

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 17, 2011**

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville 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
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large

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The meeting was called to order at 8:23 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 Tysons Corner Committee had met on Wednesday, November 16, 2011, and would meet again on Wednesday, December 7, 2011, at 7:00 p.m., in Conference Room 2/3 of the Fairfax County Government Center.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to continue the discussion on proposed changes to the Green Building Policy. He announced that the Committee's next two meetings would take place on Thursday, December 15, 2011, and Thursday, January 26, 2012, at 7:00 p.m., in the Board Conference Room of the Government Center. He added that everyone was welcome to attend both meetings.

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FS-Y11-33 – AT&T MOBILITY, 15717 Lee Highway

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR THAT FS-Y11-33 IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED

COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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FSA-S96-12-1 – AT&T MOBILITY, 4643 West Ox Road
FSA-S01-63-1 – SPRINT, 4201 Stringfellow Road
456A-S96-6-2 – AT&T MOBILITY, 5645 Revercomb Court
FSA-H97-35-2 – AT&T MOBILITY, 11400 South Lakes Drive
456A-V96-17-2 – AT&T MOBILITY, 8210 Terminal Road
FSA-S00-62-1 – AT&T MOBILITY, 12111 Braddock Road
FSA-P05-10-1 – AT&T MOBILITY, 8401 Arlington Boulevard
2232A-S05-12-1 – AT&T MOBILITY, 7008 Elkton Drive
FSA-S96-25-2 – SPRINT, 9509 Old Burke Lake Road
456A-S92-7-1 – AT&T MOBILITY, 11209 Fairfax Station Road
FSA-L96-3 – AT&T MOBILITY, 6550 Loisdale Road
2232A-V01-27-2 – SPRINT, 7401 Lockport Place

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

Without objection, the motion carried unanimously with Commissioner Alcorn absent from the meeting.

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FSA-V09-173-1 – AT&T MOBILITY, 2501 Parkers Lane

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-V09-173-1 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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FSA-D01-7-1 – SPRINT, 7700 Leesburg Pike

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR THAT FSA-D01-7-1 IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED

COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR PCA 2004-DR-023-03 AND SEA 00-D-006-04, TRINITY GROUP, LLC, TO A DATE CERTAIN OF DECEMBER 8, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. RZ 2011-LE-019 – CLIFTON MORRIS, JR. & STEPHEN MORRIS
2. CSPA 2003-PR-009 & CSP 2005-PR-041 – ESKRIDGE (E & A) LLC
3. PCA 2008-PR-009/SEA 80-P-078-16 – INOVA HEALTH CARE SERVICES

This order was accepted without objection.

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RZ 2011-LE-019 – CLIFTON N. MORRIS, JR. & STEPHEN L. MORRIS – Appl. to rezone from R-1 and HC to R-12 and HC to permit residential development at a density of 9.82 dwelling units per acre (du/ac) and a waiver of the minimum district size. Located on the W. side of Potters Lane approx. 400 ft. S. of its intersection with Old Franconia Road on approx. 1.73 ac. of land. Comp. Plan Rec: 8-12 du/ac. Tax Map 81-3 ((1)) 46 and 91-1 ((1)) 43. LEE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated September 12, 2011. Commissioner Hart disclosed that the law firm of Hart and Horan, PC, had one case pending with Ms. Strobel’s law firm but indicated that there was no financial relationship and it would not affect his ability to participate in the public hearing.

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

Commissioner Migliaccio clarified that Proffer Number 4C of the revised proffers, dated November 17, 2011, specified that the applicants would offer each purchaser the option for installation of a rain barrel at no additional cost.

Ms. Strobel provided a brief history of the property and description of its location. She explained that the applicant had prepared two possible layout plans in anticipation of County requirements regarding stormwater management. She noted that stormwater management would most likely be provided from an off-site pond within the Potters Glen community, thereby implementing layout “Alternative A.” She added that the applicants had committed to the following provisions:

- Brick façades and sides,
- Universal design features,
- Energy-efficiency certification through EarthCraft/ENERGY STAR, and
- Contributions for affordable housing, schools, and the Fairfax County Park Authority.

Ms. Strobel noted that the applicants had met with citizens to discuss how the new development would be incorporated into the existing Potters Glen community and its homeowners association, adding that both the citizens and the Lee District Land Use Committee had expressed support for this application. She pointed out that the applicants had also committed to preserving the natural state of the open area adjacent to Potters Lane and installing rain barrels at no cost to purchasers.

