloped.

Ms. Strunk and Mr. Davis responded to questions from Commissioner Hart regarding access to the site and Spring Hill Road, the surrounding uses, and interparcel connections.

In reply to questions from Commissioner Flanagan, Ms. Strunk described how vehicles would access the kiss-and-ride facility from Spring Hill Road or Route 7.

Answering questions from Commissioner Lawrence, Ms. Strunk stated that she did not believe the County had funds to build a temporary additional access road to serve the kiss-and-ride lot until the new street was built. Mr. Davis noted that the County did not have the ability to request funds for such a temporary road in the event of substantial traffic congestion under the interim condition.

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 Lawrence for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-P11-11 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners Hall and Hart seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2008-MD-034, SUBJECT TO CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 17, 2011.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Donahue and Sargeant absent from the meeting.

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SE 2011-MV-006 – HAMDI H. ESLAQUIT d/b/a HAMDI'S CHILD CARE AND SELIM M. ESLAQUIT – Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility with a maximum of 10 children. Located at 6606 Winstead Manor Ct., Lorton, 22079, on approx. 13,006 sq. ft. of land zoned PDH-2. Tax Map 99-2 ((17)) 31. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Selim Eslaquit, co-applicant, reaffirmed the affidavit dated July 18, 2011. There were no disclosures by Commission members.

Kelli Goddard-Sobers, 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.

Mr. Eslaquit stated that the subject application sought to operate a home child care facility for a maximum of ten children. He noted that the facility had sufficient space in the existing driveway to accommodate all drop-off and pick-up activity on-site and it would not adversely affect the surrounding community. He said that he had informed the Winstead Manor Homeowners Association about the proposal, noting that more than 50 percent of all the homeowners in the community supported the proposal.

In response to a question from Chairman Murphy, Mr. Eslaquit noted that the children currently under his care resided in the nearby Alexandria, Kingstowne, and Lorton areas.

Responding to questions from Commissioner Hart, Mr. Eslaquit said he accepted the most recent set of the proposed development conditions dated October 20, 2011, a copy of which is in the date file.

Answering a question from Commissioner Flanagan, Mr. Eslaquit acknowledged that he was the owner of the home in which the child care facility operated.

In reply to a question from Commissioner Harsel, Mr. Eslaquit stated that his own children would be in school during the day and would not be present while the child care facility was in operation.

Replying to a question from Commissioner Flanagan, Mr. Eslaquit confirmed that he did not allow the children to use the front yard or the street for recreation.

Chairman Murphy called the first listed speaker.

Pamela Gagen, 6616 Winstead Manor Court, Lorton, noted that she had distributed to the Commission a packet containing her statement; a letter dated October 19, 2011, from Daniel B. Streich, Esquire, with Chadwick, Washington, Moriarty, Elmore & Bunn P.C., representing the Winstead Manor Homeowners Association; and a map of the Winstead Manor community, a copy of which is in the date file. She indicated that she had also distributed photographs showing the traffic congestion that ensued in her neighborhood during the child care pick-up and drop-off times. Ms. Gagen explained that she was opposed to the proposal for the following reasons:

- The subject proposal violated the Winstead Manor Governing documents, which explicitly stated that the lots must be used for residential purposes only; prohibited business or commercial activity on any part of the properties; and prohibited noxious, offensive, or other activity on any part of the properties that would unreasonably interfere with the quiet enjoyment of any of the residents;
- Three child care facilities, including Hamdi's Child Care, currently operated on Winstead Manor Court, all of which created significant traffic and safety problems;

- Approving the subject proposal would encourage Mr. and Mrs. Eslaquit to seek additional increases in the number of children under their care and set a precedent for the other two neighboring child care facilities to do likewise;
- Mr. and Mrs. Eslaquit had been previously issued a notice of violation for exceeding the maximum number of children allowed in a home child care facility and had not been held accountable;
- Residents on Winstead Manor Court have sometimes been unable to access their driveways because they have been used by parents dropping their children off at one of the child care facilities;
- The disturbances and traffic issues caused by the child care facilities have negatively affected the home values in the community and degraded the residential quality and appeal of the neighborhood; and
- The presence of these child care facilities has resulted in serious conflicts between neighbors.

In response to questions from Chairman Murphy, Ms. Gagen indicated that the applicants resided on Lot 31, she owned Lot 35, and the two other child care centers were located on Lots 33 and 34. Ms. Goddard-Sobers stated that the two other child care centers had been approved under the minimum requirements set by the County and had not applied for a Special Exception (SE). She said that the maximum number of children allowed at any one time for home child care facilities located in a single-family detached dwelling was seven, according to Section 10-103 (6) of the Zoning Ordinance. Wayne Bass, Department of Code Compliance (DCC), explained that the owners of Lot 34 had received a notice of violation directing them to reduce the number of children to seven and they had complied. He said he believed that the owners of Lot 33 had also received a notice of violation, but he did not know details of that case.

Commissioner Hart informed Ms. Gagen that the Planning Commission was not permitted to consider or alter the covenants of homeowners associations.

Commissioner Flanagan pointed out to Ms. Gagen that the County permitted home child care facilities located in a single-family detached dwelling within conventional residential zoning districts as long as the maximum number of children at any one time did not exceed seven. He added that the Winstead Manor Homeowners Association could amend its covenants to regulate child care facilities within the community.

Alan Boyd, 6603 Winstead Manor Court, spoke in support of the application. He indicated that he had not had any problems with people using his driveway to drop off their children at the subject child care facility. He argued that three additional children would only result in a maximum of six additional vehicular trips. He noted that as a member of the Winstead Manor

Homeowners Association, he had not received any notice from the Association asking for his position on this proposal.

In response to a question from Commissioner Hart, Mr. Boyd claimed that the Winstead Manor Homeowners Association Board of Directors had not informed its members about the subject application and did not take a vote on this at a meeting.

Replying to a question from Chairman Murphy, Mr. Boyd confirmed that he had not seen the letter dated October 19, 2011, from Daniel B. Streich, Esquire, with Chadwick, Washington, Moriarty, Elmore & Bunn P.C., representing the Winstead Manor Homeowners Association.

Chairman Murphy called for speakers from the audience.

Lona Taber, 6612 Winstead Manor Court, Lorton, noted that she owned Lot 33 where she operated a child care facility. She described two separate occasions when she had received a notice of violation from the DCC for exceeding the maximum number of children allowed in a home child care facility, but upon investigation had been determined to be in compliance. She reported that on December 6, 2010, she had received another notice of violation for operating with two non-resident employees and had subsequently reduced the number to one to comply with the regulation. She explained that she had been informed by DCC staff that home child care facilities that propose more than seven children and/or more than one non-resident employee must obtain a SE, but this would have been cost prohibitive to her business. Ms. Taber claimed that the two other child care centers in her neighborhood that had been cited for exceeding the maximum number of children on multiple occasions were not litigated. She said she believed that she was being treated unfairly by the County for complying with the prescribed Zoning Ordinance regulations while the other child care facilities had failed to do so.

Replying to questions from Commissioner Harsel, Ms. Taber indicated that Hamdi's Child Care had 13 children present on-site on March 2, 2010, according to an inspection report conducted by the Virginia Department of Social Services. (A copy of this report is in the date file.)

Colleen Hoffman, 6616 Winstead Manor Court, Lorton, noted that she rented the house on Lot 35 owned by the Gagens. She pointed out that she had not been contacted by Mr. or Mrs. Eslaquit regarding their proposal. She said she opposed the application citing concerns about excessive traffic congestion in the neighborhood, detrimental impacts on the quality of life and safety of the children and residents, and established precedent that would allow the two other child care facilities to expand. Ms. Hoffman suggested that the applicants relocate their child care facility to a commercially-zoned property. She said she disagreed with Mr. Eslaquit's claim that more than 50 percent of all the homeowners in the community supported the proposal.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Eslaquit.

Mr. Eslaquit apologized to Ms. Hoffman for not contacting her, citing time constraints. He said he had collected a total of 24 signatures from homeowners in the Winstead Manor community who supported the application, noting that this represented more than 50 percent of all the homeowners. He stated that he had not received any complaints regarding traffic or any other issues since his child care facility began operation. Mr. Eslaquit added that he had not received any notice from the Winstead Manor Homeowners Association Board of Directors to participate in any proceedings regarding his application or that the Association had voted to oppose it.

In reply to a question from Commissioner de la Fe, Mr. Eslaquit confirmed that his child care center was licensed by the Virginia Department of Social Services to care for 12 children, but Fairfax County limited the number of children to 7.

Commissioner Hall referenced a report from the Virginia Department of Social Services that cited Mr. Eslaquit for allowing 13 children and 2 assistants present on March 2, 2010, which violated both County and State regulations. Mr. Bass said that he was not familiar with this inspection because it had been conducted by the State.

Chairman Murphy called for closing staff remarks from Ms. Goddard-Sobers.

Addressing Ms. Taber's concern that the SE application fee for a home child care facility was too expensive, Ms. Goddard-Sobers pointed out that it was actually \$1,065, not \$15,000, which had been erroneously cited by an inspector.

In response to a question from Commissioner Flanagan, Ms. Goddard-Sobers explained her justification for determining that the application met the General Special Exception Standards under Section 9-006 in the Zoning Ordinance.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-MV-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 20, 2011.

Commissioner Migliaccio seconded the motion which carried by a vote of 8-1-1 with Commissioner Hall opposed; Commissioner Harsel abstaining; Commissioners Donahue and Sargeant absent from the meeting.

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The Commission went into recess at 10:02 p.m. and reconvened in the Board Auditorium at 10:16 p.m.

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RZ 2011-LE-008 – LOISDALE 24, LLC – Appl. to rezone from R-1 to C-3 to permit commercial development with an overall Floor Area Ratio (FAR) of 0.18. Located in the N.E. quadrant of the intersection of Loisdale Rd. and Newington Rd. on approx. 24.68 ac. of land. Comp. Plan Rec: Industrial. Tax Map 99-2 ((1)) 7A and 8. LEE DISTRICT. PUBLIC HEARING.

Mark Looney, Esquire, Cooley LLP, reaffirmed the affidavit dated September 8, 2011. There were no disclosures by Commission members.

Commissioner Migliaccio announced his intent to defer the decision on this case at the end of the public hearing until Thursday, October 27, 2011.

Erin Grayson, 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.

Mr. Looney delivered a PowerPoint presentation depicting the location of the subject property; design, layout, and amenities of the proposed Belvoir Corporate Campus; stormwater management facilities; grading and elevations; and environmental features. He noted that the southern portion of the property would remain undeveloped at this time. He added that the application included an option to construct an additional or revised entrance to the property for security screening purposes to include a guard booth, truck inspection facility, and other features. He indicated that support services associated with the office buildings would be provided in the cellar space.

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Due to technical difficulties, Chairman Murphy paused the public hearing at 10:23 p.m. and resumed at 10:39 p.m.

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Continuing his presentation, Mr. Looney described the transportation improvements planned for the property frontage along Loisdale and Newington Roads. He next listed some of the proffered off-site improvements and pro rata share contributions. He explained the proffered reduction of morning and evening peak hour vehicular trips by a minimum of 20 percent, as set forth in the Transportation Demand Management (TDM) Plan. (A copy of Mr. Looney's presentation is in the date file.)

