

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 2, 2009**

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
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
Rodney L. Lusk, Lee District

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

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON RZ 2009-HM-014, PRC 2009-HM-014, PCA 89-C-025-05, AND DPA 89-C-05-04, RESTON HOSPITAL CENTER LLC, TO A DATE CERTAIN OF JANUARY 7, 2010.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2008-HM-010, GEORGE B. AND CAROLYN L.E. SAGATOV, TO A DATE CERTAIN OF JANUARY 28, 2010.

Commissioner Alcorn seconded the motion which carried unanimously; Commissioner Hart recused himself; Commissioners Harsel and Lusk absent from the meeting.

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON RZ 2009-DR-016 AND FDP 2009-DR-016, MADISON BUILDING ASSOCIATES LLC AND SECOND MADISON BUILDING ASSOCIATES LLC, TO A DATE CERTAIN OF JANUARY 13, 2010.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2009-PR-005, ANTHONY CASOLARO, TO A DATE CERTAIN OF FEBRUARY 3, 2010.

Commissioners Sargeant and Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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Commissioner de la Fe noted that the Planning Commission's Transportation Committee had met earlier this evening to receive a briefing on RZ/FDP 2009-HM-019, a joint venture between Comstock Partners, LC and Fairfax County, to develop a parking structure and office, hotel, residential, and support retail uses at the planned Wiehle Avenue Metro Station. He said the application was scheduled to be heard by the Planning Commission in March 2010.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Thursday, December 3, 2009, at 7 p.m., in Conference Rooms 4/5 of the Fairfax County Government Center, and on Thursday, December 10, 2009, at 7 p.m., in the Board Conference Room of the Fairfax County Government Center. He noted that the December 3rd meeting would not occur before a Commission meeting but the December 10th meeting would.

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APR 2008-III-41UP (North County Area Plans Review) (Hunter Mill District)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION ACCEPT THE WITHDRAWAL OF NORTH COUNTY AREA PLANS REVIEW NOMINATION 2008-III-41UP.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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FS-D09-119 – CLEARWIRE, 11000 Leesburg Pike

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED NOVEMBER 18, 2009, CONCERNING FS-D09-119, CLEARWIRE, 11000 LEESBURG PIKE.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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FS-D09-47 – AT&T MOBILITY (NEW CINGULAR), 1580 Beulah Road with SEA 84-D-064

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED NOVEMBER 18, 2009, CONCERNING FS-D09-47, AT&T MOBILITY, 1580 BEULAH ROAD.

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-1 with Commissioner Sargeant abstaining; Commissioners Harsel and Lusk absent from the meeting.

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FS-Y09-36 – CLEARWIRE, 5408 Bobann Drive (Virginia Dept. of Transportation right-of-way)
FS-Y09-99 – CLEARWIRE, 3600 Joseph Siewick Drive (Fair Oaks Hospital)

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FS-Y09-36, WHICH IS AN ADDITION OF A CELL PHONE ANTENNA ON AN EXISTING TOWER IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ON INTERSTATE 66 AT 5408 BOBANN DRIVE. Commissioner Litzenberger FURTHER MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FS-Y09-99, WHICH IS AN ADDITION OF THREE DISH ANTENNAS ON THE ROOF OF FAIR OAKS HOSPITAL, LOCATED AT 3600 JOSEPH SIEWICK DRIVE.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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FSA-S06-34-1 – FIBER TOWER, 6199 Old Arrington Lane

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-S06-34-1.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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FS-M09-52 – CLEARWIRE, 3800 Powell Lane (Lakeside Plaza Condominiums)
FS-M09-132 – CLEARWIRE, 6925 Columbia Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE PROPOSED CLEARWIRE TELECOMMUNICATIONS FACILITIES, ONE LOCATED AT 6925 COLUMBIA PIKE AND THE OTHER ONE LOCATED AT 3800 POWELL LANE, SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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2232-V09-10 – T-MOBILE NORTHEAST LLC (Decision Only)
(The public hearing on this application was held on November 18, 2009. A verbatim transcript of the decision made is in the date file.)

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-V09-10, AS AMENDED, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Litzenberger seconded the motion which carried by a vote of 9-0-1 with Commissioner de la Fe abstaining; Commissioners Harsel and Lusk absent from the meeting.

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SPA 83-P-057-05 – THE CHURCH FOR ALL NATIONS –
Administrative review of Special Permit Application pending before the Board of Zoning Appeals for property located on Amanda Place on Tax Map 49-1 ((1)) 35A, 37, 38, and 38A. PROVIDENCE DISTRICT. ADMINISTRATIVE REVIEW.

Commissioner Lawrence stated that this evening, the Planning Commission would conduct an administrative review on SPA 83-P-057-05, The Church For All Nations, which was scheduled for public hearing before the Board of Zoning Appeals (BZA) on Wednesday, January 13, 2010. He noted that Commissioners had received a memorandum dated November 18, 2009, from staff, which provided details on this item. (A copy of the memorandum is in the date file.)

Commissioner Lawrence said he would not introduce a motion for consideration this evening because he needed more information.

Chairman Murphy reviewed the procedures for an administrative review of a BZA application.

Suzanne Lin, 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 would continue to collaborate with the applicant on drafting proposed development conditions and compiling information that would address concerns regarding stormwater management and parking.

In response to questions from Commissioner Lawrence, Ms. Lin said that based on staff's experience with other churches that had filed similar applications, they typically were better served with more parking than what was currently required in the Zoning Ordinance. She noted that the Fairfax County Department of Transportation (FCDOT) had recommended that parking for all church-related activities remain onsite rather than through shared parking arrangements.

Responding to more questions from Commissioner Lawrence, Alan Kessler, FCDOT, stated that it was County policy to encourage parking onsite for various uses, including churches and daycare centers. He explained that the number of onsite parking spaces provided was insufficient because the ratio of 2.8 church seats to 1 parking space would require 178 spaces.

In reply to further questions from Commissioner Lawrence, Beth Forbes, Environmental and Site Review Division, Land Development Services, Department of Public Works and Environmental Services (DPWES), described the condition of the existing infiltration trenches and dry ponds on the site. She noted that Maintenance and Stormwater Management Division staff had last inspected the stormwater management facilities in 2004 and they were due for another inspection this year. She explained that since the large dry pond on Parcel 35A was constructed, staff had received a drainage complaint from 2613 Bowling Green Drive and was, therefore, concerned that the pond might not be functioning as designed. Ms. Forbes said it would be helpful to have more information regarding the ability of the smaller dry pond located near the multipurpose building to adequately detain the stormwater runoff. She pointed out that both ponds and the trenches had been installed before the current Public Facilities Manual (PFM) requirements for adequate outfall. She noted that if the impervious surface on Parcel 38A was increased, stormwater management would be required on this parcel.

Replying to questions from Commissioner Hart, Ms. Forbes suggested that the applicant investigate the drainage complaint. She said the gravel trench on Parcel 38 and the dry pond on Parcel 37 were designed to handle all stormwater runoff that drained north of Amanda Place.

In response to another question from Commissioner Hart, Cathy Lewis, ZED, DPZ, said she did not think that staff could require the applicant to rely on the pond on Parcel 35A if this parcel was deleted from the Special Permit (SP) land area. She pointed out, however, that the applicant could obtain an agreement with the future homeowners on Parcel 35A to utilize their pond or to have it sized to accommodate their runoff.

