

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 21, 2013**

PRESENT: Jay P. Donahue, Dranesville District
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Janyce Hedetniemi, At-Large
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John L. Litzenberger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District

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The meeting was called to order at 8:16 p.m. by Vice Chairman Frank A. de la Fe in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

OCTOBER 4, 2012

OCTOBER 11, 2012

OCTOBER 17, 2012

Commissioner Hart seconded the motion which carried by a vote of 8-0-1 with Commissioner Hedetniemi abstaining; Commissioners Lawrence, Migliaccio, and Murphy were absent from the meeting.

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On behalf of Commissioner Migliaccio, Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON ST09-IV-MV1, COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT, LAND UNITS L & M), TO A DATE CERTAIN OF THURSDAY, MARCH 14, 2013.

Commissioners Sargeant and Hall seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Migliaccio, and Murphy were absent from the meeting.

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On behalf of Commissioner Lawrence, Commissioner Hart announced that the Planning Commission's Policy and Procedures Committee would meet on Thursday, February 28, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, to continue discussions on Fairfax Forward.

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Commissioner Hart announced that the Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, on the following dates:

- Thursday, March 7, 2013 (Presentation on electric vehicle supply equipment)
- Thursday, April 4, 2013 (Presentation by Department of Public Works and Environmental Services (DPWES) staff on proposed changes to stormwater regulations)
- Thursday, May 9, 2013 (Another presentation on electric vehicle supply equipment)
- Thursday, June 20, 2013 (Presentation on collaboration efforts between DPWES and the Fairfax County Public Schools regarding stormwater)

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Commissioner Litzenberger announced that the Commission's Housing Committee had met earlier this evening with members of the Fairfax County Redevelopment and Housing Authority to discuss the feasibility of a non-residential contribution toward countywide affordable housing. He added that the Committee would meet again on Wednesday, May 22, 2013, at 7:00 p.m. in the Board Conference Room.

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Vice Chairman de la Fe announced that the Commission's Parks Committee would meet on Wednesday March 6, 2013, at 7:00 p.m. in the Board Conference Room, to discuss the proposed amendment to the Parks Section of the Policy Plan. He added that everyone was welcome to attend.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. PUBLIC FACILITIES MANUAL (PFM) AMENDMENTS (TESTING PROCEDURES FOR INFILTRATION FACILITIES AND MINOR EDITORIAL CORRECTIONS)
2. RZ 2012-LE-021 – CLIFFORD F. LINDSAY, TRUSTEE
3. SE 2012-MA-017 – SHELTER DEVELOPMENT, LLC

This order was accepted without objection.

PUBLIC FACILITIES MANUAL AMENDMENT (TESTING FOR INFILTRATION FACILITIES) – To amend Chapters 4, 6, and 2 of the Fairfax County Public Facilities Manual (PFM). The proposed amendments to PFM Chapter 4 incorporate procedures for soil testing necessary for the design of infiltration facilities. The proposed Amendments include requirements and procedures for the determination of the seasonal high water table, soil characterization, soil borings, soil infiltration rate, laboratory testing, and report presentation. The proposed Amendments also include a requirement for a preconstruction conference to discuss construction and certification requirements for infiltration facilities. The proposed Amendments to PFM Chapter 6 direct the designer of infiltration facilities to the soil testing procedures proposed for PFM Chapter 4. Editorial corrections to PFM Chapters 2, regarding the requirements that a developer must meet before requesting a preconstruction conference, and Chapter 7, regarding lighting levels for proposed curb and gutter streets, also are included. COUNTYWIDE. PUBLIC HEARING.

Elizabeth Forbes, Site Code Research and Development Branch, Land Development Services, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed amendments.

Commissioner Sargeant asked if this amendment would include low impact development (LID) uses. Ms. Forbes confirmed that it would, noting that staff had worked with industry and academic experts. She also told Commissioner Sargeant that licensing requirements would be easy to achieve and confirmed that the amendment was consistent with current industry standards.

Commissioner Hedetniemi asked what the standard would be for an environmentally suitable location, as noted in the fifth bullet on page four of the staff report. Ms. Forbes noted that the suitability of a site was determined during the site review process, with the priority being to keep toxins out of ground water.

Vice Chairman de la Fe called for speakers from the audience but received no response; he therefore noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Sargeant for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL AS SET FORTH IN THE STAFF REPORT DATED JANUARY 29, 2013, AND THAT THE AMENDMENTS SHALL BECOME EFFECTIVE AT 12:01 A.M. ON MARCH 20, 2013.