In response to questions from Commissioner Migliaccio, Mr. Looney stated that Proffer Number II, Proposed Development D, Cellar Space, set forth the uses that were permitted within the cellar space to include accessory uses for the building tenants or owners, such as eating establishments, child care facilities, fitness centers, secure rooms, and storage space, but no office uses. He defined a Sensitive Compartmented Information Facility (SCIF) as a secure room within a building that was used to house or process classified documents, data, or other information with only authorized personnel permitted to access this room. He added that the SCIF was not intended to be permanent office space for any personnel with security clearance, but was instead intended to serve as a special purpose room for authorized personnel to conduct classified activities.

Mr. Looney answered questions from Commissioner Hart regarding the cellar space depicted in Figure 5: Rear Building Illustrative (to show building design) on page 7 of the staff report, entrance to the building, and permitted uses in the cellar space.

Commissioner Lawrence noted that the proffers for PCA 2008-PR-009, INOVA Fairfax Hospital, had indicated that the Employee Trip Counts would be conducted so that only trips generated by the employees on-site would be accounted for, and suggested that the applicant consider adding similar proffer language. Mr. Looney said the proposed ancillary commercial uses would primarily serve employees within the buildings only, noting that the child care center and associated outdoor play area would be restricted for the exclusive use of the children of the office building tenants.

Commissioner Lawrence further suggested that the applicant improve the TDM Plan and goal.

Replying to a question from Commissioner Flanagan, Mr. Looney stated that he would consider revisions to the proffer language further restricting the permitted uses within the cellar space.

Chairman Murphy called the first listed speaker.

Cynthia Smith, 6713 Catskill Road, Lorton, representing the Newington Civic Association, noted that in response to a request from the Association, the applicant had agreed to proffer \$10,000 for traffic-calming measures on Newington Road; however, she expressed concern that this contribution would not adequately mitigate the traffic. She claimed that the applicant intended to include office space in the cellar, noting that there was no overt prohibition against such use in the proffers. Ms. Smith stated that allowing up to 200,000 square feet of office use on the site would be inappropriate. She listed the following issues that had remained unresolved in the staff report: unstable soils, stormwater management, transportation, replanting cleared land, and funding parks. She expressed concern that the proposal would increase the amount of cut-through traffic on Newington Road. Ms. Smith expressed opposition to the proposed development because it would negatively impact the surrounding uses, exacerbate existing traffic congestion in the area, lower the level of service (LOS) for Newington Road to "F," lack sufficient screening along Loisdale Road, and pose a safety hazard due to the proximity of the stormwater detention pond to active elevated railroad tracks. She recommended that the County

require that the applicant conduct a geotechnical study because the site was covered almost entirely with problem class soils. (A copy of Ms. Smith's statement is in the date file.)

Answering a question from Commissioner Harsel, Ms. Smith clarified that the proffered contribution of \$10,000 would not cover the cost of two speed tables, which the Newington Civic Association believed were needed to help mitigate traffic along Newington Road.

Responding to a question from Commissioner Migliaccio, Alan Kessler, Fairfax County Department of Transportation (FCDOT), stated that the submitted traffic impact study from the applicant had determined that the proposed development would generate approximately four percent of the traffic along Newington Road.

In reply to questions from Commissioner Hart, Ms. Smith suggested that the proffers be revised to indicate that screening trees would be provided along Loisdale Road rather than along the railroad tracks.

Brandon Farlander, 6908 Trestle Court, Lorton, President of the Newberry Station Homeowners Association, noted that Michael Floyd Miller, Secretary of the Association's Board of Directors, had submitted comments to the Planning Commission, a copy of which is in the date file. He expressed opposition to the proposed development because it would cause traffic gridlock in the area and increase cut-through traffic on Newington Road. Mr. Farlander therefore presented the following recommendations:

- Provide funding and construction of all road improvements necessary to accommodate the traffic generated by the development and improvements in public transportation, such as encouraging the use of the Franconia-Springfield Metro Station and connecting bus routes, and options for telecommuting;
- Divide the proffered contribution to the Fairfax County Park Authority between the Lee and Mount Vernon Districts for the construction or enhancements of parks in these districts;
- In addition to the speed tables suggested by Ms. Smith, install a stop sign at Hamilton Road and Newington Road; and
- Hold a public hearing to discuss the design of the planned road improvement between Newington Road and the Fairfax County Parkway.

Alan Boyd, 6603 Winstead Manor Court, Lorton, pointed out that a SCIF was not necessarily precluded from being an office space, noting that it could be a conference room or an area of cubicles. He therefore suggested that the applicant refine the cellar space proffer to prevent the SCIF from being used as office space. He stated that the use of the cellar area as office would result in a conflict with the Comprehensive Plan which explicitly limited the office use to 200,000 square feet. Mr. Boyd expressed concerns about the traffic impact on the surrounding

area and the proposed median on Loisdale Road. He also cited the need for a comprehensive traffic study of the area.

Matt Szramoski, 8309 Accotink Road, Lorton, spoke in opposition citing concerns regarding exacerbated stormwater runoff; worsened traffic congestion and speeding; and excessive scale. He reported that his neighborhood was currently in negotiations with FCDOT and the Virginia Department of Transportation (VDOT) to install traffic-calming measures on Newington Road. Mr. Szramoski claimed that the applicant was willing to proffer a conservation easement on the undeveloped portion of the subject property in response to a request from his community. He commented that the County should seek solutions to traffic problems instead of approving applications for additional development in the area.

Chairman Murphy called for speakers from the audience.

Greg Granahan, 4400 Elmwood Drive, Alexandria, said he was opposed to the proposal due to the transportation issues on Loisdale Road.

Greg Budnik, 8309 Telegraph Road, Lorton, engineer with GJB Engineering, Inc., noted that his civil engineering firm represented the tenant businesses in the Parkway Express and Hunter Plaza located near the subject property. On behalf of these businesses, he requested that if the Planning Commission recommended approval of this project, it ensure that the proffers did not include any construction of road improvements along Loisdale Road between Newington Road and the Fairfax County Parkway. He explained that the businesses were concerned that any such road improvements fronting their property would create a rather significant series of unintended consequences. Mr. Budnik said his firm was currently working with VDOT on developing an appropriate set of road improvements that would be complementary to both the concerns of the surrounding residents and businesses that required consistent left-in/left-out access. He also recommended that the road improvements be designed and administered only by VDOT to ensure that the businesses had full access and that the proffered cash contribution toward the necessary improvements in lieu of construction be maintained.

In reply to questions from Commissioner Flanagan, Mr. Budnik said he believed that all stakeholders should have the opportunity to provide input regarding future road improvements in this area. He indicated his support of a VDOT study of the intersection of Loisdale Road and the Fairfax County Parkway.

Answering a question from Commissioner Migliaccio, Mr. Budnik said that he did not believe that the tenant businesses in the Parkway Express and Hunter Plaza were opposed to a second left turn lane from southbound Fairfax County Parkway onto eastbound Loisdale Road.

Responding to questions from Commissioner Hart, Ms. Grayson stated that the applicant would not construct any transportation improvements south of Newington Road.

Kevin Page, 8311 Graceway Drive, Lorton, representing Hunter Plaza LLC, spoke in support of the application as submitted because it would benefit the existing and future businesses in the

Newington area and was consistent with the existing and future commercial development in this area. He reaffirmed Mr. Budnik's request that the applicant not construct any improvements on Loisdale Road so that these businesses could continue to survive.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Looney.

Mr. Looney explained that the Loisdale Road Corridor Transportation Study had essentially programmed certain developments that were known, anticipated, or planned within the Loisdale Road Corridor and ultimately settled on a series of Comprehensive Plan Amendments in the area that could be approved without triggering the need for substantial widening of Loisdale Road between the subject site and Springfield Mall and Franconia Road to the north. He stated that the subject application was in full conformance with this study and the Comprehensive Plan. He noted that FCDOT and VDOT had reviewed the traffic impact study, which had determined that four percent of the vehicular trips projected to be generated by the development would come from the east on Newington Road. He said this increase would result in 16 trips during the morning peak period and 14 during the evening peak period and the 20 percent trip reduction goal would result in 12 morning peak period trips and 11 evening peak period trips, which he believed would have a minimal impact on traffic in the area. Addressing speakers' concerns, Mr. Looney noted that the applicant had proffered to install a bus shelter along Loisdale Road that would serve the Fairfax Connector system and any other transit system available; run a shuttle service to the Franconia-Springfield Metro Station during the morning and evening peak periods; and plant additional landscaping along the Loisdale Road frontage of the property. He said the applicant would specifically address Ms. Smith's concern that screening be provided along Loisdale Road rather than along the railroad tracks.

Commissioner Lawrence restated his suggestion that the applicant improve the TDM Plan and goal.

Replying to a question from Commissioner Flanagan, Mr. Looney indicated that the applicant would conduct a geotechnical study of the property at the time of site plan review. He stated that any significant alteration of the approved development plan resulting from the findings of an approved geotechnical study could trigger the need for an amendment to address those design changes and another public hearing before the Planning Commission and Board of Supervisors. Mr. Looney pointed out that the applicant had not proposed a berm but had proffered additional plantings along Loisdale Road to more effectively screen the parking lot.

Commissioner Hart suggested that the applicant ensure that the cellar space met the applicable Zoning Ordinance provisions and revise the proffers to specifically prohibit office space in the cellar.

In response to questions from Commissioner Flanagan, Regina Coyle, ZED, DPZ, stated that Proffer Number II, Proposed Development A, Proposed Development and Uses, stipulated that the applicant would be permitted to develop up to 200,000 square feet of gross floor area on the property, along with up to 50,000 square feet of cellar space and surface parking. She pointed out

that the cellar space proffer stipulated the restrictions of what could occur in the cellar space, but office was not included. She added that she did not object to the applicant modifying that proffer to explicitly exclude any office uses.

In reply to additional questions from Commissioner Flanagan, Mr. Kessler indicated that the intersection of Loisdale Road and the Fairfax County Parkway was currently operating at LOS "D" during the morning peak period and "E" during the evening peak period, but dropped to a LOS "F" during both peak periods.

A brief discussion ensued among Commissioner Flanagan, Mr. Kessler, and Commissioner Migliaccio on the expected vehicular trip generation, as depicted in Appendix 5 of the staff report.

Commissioner Flanagan pointed out the Mount Vernon Council of Citizens' Associations resolution concerning this application, which recommended that subject to FCDOT and VDOT review and approval, as an interim traffic control for Loisdale Road and the Fairfax County Parkway, that the middle lane of the westbound lanes on Loisdale Road be marked for vehicles turning either right or left onto the Fairfax County Parkway. (A copy of the resolution is in the date file.) He then asked whether VDOT had agreed to this request. Mr. Kessler explained that VDOT was currently researching the possibility of converting the second right turn lane at the westbound approach on Loisdale Road at the Fairfax County Parkway to either a combination right turn/left turn lane or a dual left turn lane.

Responding to another question from Commissioner Flanagan, Mr. Kessler noted that the possible turn lane modification would include markings on the pavement and a traffic light signal, but a raised median was not anticipated.

Answering a question from Commissioner Migliaccio, Ms. Grayson listed the contributions proffered by a number of surrounding projects in the Lee District, which totaled over one million dollars that could potentially be used for Loisdale Road improvements.

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 Migliaccio for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR RZ 2011-LE-008 TO A DATE CERTAIN OF OCTOBER 27, 2011, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioners Alcorn and Lawrence seconded the motion which carried unanimously with Commissioners Hall and Litzenger not present for the vote; Commissioners Donahue and Sargeant absent from the meeting.

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The meeting was adjourned at 11:51 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: Jacob Caporaletti

Approved on: June 28, 2012

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