Chairman Murphy called for speakers from the audience, but received no response. 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 RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2011-LE-019, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 16, 2011.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE FOR THE R-12 DISTRICT, PURSUANT TO SECTION 3-1206 OF THE ZONING ORDINANCE.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY BOUNDARY IN FAVOR OF THE LANDSCAPING AND THE MASONRY WALL SHOWN ON THE GDP.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A DEVIATION OF THE TREE PRESERVATION TARGET IN FAVOR OF THAT SHOWN ON THE GDP.

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

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CSP 2005-PR-041 – ESKRIDGE (E&A) LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2005-PR-041. Located on the S. side of Lee Hwy. approx. 400 ft. W. of its intersection with Gallows Road on approx. 12.0 ac. of land zoned PDC and HC. Tax Map 49-3 ((1)) 80E pt., 81A, 82A, and 82B. (Concurrent with CSPA 2003-PR-009.) PROVIDENCE DISTRICT.

CSPA 2003-PR-009 – ESKRIDGE (E&A) LLC – Appl. to amend the previously approved Comprehensive Sign Plan associated with RZ 2003-PR-009 to permit sign modifications. Located at 8190 and 8191 Strawberry Lane, Falls Church, on approx. 5.33 ac. of land zoned PRM and HC. Tax Map 49-4 ((17)) 100-517, C1-C4; 49-4 ((17)) (2) 100-522, and C1-C4. (Concurrent with CSP 2005-PR-041.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Rebecca Horner, 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.

Stephen Teets, Engineer, Edens and Avant, thanked staff and Commissioner Lawrence for their assistance with the proposal. He described the proposed signage, noting that the video display and pedestrian signs along the frontage would ensure that people arrived at the center expeditiously.

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

Chuck Peña, Executive Director, Fairfax Cable Access Corporation, 2929 Eskridge Road, Suite S, Fairfax, spoke in support of the application. He stated that the Fairfax Cable Access Corporation was satisfied with the Comprehensive Sign Plan because it unified the various areas of the Town Center and in an attractive manner.

In response to questions from Commissioner de la Fe, Ms. Horner explained that the red balls Target placed in front of its stores raised concerns about obstructing the pedestrian walkway; therefore, the applicant had agreed to remove them from the plans.

Responding to questions from Commissioner Flanagan, Mr. Teets explained that the parking throughout the Town Center was free and thus no signage stipulating free parking had been considered. When Commissioner Flanagan suggested provision of such signage, Mr. Teets said that it would be noted in the ad campaigns for the development. When Commissioner Harsel noted that ticket gates would indicate paid parking, Mr. Teets pointed out that only residential units would have gates to ensure parking for residents.

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

Commissioner Lawrence stated that he had spoken with a representative from the Fairfax County Park Authority regarding the video display. Noting that it would be the first such display in the area, he said that an agreement had been reached on its hours of operations.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 2003-PR-009 TO AMEND THE PREVIOUSLY-APPROVED COMPREHENSIVE SIGN PLAN FOR VANTAGE DEVELOPMENT, A PORTION OF THE MERRIFIELD TOWN CENTER, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 15, 2011, WITH THE FOLLOWING REVISIONS:

- IN CONDITION NUMBER 5, REMOVE THE WORDS,

“WALKWAY, STREET, RIGHT-OF-WAY, OR OTHER PEDESTRIAN,” AND ADD A SECOND SENTENCE TO READ AS FOLLOWS: "ALL FREE-STANDING PERMANENT SIGNS SHALL BE LOCATED SO AS NOT TO BLOCK ANY PEDESTRIAN WALKWAY OR TRAVELWAY."

- IN CONDITION NUMBER 9, REPLACE "ST101" WITH "ST102."

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2005-PR-041 TO ESTABLISH A COMPREHENSIVE SIGN PLAN FOR PHASE I OF MOSAIC DEVELOPMENT, A PORTION OF THE MERRIFIELD TOWN CENTER, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 15, 2011, WITH THE FOLLOWING REVISIONS:

- IN CONDITION NUMBER 4, CHANGE THE THIRD SENTENCE TO READ: "HOURS OF OPERATION OF THE VIDEO SCREEN SHALL BE BETWEEN 6:30 A.M. AND 12:00 A.M., SUNDAY THROUGH THURSDAY, AND 6:30 A.M. AND 1:00 A.M., FRIDAY AND SATURDAY."
- IN CONDITION NUMBER 6, REMOVE THE WORDS, "WALKWAY, STREET RIGHT-OF-WAY, OR OTHER PEDESTRIAN," AND ADD A SECOND SENTENCE TO READ AS FOLLOWS: “ALL FREE-STANDING PERMANENT SIGNS SHALL BE LOCATED SO AS NOT TO BLOCK ANY PEDESTRIAN WALKWAY OR TRAVELWAY."
- DELETE CONDITION NUMBER 14.

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

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PCA 2008-PR-009 – INOVA HEALTH CARE SERVICES –
Appl. to amend the proffers for RZ 2008-PR-009 previously-
approved for medical care and related facilities to permit building
additions and associated modifications to proffers and site design

with an overall Floor Area Ratio (FAR) of 0.80. Located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church on approx. 65.46 ac. of land zoned C-3. Comp. Plan Rec: Public Facilities, Government, and Institutional Uses. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with SEA 80-P-078-16.) PROVIDENCE DISTRICT.

SEA 80-P-078-16 – INOVA HEALTH CARE SERVICES –
Appl. under Sects. 4-304 and 9-308 of the Zoning Ordinance to amend SE 80-P-078 previously-approved for a medical care facility and increase in building height to permit building addition and associated modifications to site design and development conditions. Located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church on approx. 65.46 ac. of land zoned C-3. Comp. Plan Rec: Public Facilities, Government, and Institutional Uses. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with PCA 2008-PR-009.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING

Timothy Sampson, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated October 6, 2011. Commissioner Hart disclosed that the law firm of Hart and Horan, PC, had one case pending with Mr. Sampson's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this public hearing.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Commissioner Lawrence referenced page 26 of the staff report and noted staff's concern about the screening for the proposed parking garage from the Woodburn Village Condominiums. After briefly describing the applicant's proposed screening and staff's concern about its impact on the adjacent residents, he announced that he would defer the decision only for these cases at the end of the public hearing.

In response to questions from Commissioner Hart, Mr. O'Donnell explained that Paragraphs B and C of Proffer Number 17, entitled "Landscaping," did not adequately address the screening requirements prescribed in the Zoning Ordinance. He added that staff had provided architectural and landscaping suggestions to soften the garage's appearance.

Commissioner Lawrence referenced Proffer Number 22, entitled "Building Design" and pointed out landscaping language therein, but added that impacts to the adjacent residents might be resolved architecturally.

After a brief discussion regarding the provision of natural vegetation and/or trees for screening, Mr. O'Donnell clarified that the proposed garage had been named "Green Garage" by the applicant.

Mr. O'Donnell responded to questions from Commissioner Flanagan regarding Paragraph B of Proffer Number 17 and year-round tree coverage. In addition, he noted that the applicant had proffered to provide full cutoff lighting fixtures in the parking garage.

Mr. Sampson pointed out that the current application sought to reaffirm a modification of screening that had already been approved by the Commission. He provided a brief history of the site, noting that the applicant had met with surrounding residents and community associations, who had no objections. He briefly explained the current plans for the garage in relation to the neighboring residential buildings and nearby bus stop which had been recently built. He pointed out that the necessity for the screening wall had been created by a previous application which provided a new bus facility, the nature of which had thinned the original screening that now needed to be enhanced. Mr. Sampson stated that he would meet with Commissioner Lawrence to address architectural treatments for the garage, but noted that the applicant had met the recommendations of the Comprehensive Plan. He added that the previously-approved proffers had been carried forward, with the addition of the proposed garage. With regard to lighting, Mr. Sampson referred to Inova at Fair Oaks Hospital and said that lighting consultants were hired to evaluate the existing lighting and subsequently retrofit the visible lighting so that it had less impact on the adjacent neighbors. He pointed out that a proffer had been developed to provide similar consulting services and lighting techniques with this application.

Answering questions from Commissioner Flanagan, Mr. Sampson described the adjacent Woodburn Village Condominium residential building and explained that while screening would be provided, no one should expect the garage to be invisible. He added that he would continue to work with Commissioner Lawrence to address architectural treatments.

Commissioner Litzenberger noted that Inova at Fair Oaks Hospital was in the Sully District and said that the redirected lighting had proven to be successful, as he had received no complaints since they had been installed.

Commissioner Lawrence made note of the applicant's significant proffer package, and specifically pointed out Proffer Number 22, Building Design, which, among other things, addressed alternate energy in Paragraph C, smart building in Paragraph D, smart technology in Sub-paragraph (v) of Paragraph H, and green infrastructure in Sub-paragraph (vi) of Paragraph H.

Chairman Murphy called for speakers from the audience, but received no response. 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 this item. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA 2008-PR-009 AND SEA 80-P-078-16 TO A DATE CERTAIN OF DECEMBER 8, 2011, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Hall not present for the vote; Commissioner Alcorn absent from the meeting.

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The meeting was adjourned at 9:33 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: Jeanette Nord

Approved on: June 28, 2012

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