Commissioners Hedetniemi and Litzenberger seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Migliaccio, and Murphy were absent from the meeting.

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RZ 2012-LE-021 – CLIFFORD F. LINDSAY, TRUSTEE – Appl. to rezone from PDH-2 to R-1 to permit residential development with an overall density of 0.73. Located at 7201, 7209, and 7215 Lackawanna Dr., Springfield, on approx. 4.13 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 90-3 ((3)) 6, 7, and 8. LEE DISTRICT. PUBLIC HEARING.

Clifford F. Lindsay, Applicant, reaffirmed the affidavit dated January 10, 2013. There were no disclosures by the Commission.

In Commissioner Migliaccio's absence, Commissioner Hart asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and to close the public hearing. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Hart for action on this case. (A verbatim excerpt is in the date file.)

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In the absence of Commissioner Migliaccio, Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2012-LE-021.

Commissioners Hall and Sargeant seconded the motion which carried by a vote of 9-0. Commissioners Lawrence, Migliaccio, and Murphy were absent from the meeting.

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SE 2012-MA-017 – SHELTER DEVELOPMENT, LLC – Appl. under Sect. 3-204 of the Zoning Ordinance to permit a medical care facility. Located at 3440, 3444, 3450, and 3454 Gallows Rd., Annandale, on approx. 6.36 ac. of land zoned R-2. Tax Map 59-2 ((1)) 47, 48, 49 pt., and 59-2 ((10)) 1 pt. MASON DISTRICT. PUBLIC HEARING.

Lori Greenlief, Land Use Planner, McGuireWoods LLP, reaffirmed the affidavit dated February 7, 2013. There were no disclosures by the Commission.

Brent Krasner, Staff Coordinator, 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.

Ms. Greenlief noted that the subject property comprised 6.3 acres which allowed for the building to be sited in such a way as to prevent any need for extensive buffering from the surrounding properties. She pointed out that while the medical care facility would be a commercial entity in the Zoning Ordinance, it was by nature residential and would therefore serve as an ideal transition between the single family detached homes to the west and Gallows Road. She added that this facility would generate very little traffic since few, if any, of the residents drove. She noted that shift changes and deliveries occurred during the morning and afternoon peak hours but the impact on Gallows Road would be negligible. Ms. Greenlief stated that the applicant gave careful thought to the building design and ensured it was compatible with the surrounding area and added that the site would include 70 percent open space, exceeding current zoning regulations. She added that the applicant worked with the Fairfax County Urban Forester to ensure tree placement and safety of understory trees for effective screening. She stated that the applicant agreed to all of the development conditions, including restrictions on delivery times, preservation of right-of-way, green building techniques, and tree preservation. Ms. Greenlief added that the applicant held several community meetings prior to filing the application and noted that the application had received the support of the Mason District Land Use Committee, the Health Care Advisory Board, and the Chaconas Homeowners Association located to the west of the subject property.

Commissioner Litzenberger asked how many people had attended the committee meetings. Ms. Greenlief stated that several hundred had attended, noting that the applicant had met with the Mason District Land Use Committee as well as specific Boards and homeowners.

Commissioner Hart asked how the traffic impact for this use compared to the impacts from those caused by other Special Exception or Special Permit uses. Ms. Greenlief stated that a by-right residential would be slightly lower than the proposed use; however, a daycare would have 184 trips during the morning peak hour traffic period, and a school would have 318. When Commissioner Hart asked what the traffic impact would be on Gallows Road, Ms. Greenlief stated that this use would provide one half of one percent of the traffic on Gallows Road.

Commissioner Flanagan asked whether the residents would be able to review the applicant's proposed architectural renderings. Ms. Greenlief explained that the applicant had provided them at every meeting from the onset of the application, and noted that they were well received by the community. Commissioner Flanagan asked whether the facility would be wheelchair accessible. Ms. Greenlief confirmed that the entire site would be. Commissioner Flanagan asked who would manage the facility, Ms. Greenlief explained that an arm of Shelter Development, LLC called "Brightview Senior Living," would manage the facility.

Commissioner Hall asked Mr. Krasner to confirm that the proposed development would provide a senior housing development, rather than a rezoned commercial development. Mr. Krasner confirmed that the use was permitted in an R-2 development by Special Exception.

Joanne Reynolds, 3456 Gallows Road, Annandale, came forward to speak and noted that she lived next door to the proposed facility and expressed concern about commercial zoning in a residential community. She added that the proposed shift changes and deliveries, as well as the additional ambulance trips, would exacerbate the current traffic on Gallows Road. In reference to the Alzheimer's unit maintained onsite, Ms. Reynolds asked how the applicant would ensure that

patients would not wander offsite. In addition, Ms. Reynolds noted that this development would cause a loss of green space and wildlife.