Commissioner Hart strongly recommended that this issue be addressed because if Parcel 35A was no longer part of the development condition package, the flooding problem could be exacerbated.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, described the application property. She stated that the applicant sought to delete Parcel 35A because this parcel was included in a separate rezoning application for residential development. She explained that if Parcel 35A was developed with single-family detached residential dwellings, it would be consistent with the adjacent Dunn Loring Woods neighborhood; provide better transition between the residential community, the new church, and Thoreau Middle School; and place a limitation on how the church could expand in the future. Ms. Strobel said the applicant planned to continue to use all the existing improvements on the property as a place of worship without any physical modifications. She indicated that the applicant had submitted a letter and stormwater management exhibit to staff and the Planning Commission, copies of which are in the date file. Addressing the stormwater management issue, she noted that the applicant had not been made aware of any problems with the existing facilities which had been built as approved by the County and functioned properly. She said, however, that one of the trenches had not been maintained and the applicant would correct this deficiency. Ms. Strobel pointed out that the facilities should not be held to the current PFM standards because no impervious surface would be added. She stated that the pond on Parcel 35A could be removed without affecting the existing drainage and stormwater management facilities on the other parcels. Addressing the parking issue, she explained that the 169 parking spaces would adequately serve the new church's needs because it would have a much smaller congregation than that of the Korean Central Presbyterian Church, the current owner of the property, and would only serve the local community. She indicated that the existing parking ratio on the north side of Amanda Place only was one parking space to three church seats, which was lower than the current Zoning Ordinance requirement of one to four. Ms. Strobel explained that Fairfax County Public Schools would be willing to enter into contract negotiations with the applicant for use of parking spaces at the adjacent Thoreau Middle School and the applicant would agree to a development condition to that effect. She noted that approximately 50 spaces could be provided on Parcel 38A, which was currently developed with a single-family detached house, but it did not make sense to create additional impervious surface for parking that was not needed. She said the applicant would continue working with staff to address their concerns. She pointed out that the applicant had met with the community and had received no negative responses to the application.

Responding to a question from Commissioner Lawrence, Ms. Strobel described the uses of the multipurpose building.

Commissioner Lawrence requested that the applicant provide more information about how the multipurpose facility would be used and technical aspects of the stormwater management. Ms. Strobel agreed with this request.

Commissioner Lawrence said he would also like to know whether the pond on Parcel 35A handled some of the water outflow from the area where the multipurpose facility was located and

if so, would the existing facilities on the northern parcels adequately serve the church's use of the property without the pond on Parcel 35A.

Ms. Strobel explained that the pond on Parcel 37 was detaining the stormwater and releasing it at the predevelopment rate, which satisfied the outfall requirement. She pointed out that stormwater would flow through Parcel 35A and would continue to do so when that parcel was developed residentially.

Commissioner Lawrence noted that his concerns were stormwater management and parking, particularly regarding the future expansion of the church.

Commissioner de la Fe expressed concern about staff imposing a condition for more parking when the application already met the Zoning Ordinance requirement.

Commissioner Hart requested that staff develop a method to verify the continued satisfactory operation of stormwater management facilities and other types of facilities that were part of an approved application.

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 ANY DETERMINATION ON THIS ADMINISTRATIVE MATTER, SPA 83-P-057-05, THE CHURCH FOR ALL NATIONS, UNTIL A DATE CERTAIN OF JANUARY 7, 2010, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lusk absent from the meeting.

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ORDER OF THE AGENDA

On behalf of Secretary Harsel, Chairman Murphy noted that there was only one public hearing remaining on the agenda:

1. SE 2009-DR-014 – SHERWOOD DEVELOPMENT GROUP LLC

This was accepted without objection.

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SE 2009-DR-014 – SHERWOOD DEVELOPMENT GROUP LLC –
Appl. under Sect. 4-504 of the Zoning Ordinance to permit a quick
service food store. Located at 8100 Old Dominion Dr., Ste. E. on
approx. 1.14 ac. of land zoned C-5. Tax Map 20-4 ((1)) 27A.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Elizabeth McKeeby, Land Use Planner with Walsh, Colucci, Lubeley, Emrich & Walsh, PC,
reaffirmed the affidavit dated October 22, 2009. There were no disclosures by Commission
members.

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 RECOMMEND
TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2009-DR-014, SUBJECT TO THE
DEVELOPMENT CONDITIONS DATED NOVEMBER 18, 2009.

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

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The meeting was adjourned at 9:28 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: Kara A. DeArrastia

Approved on: May 26, 2011

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