

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 29, 2012**

UNAPPROVED
APRIL 1, 2013

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
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzemberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:19 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy noted that the last Planning Commission meeting before the holiday recess would be held on Wednesday, December 5, 2012. He added that the Commission would resume meeting on Thursday, January 10, 2013.

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Commissioner Lawrence stated that the Planning Commissioners had received a package of elevations and renderings from MRP Tysons, LLC. He announced that an administrative action on these materials would be offered at the next Commission meeting on December 5.

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Commissioner Lawrence announced that the Planning Commission's Policy and Procedures Committee would meet on December 5, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, and noted that the public was welcome to attend. He added that he intended to make a motion that evening to endorse Fairfax Forward, a proposed revision

to amend the Comprehensive Plan review process, and forward it to the Commission for consideration.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to receive a presentation from Department of Planning and Zoning staff regarding a proposed timeline for the Committee's review of the MITRE Corporation's report on electric vehicle charging infrastructure recommendations to Fairfax County. He stated that the Committee had also discussed an updated version of the Green Building Comprehensive Plan Policy Review Strawman, and recommended authorization by the Board of Supervisors of an advertisement of a Policy Plan Amendment to implement the recommendations contained in the strawman. Commissioner Hart noted that he would make this motion during Commission Matters at the meeting on December 5. He added that additional Environment Committee meetings would be held in January/February 2013, to receive an overview of electric vehicle charging concepts and the MITRE report in addition to a review of the proposed updates to the Public Facilities Manual and County Code to comply with new Virginia stormwater regulations.

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Commissioner Hall announced the deferral of the scheduled public hearing on SEA 93-M-047, concurrent with 2232-M08-26, New Cingular Wireless PCS, LLC and Parklawn Recreation Association, Inc., originally set for Thursday, January 10, 2013, to a date certain of Thursday, February 28, 2013.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE MINUTES OF THE MEETING HELD ON JUNE 14, 2012.

Commissioner Alcorn seconded the motion which carried unanimously.

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FSA-M97-15-3 – SPRINT, 6200 Wilson Boulevard (Cavalier Club Apartments)
FSA-M08-22-1 – VERIZON, 6200 Wilson Boulevard (Cavalier Club Apartments)
FSA-S96-33-2 – SPRINT, 6401 Little Ox Road (Image Works)

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEMS.

Without objection, the motion carried unanimously.

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PCA 89-L-008 – FAIRFAX COUNTY SCHOOL BOARD (Decision Only) (The public hearing on this application was held on November 15, 2012. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 89-L-008, SUBJECT TO THE REVISED PROFFERS DATED NOVEMBER 29, 2012.

Commissioner Hall seconded the motion which carried by a vote of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL APPLICABLE PROPERTY LINES, IN FAVOR OF THE PROPOSED LANDSCAPING AND FENCING SHOWN ON THE GDP.

Commissioner Hall seconded the motion which carried by a vote of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER FOR THE CONSTRUCTION OF AN ON-ROAD BIKE LANE ALONG OLD KEENE MILL ROAD, IN FAVOR OF THE PROVISION OF A PERPETUAL EASEMENT, AS PROFFERED.

Commissioner Hall seconded the motion which carried by a vote of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE MINIMUM FRONT YARD REQUIREMENT ALONG THE SPRING ROAD FRONTAGE TO PERMIT A COOLING TOWER AND CONCRETE PAD AS SHOWN ON THE GDP, PURSUANT TO PARAGRAPH 3G OF SECTION 10-104 OF THE ZONING ORDINANCE.

Commissioner Hall seconded the motion which carried by a vote of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE MAJOR PAVED TRAIL ALONG OLD KEENE MILL ROAD RECOMMENDED IN THE COMPREHENSIVE PLAN, IN FAVOR OF THE ALTERNATIVE TRAIL DESIGN SHOWN ON THE GDP, AS PROFFERED.

Commissioner Hall seconded the motion which carried by a vote of 10-0-2 with Commissioners Lawrence and Sargeant abstaining.

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RZ 2012-HM-013 – SEKAS HOMES, LTD. (Decision Only) (The public hearing on this application was held on November 1, 2012. A complete verbatim transcript of the decision made is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-HM-013, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 19, 2012.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Hart and Sargeant abstaining.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. CSPA-C-696-02 – JLB DULLES, LLC (Dranesville District)
2. PCA 86-S-083-05 AND SEA 93-Y-032 – BRANCH BANKING AND TRUST COMPANY (Sully District)
3. RZ 2012-MV-004 – 8921 PROPERTIES, LLC
4. FDPA 82-P-069-09-09 – THE SHOPS AT FAIR LAKES LP (Springfield District)
5. PRC C-203 – FAIRFAX COUNTY PUBLIC SCHOOLS (TERRASET ELEMENTARY SCHOOL) (Hunter Mill District)
6. RZ 2012-DR-017 – CHRISTOPHER AND KAREN BARTH

This order was accepted without objection.

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CSPA C-696-02 – JLB DULLES, LLC – Appl. to amend the previously-approved Comprehensive Sign Plan associated with RZ-C-696 to permit sign modifications. Located in the S.E. quadrant of the intersection of Dulles Station Blvd. and Sayward Blvd. on approx. 8.07 ac. of land zoned PDC. Tax Map 15-4 ((5)) 2B and 3A. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Donahue asked that Chairman Murphy ascertain whether there were any speakers for this application. 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 Donahue for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION APPROVE CSPA C-696-02, JLB DULLES, LLC, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 15, 2012.

Commissioner Alcorn seconded the motion which carried unanimously.

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PCA 86-S-083-05 – BRANCH BANKING AND TRUST COMPANY – Appl. to amend the proffers for RZ 86-S-083 previously approved for commercial and residential development to permit a drive-in financial institution and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.20. Located in the S.E. quadrant of the intersection of Braddock Rd. and Stone Rd. on approx. 14.92 ac. of land zoned C-6 and WS. Comp. Plan Rec: Retail/Other. Tax Map 54-1 ((17)) E. (Concurrent with SEA 93-Y-032.) SULLY DISTRICT.

SEA 93-Y-032 – BRANCH BANKING AND TRUST COMPANY – Appl. under Sect. 4-604 of the Zoning Ordinance to amend SE 93-Y-032 previously approved for a drive-in financial institution to permit an additional drive-in financial institution and associated modifications to site design and development conditions. Located in the S.E. quadrant of the intersection of Braddock Rd. and Stone Rd. on approx. 14.92 ac. of land zoned C-6 and WS. Tax Map 54-1 ((17)) E. (Concurrent with PCA 86-S-083-05.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Robert Lawrence, Esquire, Reed Smith, LLP, reaffirmed the affidavit dated November 13, 2012. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had prior attorney/client relationships with the applicant, but indicated that since there had been no such relationships within the past five years, it would not affect his ability to participate in this public hearing.

Brent Krasner, 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.

Mr. Lawrence indicated that the applicant had met with the Sully District Land Use and Transportation Committee and the West Fairfax County Citizens Association's Land Use Committee, both of whom supported the applications. He also stated that after discussion with staff and Commissioner Litzenberger, Development Condition Number 9 would be modified to specify that the condition applied only to the drive-in financial institution at the southern end of the subject property. In addition, he noted that the extension of the multi-use pedestrian trail was listed as an unresolved issue, adding that Development Condition Number 10 had been modified to address this by including a public access easement and a trail to be constructed by the applicant. (A copy of the revised development conditions dated November 20, 2012, is in the date file.)

Answering questions from Commissioner Litzenberger, Mr. Lawrence reiterated that the lighting provisions would apply only to the proposed drive-in financial institution at the southern end of the Village Center Shopping Center.

Chairman Murphy called for speakers, 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 Litzenberger for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 86-S-083-05, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 9, 2012.

Commissioner Flanagan seconded the motion which carried unanimously.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 93-Y-032, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 20, 2012, WITH THE FOLLOWING REVISION:

- MODIFY DEVELOPMENT CONDITION NUMBER 9 TO READ, "SIGNS SHALL BE LIGHTED ONLY DURING THE HOURS OF OPERATION FOR THE DRIVE-IN FINANCIAL INSTITUTION AT THE SOUTHERN END OF THE SITE, EXCLUSIVE OF ATM HOURS."

Commissioner Flanagan seconded the motion which carried unanimously.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF PARAGRAPH 6 OF SECTION 11-203 OF THE ZONING ORDINANCE TO ALLOW A WAIVER OF THE LOADING SPACE REQUIREMENT, IN FAVOR OF THE LAYOUT SHOWN ON THE PCA/SEA PLAT.

Commissioner Flanagan seconded the motion which carried unanimously.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TREE PRESERVATION TARGET, PURSUANT TO SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL, IN FAVOR OF THE PROPOSED VEGETATION SHOWN ON THE PCA/SEA PLAT.

Commissioner Flanagan seconded the motion which carried unanimously.

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RZ 2012-MV-004 – 8921 PROPERTIES, LLC – Appl. to rezone from R-1 to I-4 to permit a contractor’s office and shop with an overall Floor Area Ratio (FAR) of 0.07. Located on the E. side of Telegraph Rd. approx. 300 ft. S. of its intersection with Lockport Pl. on approx. 42,367 sq. ft. of land. Comp. Plan Rec: Industrial. Tax Map 108-1 ((1)) 10. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich, & Walsh, PC, reaffirmed the affidavit dated January 19, 2012. There were no disclosures by the Commissioners.

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

Answering questions from Commissioner Flanagan, Mr. Rogers confirmed that the right-of-way dedication would be 68 feet from the centerline of Telegraph Road adjacent to the subject property and that funds were not yet available for its widening.

Adding to Mr. Roger’s response to Commissioner Flanagan, Angela Rodeheaver, Chief, Site Analysis Section, Fairfax County Department of Transportation, explained that staff had no issue with the applicant’s continued use of the existing building until the County needed the right-of-way, as required in Proffer Number 3.a., Right-of-Way Reservation. She stated that staff’s only

issue was with the term “funded,” since it could hinder the applicant’s ability to fulfill the proffered requirements when needed.

Kristen Abrahamson, ZED, DPZ, explained that the County routinely requested dedication of planned right-of-way from applicants for future improvements. She stated that the language in Proffer 3.a. was problematic because it placed a caveat on the County to ensure that full funding would be available for the planned widening of Telegraph Road. She added, however, that the requested right-of-way in this case would address safety issues and comply with the Comprehensive Plan.

Commissioner Lawrence requested that staff and the applicant review Proffer Number 4.b., Landscaping, to consider adding language to preserve the existing tree in the event that the nearby structure was relocated or another structure built.

Responding to questions from Commissioner Hart, Mr. Rogers confirmed that the accessory structures located near the property line would be removed. He said that although permission must be obtained from the neighboring property owners, staff believed that Proffer Number 4.b. would be enforceable since the applicant did not intend to cause harm to the tree or any other property. In addition, Ms. Abrahamson noted that the applicant would not be in violation of this proffer if another property owner removed the tree.

Commissioner Migliaccio noted the number of uses permitted in the I-4 District and asked if other uses besides the proposed contractor’s office might be suitable for this site. Mr. Rogers explained that, in lieu of incurring costs for a traffic consultant and/or additional engineering, the applicant had elected to tailor the site to the proposed use.

In reply to a question from Commissioner Hurley, Mr. Rogers said that there were no significant stormwater management issues on the subject property, pointing out that the proposal would in fact reduce the amount of impervious surface.

Ms. Mariska explained that the applicant proposed to rezone the subject property from a residential to industrial district, in compliance with the Comprehensive Plan and consistent with the surrounding properties. She pointed out that the applicant did not object to the language regarding the right-of-way dedication; however, she said that the language should be clear that the dedication would occur only when the County required the right-of-way easement. She added that she would continue to work with staff on refining the language. Ms. Mariska requested that the existing entrance to the site remain open during construction, instead of closing it as required in Proffer Number 3.c., Interparcel Access. She added that the proffered interparcel access would be established within two years from the date of approval of this application. In addition, she indicated that the South County Federation supported the proposal.

Ms. Mariska replied to questions from Commissioner Flanagan regarding the proposed Telegraph Road right-of-way reservation and the removal and/or relocation of the existing building on the subject site.

Answering additional questions from Commissioner Flanagan, Ms. Abrahamson explained that the rezoning request would permit the continued industrial use on the site and bring it into compliance with the Comprehensive Plan. She noted that the right-of-way dedication conformed to the Plan's goal of widening Telegraph Road to six lanes. She stated that the applicant could continue to operate the existing business for no longer than two years from the date of approval of this application.

In response to another question from Commissioner Flanagan, Ms. Mariska said the applicant was committed to providing the necessary right-of-way but was concerned that the dedication was not tied to the funding of Telegraph Road's widening in the future. She added that the applicant would continue to work with staff on refining the proffer language.

Commissioner Hall pointed out that she supported staff's position that the applicant commit to the dedication of right-of-way to accommodate the future widening of Telegraph Road adjacent to the subject property.

In reply to a question from Commissioner Sargeant, Ms. Mariska confirmed that the proffers would be tied to the property regardless of whether it was sold in the future. Commissioner Sargeant expressed support for the proposal because it would resolve a violation on the site; reserve right-of-way for the planned widening of Telegraph Road adjacent to the site; establish interparcel access between the subject and adjacent properties; and result in no increase in traffic along Telegraph Road.

When Commissioner Hart pointed out that the word "successors" in Proffer Number 5, Successors and Assigns, was misspelled, Ms. Mariska ensured that it would be corrected.

Answering a question from Commissioner Lawrence, Ms. Mariska stated that the applicant sought to construct the site access improvements at the time of site plan approval, not prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the proposed use, as recommended by staff.

Mr. Rogers clarified that the site access improvements must be constructed prior to the issuance of a Non-RUP to address safety issues. Ms. Abrahamson pointed out that staff believed that a phased approach to construct the improvements would not be viable because they must be completed upfront to resolve safety and sight distance problems. She acknowledged the applicant's concerns, but stated that the integrity of the zoning process had to be maintained.

Addressing Commissioner Migliaccio's earlier question about additional uses in an I-4 District, Ms. Mariska noted that at this time, the tenants had not been identified; therefore, the applicant was uncertain as to which other uses should be specified on the plan. She also addressed Commissioner Hart's earlier question about off-site accessory structures, noting that the applicant had a signed agreement with the property owner to the north regarding off-site structures.

Ms. Mariska responded to a question from Commissioner Flanagan regarding the Access Management Exception, as depicted in Proffer Number 3.c.

Chairman Murphy called for speakers, 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 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 DEFER THE DECISION ONLY ON RZ 2012-MV-004, 8921 PROPERTIES, LLC, TO A DATE CERTAIN OF DECEMBER 5, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Alcorn seconded the motion which carried unanimously.

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The next public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Alcorn.

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FDPA 82-P-069-09-09 – THE SHOPS AT FAIR LAKES, LP – Appl. to amend the ninth final development plan for RZ 82-P-069 to permit the addition of a pharmacy with a drive-through, modifications to the service station to include a quick service food store, and associated changes to development conditions with an increase in FAR from 0.36 to 0.39. Located on the E. and W. sides of Shoppes La. N. of Fairfax County Pkwy. and S. of Fair Lakes Pkwy. on approx. 8.46 ac. of land zoned PDC and WS. Tax Map 55-2 ((5)) A1 B, C, and D2 pt. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, Hunton & Williams, LLP, reaffirmed the affidavit dated October 19, 2012. There were no disclosures by the Commissioners.

William O'Donnell, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application because of issues relating to lack of high quality design, inefficient and insensitive use of land resulting in the removal of significant open space area and

existing mature tree cover in good condition, internal vehicular circulation conflicts between existing and proposed uses, and architectural incompatibility.

Commissioner Murphy announced his intent to defer the decision only on this application after the close of the public hearing.

Answering questions from Commissioner Sargeant, Mr. O'Donnell described the plan for an 110,000-square-foot hotel on the subject property, which had been previously approved through a Proffered Condition Amendment and Final Development Plan Amendment (FDPA). He stated that the site was zoned to the Planned Development Commercial (PDC) District. He explained that the applicant had agreed to provide tree preservation measures as part of the previously-approved applications, but failed to protect or preserve any significant open space or tree cover on the northwest portion of the site, which was the location of the proposed drive-through pharmacy. He noted that the proposed use could not meet the tree preservation requirement on its own and relied on the provisions of the previously-approved developments within the Shops at Fair Lakes.

Responding to a question from Vice Chairman Alcorn, Mr. O'Donnell indicated that the applicant had agreed to a development condition that would create a conservation easement for the tree save area located on the southwest corner of the site.

Commissioner Lawrence requested that Mr. McDermott address staff's concerns regarding the architectural design of the proposed pharmacy during his presentation. Mr. McDermott agreed to this request.

Referencing pages 19 and 21 of the staff report, Commissioner Lawrence discussed the possibility of removing one of the drive-through lanes for the proposed pharmacy or reducing the number of fuel pumps at the nearby gas station as a means of addressing staff's concern regarding the building footprint and internal circulation. Kristen Abrahamson, ZED, DPZ, replied that the proposed use would be incompatible with the visual character of the overall Fair Lakes development and remove significant tree cover, landscaping, and screening from the northwest portion of the property. Commissioner Lawrence suggested an additional development condition to reflect the request made by the Department of Public Works and Environmental Services (DPWES) to demonstrate capacity and non-erosive velocities of the downstream drainage system. He also suggested that staff explore Development Condition Number 4 regarding stormwater management for PRC C-203, Fairfax County Public Schools, to determine whether similar language could be adapted to the subject application.

In response to questions from Commissioner Hurley, Mr. O'Donnell pointed out that the intention of Development Condition Number 8 was to ensure that the dumpsters would be fully screened from view, but if garbage were consistently stored outside of the dumpsters then Zoning Enforcement staff would need to be involved in resolving this issue. He also explained that staff was concerned that there might be a conflict with fuel delivery trucks arriving at the service

station so Development Condition Number 19 was an attempt to mitigate this conflict by prohibiting such trucks during the peak hours of operation for the pharmacy.

When Commissioner Hart asked how staff had determined that the proposed architecture was incompatible with the rest of the Fair Lakes development, Mr. O'Donnell pointed out that the proposal did not comply with the Fairfax Center Area Design Guidelines, which encouraged the integration of all structures with each other and the natural environment.

Answering another question from Commissioner Hart, Ms. Abrahamson described the architectural style of Fair Lakes and its evolution over time with the installation of commercial pad sites. She said staff believed that the proposed building did not sufficiently blend with the Shops at Fair Lakes and did not conform to the architectural design standards that have been maintained throughout the evolution of Fair Lakes.

Commissioner Murphy said that he disagreed with staff's recommendation for denial, noting the inconsistencies in staff's recommendations for other commercial pad sites in Fair Lakes and the economic benefits of developing Fair Lakes.

In reply to questions from Commissioner Sargeant, Ms. Abrahamson stated that the height of the planned hotel would be approximately five to seven stories and staff had recommended approval of that proposal because it complemented the nearby Hyatt hotel. In addition, she discussed staff's concerns regarding pad sites in the Fair Lakes area and described the design and orientation of other pad sites in the shopping center. She explained that the proposed drive-through pharmacy would function poorly; create negative impacts on the visual character of the overall Fair Lakes development; fail to be adequately mitigated by natural buffering; and cause vehicular access conflicts with the service station. Ms. Abrahamson said staff believed that the footprint should be minimized and drive-through lanes restricted or eliminated to address these issues. She pointed out, however, that access to the pharmacy would be provided from an internal private street rather than Fair Lakes Boulevard or Fair Lakes Circle, which would be consistent with the original Fair Lakes rezoning application. She added that the development would result in the removal of a significant amount of quality tree cover; create a need for an underground stormwater management vault that would raise the existing grade on the site to the street level by approximately 13 feet; and be fully visible from the surrounding external roads.

Mr. McDermott presented background information on Fair Lakes. Referring to page 8 of a handout distributed to the Commission, he stated that the FDPA area would retain 28 percent open space and 17.7 percent tree cover after construction of the pharmacy and hotel. He noted that these commitments were greater than the minimum required by the Zoning Ordinance and were consistent with the PDC District regulations. He also called attention to page 9 of the handout, which depicted the layout of the open space. Mr. McDermott said the proposal was consistent with the approved Conceptual Development Plan (CDP) for the subject property. He stated that DPWES had determined that the proposed stormwater management facility satisfied the applicable provisions of the Zoning Ordinance, Public Facilities Manual (PFM), and Comprehensive Plan, noting that it also provided an infiltration function. Addressing concerns

regarding architectural compatibility, Mr. McDermott referenced page 7 of the handout, which contained renderings of the proposed pharmacy and the Shops at Fair Lakes, and explained how the design, cornice lines, arches, elevation, exterior insulation and finishing system, and building materials of the CVS would be compatible with the other stores in the shopping center. Referencing photographs distributed to the Commission, he discussed the effectiveness of the buffer at other pad sites in Fair Lakes. Mr. McDermott explained that the original Fair Lakes development plan allowed flexibility to respond to changing market needs and demands. He also pointed out that the maximum height of the hotel would be 110 feet or 8 stories. He said the undeveloped portions of Fair Lakes had not been proffered or committed to serve as permanent tree save areas. In addition, he stated that the footprint of the proposed CVS had been modified to enhance visibility and avoid an existing underground stormwater management vault and utility lines/easements. Mr. McDermott described the proposed orientation and layout of the building; substantial buffering along Fair Lakes Parkway; and sufficient number of trees, shrubs, and ornamental grasses provided by the landscape plan. In closing, he pointed out that the CDP designated this portion of the site for retail use; therefore, the proposal was consistent with the CDP. (Copies of Mr. McDermott's handout and photographs are in the date file.)

Commissioner Lawrence encouraged the applicant to consider removing the second drive-through lane for the pharmacy to address concerns regarding internal circulation. He also said he believed that it was possible to compensate for the loss of trees on this site at other locations within Fair Lakes.

Replying to a question from Commissioner Flanagan, Mr. McDermott noted that the design guidelines were established by the Fair Lakes League.

Commissioner Flanagan requested that staff provide the Commission with examples of pharmacies that incorporated architectural excellence and a more detailed assessment of why staff believed that the proposed development was not in harmony with the recommendations of the Comprehensive Plan, or in conformance with the applicable Zoning Ordinance provisions.

Commissioner Migliaccio expressed concern that customers exiting the service station would conflict with customers entering and leaving the proposed drive-through pharmacy and asked whether the pump located closest to the pharmacy could be removed or relocated. Mr. McDermott explained that this pump served diesel vehicles and would have significantly less traffic than the regular fuel pumps. He added that this pump could not be relocated to the far end of the site because the underground fuel tanks were located there and the fuel delivery trucks needed access to this area. He pointed out that the peak hours for the drive-through were between 4 to 6 p.m. and the maximum number of vehicles expected during that period was 10, which he believed would not create any internal vehicular conflicts.

In response to an additional question from Commissioner Migliaccio, Mr. McDermott justified the need for two drive-through lanes, noting that designating one lane for the drop-off of prescriptions and the other lane for the pick-up of pharmaceuticals would allow for additional stacking and separation of those different functions. He also pointed out that any development on

this site would require raising the grade by approximately 13 feet due to topography, so removing one of the drive-through lanes would not make a difference. In addition, Mr. McDermott explained that the building footprint had been reduced by 2,500 square feet, which comprised a mezzanine level that would project partially out of the rear wall and accommodate storage, so that the overall site design was more viable.

Replying to a question from Commissioner Litzenberger, Mr. McDermott indicated that Fair Lakes contained 40.7 percent open space although a minimum open space commitment in this area had never been proffered and could be as low as the minimum 15 percent required for the PDC District.

Answering questions from Commissioner Hart, Mr. McDermott confirmed that while the drive-through could function with one lane, the wait time would be longer for each vehicle and the possibility of stacking and vehicular conflicts with the service station customers would be increased.

Vice Chairman Alcorn called for speakers, 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, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON FDPA 82-P-069-09-09, THE SHOPS AT FAIR LAKES, LP, TO A DATE CERTAIN OF DECEMBER 5, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Litzenberger seconded the motion which carried unanimously.

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At the conclusion of this case, Chairman Murphy resumed the Chair.

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The Commission went into recess at 11:17 p.m. and reconvened in the Board Auditorium at 11:29 p.m.

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PRC C-203 – FAIRFAX COUNTY PUBLIC SCHOOLS – Appl.
to approve the PRC plan associated with RZ C-203 to permit
building additions at an existing public elementary school.

Located on the S. side of Ridge Heights Rd. approx. 400 ft. E. of its intersection with Soapstone Dr. on approx. 14.44 ac. of land zoned PRC. Comp. Plan Rec: Public Facilities, Governmental, and Institutional: Elementary School. Tax Map 26-2 ((2)) 6. HUNTER MILL DISTRICT. PUBLIC HEARING.

Megan Brady, 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.

John Cummings, Rinker Design Associates, PC, explained that the proposed upgrades and building additions to the Terraset Elementary School site would help better serve the current educational program and meet the needs of the students. He noted that the north parking lot would be redesigned to provide a designated drop-off lane and improve traffic flow, and additional parking spaces would be provided to meet the minimum Zoning Ordinance requirement. He also noted that the proposal would bring the school into compliance with the Americans with Disabilities Act (ADA), including an ADA-compliant sidewalk along Ridge Heights Road. Mr. Cummings said that portions of the existing vegetation and trees located at the perimeter of the property would be included in a dedicated conservation easement. In addition, he stated that the applicant was working with the Stormwater Planning Division (SPD) of the Department of Public Works and Environmental Services (DPWES) to facilitate a stormwater management design. He explained that proposed stormwater management features included heavy-duty pervious pavers in the north parking lot; pervious pavement in the two proposed asphalt play areas at the rear of the school; and Filterra structures interspersed throughout the site. He also indicated that the existing stormwater outfalls located at the east and west of the school site would be consolidated into one outfall at the east and one outfall at the west, and a 72-inch underground detention pipe would be installed. Mr. Cummings also pointed out that the proposed soccer field shown on the plan was intended to serve as a grass athletic field and would not contain permanent goal posts and striping.

In response to a question from Commissioner de la Fe, Mr. Cummings indicated that there would be no conflict with the usage of the existing ball field in conformance with Development Condition Number 11 and no permanent structures would be placed on the soccer field in conformance with Fairfax County Public Schools (FCPS) policy. (A copy of the revised development conditions dated November 27, 2012, is in the date file.)

Responding to questions from Commissioner Hart, Mr. Cummings said if the applicant was unable to secure an easement from the Reston Association to install off-site stormwater measures to ensure adequate outfall, the applicant would need to provide such measures on-site to adequately detain stormwater.

In response to questions from Commissioner Hurley, Mr. Cummings indicated that the site improvements were designed to provide capacity for up to 900 students. He stated that the

proposed new kiss-and-ride lane would provide a dedicated area for student drop-off and pick-up and help alleviate potential on-site traffic circulation conflicts.

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

Larry Butler, Director of Parks and Recreation, Reston Association (RA), pointed out that Terraset Elementary School was one of the first schools in the United States to be designed and constructed using green features, including its iconic green roof and subterranean theme. He also noted that RA had been working closely with FCPS' Design and Construction Services staff, engineer, and architect for this project, and the County's SPD staff was also engaged in this project to ensure that Terraset would continue to serve as a model school. Mr. Butler spoke in support of the proposed school expansion because its impact would be greatly minimized in the following ways:

- Stormwater would be managed with detention facilities to dramatically minimize potential downstream impacts;
- Pervious pavers would be used on the upper parking lot, which could provide a teaching opportunity for students, parents, and visitors;
- Nutrient runoff would be minimized using Filterras for both parking areas and the new rooftops;
- A replanting plan with native species, coordinated with RA's Environmental Resources staff, would greatly enhance the school's landscape; and
- An invasive exotic species removal program would be coordinated and implemented during the construction process.

In addition, Mr. Butler noted that the project architect and the engineer were engaging the RA Design and Review Board through a series of work sessions to better integrate the building design and aesthetics into the historical context of the school. He commended the FCPS and DPWES staff for their willingness to work with the local stakeholders to ensure that Terraset remain an outstanding school. He said he encouraged applying this same level of collaboration to address stormwater and environmental issues on future school projects, both in Reston and the rest of the County. (A copy of Mr. Butler's testimony is in the date file.)

In reply to a question from Commissioner de la Fe, Mr. Butler confirmed that RA owned the property that required an easement to accommodate the provision of stormwater management features. He added that RA would coordinate with the applicant to ensure that the provisions were sufficient.

There being no more speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary. He also called for closing staff remarks from Ms. Brady, who declined.

Commissioner de la Fe said he agreed with Mr. Butler's remarks commending FCPS on working with the community and RA, in particular, on this plan. He then read the following excerpt from

an email sent by Michael Rolband, President, Wetland Studies and Solutions, Inc., on November 18, 2012: “I want to say that I truly appreciate the effort you made and the fact that your new plans propose to provide the Stormwater Quantity and Quality controls that will clearly protect the receiving streams and lakes of Reston as we had requested. ...I truly appreciate, on behalf of the aquatic resources in Reston and the entire Chesapeake Bay Watershed, the fact that you have developed a much improved stormwater plan for this project.” Commissioner de la Fe also encouraged similar collaborative efforts on other stormwater projects in the County. (A copy of Mr. Rolband’s email is in the date file.)

There were no further comments or questions from the Commission; 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 RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PRC C-203, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 27, 2012.

Commissioner Alcorn seconded the motion which carried unanimously.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE BARRIER REQUIREMENTS AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN, SOUTHERN, AND WESTERN PROPERTY BOUNDARIES, IN FAVOR OF THE EXISTING VEGETATION AND PROPOSED LANDSCAPING SHOWN ON THE PRC PLAN.

Commissioner Alcorn seconded the motion which carried unanimously.

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RZ 2012-DR-017 – CHRISTOPHER AND KAREN BARTH –
 Appl. to rezone from R-2 and HC to R-3 and HC to permit residential development at a density of 2.15 dwelling units per acre (du/ac). Located in the N.W. quadrant of Idylwood Rd. and Redd Rd. on approx. 40,591 sq. ft. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 40-3 ((1)) 82. DRANESVILLE DISTRICT. PUBLIC HEARING.

Christopher Barth, co-applicant and title owner, reaffirmed the affidavit dated October 12, 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.

Commissioner Donahue announced his intent to defer the decision only on this application after the close of the public hearing.

Replying to questions from Commissioner Donahue, Ms. Brady confirmed that staff supported both options for the proposed driveway (shared or individual driveways) and indicated that the front yard setbacks would meet the R-3 District requirements along the Idylwood Road frontage.

Mr. Barth stated that while the subject property was being rezoned to the R-3 District, the lot sizes and setbacks would meet the minimum requirements of the R-2 District, except along the Idylwood Road frontage due to the dedication of right-of-way. He said only two single-family homes would be allowed on the divided property. He explained that the rezoning request was required because the subject property did not meet the density requirement under R-2 zoning. Mr. Barth pointed out that although the surrounding properties have the same or higher density, they were grandfathered to the R-2 District. In addition, he highlighted the following proffered commitments:

- Proffer Number 18, Idylwood Road Sidewalk/Trail Improvements – the proposed sidewalk/path would be graded to be compliant with the Americans with Disabilities Act (ADA);
- Proffer Number 19, Park Contribution – the applicants would contribute \$2,679 to the Park Authority for its use in establishing and maintaining parks and recreational facilities in the Dranesville District;
- Proffer Number 20, Housing Trust Fund Contribution – the applicants would make a contribution equal to one-half percent of the sale price of Lot 2 to the Housing Trust Fund to assist the County in its goal to provide affordable dwellings; and
- Proffer Number 6B, Stormwater Detention/Water Quality – the applicants would remove 50 percent of phosphorous from stormwater runoff, which exceeded the minimum requirement of 40 percent.

Mr. Barth indicated that after completing the process of rezoning, subdividing, and building the new home on Lot 2, the total yearly property taxes were expected to at least double. He noted that the proposed 83 percent tree preservation commitment was substantially greater than the minimum requirement of 28 percent for the site. He stated that he had met with the surrounding community, noting that the Lemon Road Civic Association (LRCA) and a majority of the residents supported the proposal. While he acknowledged that the McLean Citizens Association (MCA) opposed the application because of a concern regarding the establishment of a precedent for similar rezoning requests in the community, he said he believed that the proffers sufficiently

addressed such concern and would substantially conform to the surrounding neighborhood. (A copy of the revised proffers dated November 19, 2012, is in the date file.)

Chairman Murphy called the first listed speaker.

Bruce Jones, 1902 Miracle Lane, Falls Church, President of LRCA, spoke in support of the proposal because it would be compatible with the surrounding neighborhood; provide an ADA-compliant sidewalk; improve the visibility of Idylwood traffic and enhance vehicular safety; correct an historical anomaly in this area; and conform to the Comprehensive Plan. (A copy of Mr. Jones's statement is in the date file.)

Declan Leonard, 7300 Burroughs Lane, Falls Church, expressed support for the application because it would improve the condition of the property and make it compatible with the surrounding community. He commended the Barths for their efforts to improve the property and renovate the existing farm home. In addition, he said he believed that the proposal would provide benefits to the Barths, their direct neighbors, and the community as a whole.

Mark Zetts, 6640 Kirby Court, Falls Church, representing MCA, noted that MCA had voted to oppose the application because the proposed proffers did not meet the Virginia standard for clear public benefit to warrant rezoning. He said he thought that the position that the proposed divided lots would be compatible with the non-conforming lots in the neighborhood was illogical and weak. He pointed out that it was unclear whether the applicants would construct the ADA-compliant sidewalk or make a monetary contribution. He also commented that the argument that subdivision was needed to prevent construction of a large single-family home on the property, which would be out of character with the existing homes in the neighborhood, was also weak because he believed that the other homes would eventually be improved and expanded in size. (A copy of the MCA resolution is in the date file.)

Commissioner Alcorn pointed out to Mr. Zetts that the Comprehensive Plan allowed for rezoning from R-2 to R-3 on this property. He suggested that Mr. Zetts review the Comprehensive Plan language for the area and consider proposing an amendment to ensure the zoning recommendations addressed MCA's concerns. Commissioner Alcorn also pointed out that although the proposal constituted a spot rezoning, it still conformed to Virginia law.

In reply to a question from Chairman Murphy, Mr. Zetts indicated that the MCA Resolution had acknowledged the support voiced by LRCA.

Chairman Murphy said that he did not agree with MCA's rationale for opposing the application, noting that it was in conformance with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

Commissioner Lawrence encouraged Mr. Zetts to evaluate the new Fairfax Forward Work Program process and consider suggesting the McLean Planning District for a neighborhood planning study.

Harold Durham, 7304 Redd Road, Falls Church, said he and his wife opposed the application. He stated that the property should remain zoned to the R-2 District because it would meet all R-2 setback and lot size requirements and the surrounding properties were grandfathered to this district. He noted that if the property were rezoned to the R-3 District, then the relevant zoning requirements should apply. (A copy of Mr. Durham's statement is in the date file.)

Answering questions from Commissioner de la Fe, Ms. Brady explained that the property size was slightly less than one acre and therefore could not be subdivided without rezoning because of the R-2 density requirement of no more than two lots per acre.. She also confirmed that some of the surrounding properties did not conform to the current requirements for R-2 zoning because they had been subdivided prior to the enactment of these requirements.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Barth, who clarified that he and his wife had initially proffered to contribute \$10,000 toward the construction cost of the Idylwood Road sidewalk, but the most recent proffers stated that they would construct the ADA-compliant sidewalk. Addressing Mr. Durham's remarks, he said it was impossible to divide the property without rezoning because of the R-2 density requirement and he had worked with County staff to determine whether there were any other available options to construct a new home on the site. Mr. Barth stated that although he valued MCA's mission to protect the interests of the residents in the area, he reiterated that LRCA and a majority of the community residents supported the proposal and noted that approving this proposal would better serve their interests. Addressing the MCA Resolution, he explained that the purpose of the requested rezoning was to not solely serve his and his wife's interests but to benefit the neighbors with an improved sidewalk, contributions to parks and affordable housing, and increased land value. In addition, he said he believed that the application wholly conformed to the Comprehensive Plan; the proposed improvements and proffers would substantially benefit the community; the interests of the residents would be protected; the proposed lots and house would be compatible with the neighborhood; and the majority of the residents supported the plan.

Chairman Murphy called for concluding staff remarks from Ms. Brady, who declined.

Replying to questions from Commissioner Flanagan, Kristen Abrahamson, ZED, DPZ, explained that the subject site and surrounding properties had been subdivided before the zoning law defined the R-2 requirements, thereby making the lots non-conforming. In addition, she said that the proposed R-3 District would be consistent with the surrounding neighborhood and would not change the character of the area. She also noted that the other properties were formed into different subdivisions, while the subject property was not included in that consolidation; therefore, the proposed subdivision would help complete the community.

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

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2012-DR-017, CHRISTOPHER AND KAREN BARTH, TO A DATE CERTAIN OF DECEMBER 5, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Litzenberger seconded the motion which carried unanimously.

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The meeting was adjourned at 12:30 a.m.
Peter F. Murphy, 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: Jacob Caporaletti

Revised by: Kara A. DeArrastia

Approved on: _____

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