Commissioner Hall noted the amount of green space and buffering proposed in the application. She added that it would be difficult to tell whether calls for ambulances from the facility would increase the traffic on Gallows Road or not. Additionally, she pointed out that the proposal would preserve more green space and trees than a by-right residential use, adding that the applicant and Mason District Land Use Committee had made sure that Ms. Reynolds' property would be as buffered as possible.

Commissioner Sargeant asked questions regarding the buffering of the proposed development and its proximity to Ms. Reynolds' property. Mr. Krasner noted that the building would be approximately 300 feet from Ms. Reynolds' residence and added that the buffering would be at least 20 feet wide. He also confirmed that the height of the new building, with the existing topography, would remove some of the current view shed.

Commissioner Flanagan asked whether vehicles visiting the subject site would have backup sounds or beeps. Ms. Greenlief stated that space for loading, delivery and trash pickup would be available; however, pickup and delivery times were limited in the development conditions. She added that historically, Shelter Development averaged approximately four ambulance visits per facility per month, and pointed out that the drivers turned off the sirens in residential areas. When Commissioner Flanagan asked about the parking area, Ms. Greenlief explained that the lot would be impervious and noted that the applicant would provide an extended underground detention pond. Commissioner Flanagan asked whether the proposed development would cause water flows that currently existed. Ms. Greenlief ensured him that the proposed enhanced detention system would be sufficient.

Commissioner Hart asked about the impact of the limits of clearing and grading for the proposed site. Mr. Krasner confirmed that the applicant would only provide additional plantings around the perimeter of the subject site near the edge Ms. Reynolds' property. In addition, he said that 70 percent of the site would be undisturbed open space. When Commissioner Hart asked about by-right development, Mr. Krasner replied that a much greater area must be cleared to develop the site with 12 houses on standard lot sizes.

Virginia Yacovissi, 7607 Westminster Court, Annandale, came forward to speak and commended the applicant's commitment to preserving environmental resources and including an invasive species management plan. She added that the applicant must also ensure that invasive plants would not be introduced onsite as part of its plan and she provided a list of plants to include on the invasive species list, a copy of which is included in the date file.

Commissioner Hall asked County staff whether the County had an official list of invasive plant species. Mr. Krasner said that while he was unsure if there was a list in Public Facilities Manual (PFM), the Urban Forester ensured that the application contained a development condition requiring the continued management and preservation of the onsite trees and plantings. Commissioner Hedetniemi pointed out that the Park Authority Board maintained a comprehensive list of invasive species.

Commissioner Hall suggested that Ms. Yacovissi's list be incorporated into the application. Mr. Krasner stated that the applicant's proposed plant list would be carefully examined during site plan review by the Urban Forester.

Commissioner Hart noted that the third line of Development Condition Number 23G, Invasive Species Management, needed to be corrected to say 'invasive "plant" material.'

Pamela Miller, 3433 Aston Lane, Annandale, came forward to speak and expressed concerns about excess water runoff as a result of the proposed development. She added that after the church property next door to her residence was built, there was flooding in her driveway from heavy rain events. She noted concern about lights from vehicles entering the property shining down onto her property and requested that fencing be put up to prevent such lighting from getting through. In addition, Ms. Miller asked about the open space and how it would be used.

Commissioner Hall asked Ms. Miller about an existing fence between her property and a church next door. Ms. Miller explained that it was placed between her residence and the church and ran along the side of and behind her property, adding that it addressed her concerns in removing light spillage. She added, however, that when construction began on the proposed development, a disturbance at the end of her property would cause an opening allowing light spillage.

When Commissioner Hall asked staff about disturbances to the surrounding properties, Mr. Krasner explained that the applicant would remove invasive species and provide replacement plantings. Ms. Miller pointed out that the replacements would likely not be as tall as the original greenery and said that a fence would provide sufficient buffering.

Commissioner Litzenberger asked whether the applicant planned to expand the proposed building to the east. Ms. Greenlief said no, adding that the site was currently at its maximum floor area ratio. She further noted that the open space had been designated a conservation area and must be developed as one in accordance with the Comprehensive Plan.

Dane Merkel, 7816 Thor Drive, Annandale, came forward to speak and said that although he was not opposed to the proposed development, he felt that the building would tower above the neighborhood. Additionally, he voiced concerns similar to those of previous speakers with regard to a commercial entity in a residential neighborhood and stormwater runoff.

Commissioner Hart asked Mr. Merkel about the excess water flow and where the overflow issues were. Mr. Merkel described the flooding that occurred during heavy rain events and the subsequent flow through the neighborhood.

A discussion ensued between Commissioner Hart and Mr. Krasner wherein it was revealed that the proposed development could not diminish the integrity of the existing utilities near or surrounding the subject property.

John Mountjoy, 7807 Wendy Ridge Lane, Annandale, came forward to speak and noted that the proposed building would be located on a knoll, thereby creating a looming effect, particularly being three stories. He also expressed concern about light spillage from the building down to the surrounding neighborhood from the building and asked if the buffering would provide sufficient

shield for the neighbors. He requested a review of the lighting impacts on the surrounding neighborhood.

Commissioner Hall asked Mr. Krasner the height of the proposed building. He replied that it would be 45 feet tall, which was equivalent to the height of a typical residence.

As Mr. Mountjoy noted the height of the building and topography of the site in relation to the surrounding neighborhood, Vice Chairman de la Fe pointed out that building heights were measured onsite without consideration of their surroundings.

Commissioner Hedetniemi pointed out that the residents in a facility like the one proposed rarely stay up past 8:00 p.m.; hence, there should be very little impact from lighting. She added that interior lighting for the hallways might cause some impact, but noted that that should be minimal.

Iman Homan, 3435 Executive Avenue, Falls Church, came forward to speak and asked how long the proposed construction and related traffic disruption would last.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Ms. Greenlief, who noted that the construction would last 14 months. She stated that there would not be security or flood lighting in the back of the building and the windows would be treated; therefore the impacts on the nearby residents would be minimal.

Vice Chairman de la Fe pointed out that Ms. Greenlief had briefly commented about parking lot lighting while the staff report, on page 15, had stated there would be none. Ms. Greenlief stated that there would in fact be lighting in the parking lot that would be directed downward.

Ms. Greenlief noted that the building would look like a residential building to be consistent with the surrounding community and that extensive landscaping would be provided. She added that the existing mature trees along the back would be maintained. With regard to the elevation, she said that the change in elevation from the subject site to Aston Street was 30 feet.

When Commissioner Hall asked for clarification that the 30 feet of elevation was between Aston Street and the top of the knoll, Ms. Greenlief confirmed that it was.

Ms. Greenlief said that the new development would capture the current water flow toward Ms. Miller's property and redirect it. In addition, she stated that the Alzheimer's wing of the building would be a secured facility on the third floor with a small outdoor area with terracing and landscaping.

Commissioners Hall and Hart and Ms. Greenlief discussed the replacement of bamboo near the corner of Ms. Miller's property and ways to address light spillage from the neighboring parking lot. Ms. Greenlief suggested planting additional deciduous trees rather than evergreens to ensure the impacts would not be as great.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2012-MA-017, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 28, 2013, MODIFIED AS FOLLOWS:

- INCREASE THE BUFFERING AROUND THE PARKING LOT TO ENSURE THAT LIGHTS WILL NOT AFFECT RESIDENTS ACROSS FROM THE FACILITY; AND
- REVIEW SUBMITTED INVASIVE PLANTS LIST WITH THE COUNTY ARBORIST.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING ALONG ALL PROPERTY LINES IN FAVOR OF THE PLANTINGS SHOWN ON THE SE PLAT, AND AS SUPPLEMENTED BY ANY ADDITIONAL PLANTINGS NECESSARY TO BLOCK OUT TRAFFIC LIGHTS FROM THE PARKING LOT TO THE SURROUNDING NEIGHBORS.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 13-304 OF THE ZONING ORDINANCE FOR BARRIERS ALONG ALL PROPERTY LINES IN FAVOR OF THE FENCING SHOWN ON THE SE PLAT.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE SPECIAL EXCEPTION REQUIREMENT IN PARAGRAPH 3 OF SECTION 9-308 TO LOCATE THE LOADING SPACE AT THE SIDE OR REAR OF THE BUILDING, IN FAVOR OF THE LOCATION SHOWN ON THE SE PLAT.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting.

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CLOSING

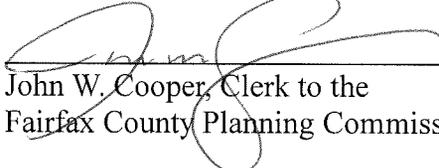
February 21, 2013

The meeting was adjourned at 9:43 p.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: Jeanette Nord

Approved on: January 23, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission