



PLANNING COMMISSION SUMMARY OF ACTIONS

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KAD

January 21, 2010

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PRESENT: Commissioners Alcorn, de la Fe, Donahue, Flanagan, Hall, Hart, Litzenberger, Lusk, Murphy, Sargeant

ABSENT: Commissioners Harsel, Lawrence

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The meeting was called to order at 8:29 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Alcorn noted that last night, the Planning Commission's Tysons Corner Committee had met in the Board Auditorium of the Government Center to receive a staff briefing on the latest version of the proposed draft Comprehensive Plan text for Tysons redevelopment. He said a link to the video recording of this briefing would soon be posted on the Committee Web page at <http://www.fairfaxcounty.gov/planning/tysonscorner.htm>. Commissioner Alcorn announced that the Committee would meet again on Wednesday, January 27, 2010, at 7 p.m., in Conference Rooms 4/5 of the Government Center, and on Thursday, February 11, 2010, at 7 p.m., in Conference Rooms 2/3 of the Government Center, to listen to citizens' comments and suggestions on the proposed language. He encouraged anyone interested in speaking at one of these meetings to sign up on the Planning Commission Web site at <http://www.fairfaxcounty.gov/planning/speaker.htm>, or call the Commission Office at 703-324-2865, prior to 3:00 p.m. on the day of the meeting. He noted that speakers would be allowed up to five minutes on either date.

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Commissioner Hall noted that the Planning Commission's Policy and Procedures Committee had met earlier this evening to review a change in the Fairfax County Public Schools' policy on telecommunications facilities at middle schools. She announced that the Committee would meet again on Thursday, February 25, 2010, at 7:30 p.m., in the Board Conference Room of the Government Center, to discuss the Zoning Ordinance Work Program for 2010. She said everyone was invited to attend this meeting.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, January 28, 2010, at 7 p.m., in the Board Conference Room of the Government Center, to receive a staff briefing on Green Building Policy and schedule a date for another meeting with staff to

discuss the comments received at the proposed Environmental Quality Corridors Policy Plan Amendment workshop that was held on Wednesday, January 6, 2010. He said everyone was welcome to attend this meeting.

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Chairman Murphy requested that Commissioners submit their 2010 Preference Form for Planning Commission Committees to Barbara Lipka, Executive Director, no later than Thursday, January 28, 2010.

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Chairman Murphy commended the members of the United States Armed Services, who had been deployed to Haiti to aid in rescue and recovery operations following the earthquake that had occurred near the capital of Port-au-Prince on Tuesday, January 12, 2010. He also recognized the members of Virginia Task Force 1 (VATF-1), Fairfax County's Urban Search and Rescue Team, Fire and Rescue Department, who had rescued 16 people in Haiti so far.

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FSA-Y96-71-1 – VERIZON WIRELESS, 3799 Lees Corner Road
FS-Y09-156 – CLEARWIRE, utility right-of-way near Bay Valley Lane & Rock Canyon Drive

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FSA-Y96-71-1, WHICH IS THE REPLACEMENT OF THREE EXISTING 51-INCH ANTENNAS WITH THREE 71-INCH ANTENNAS ON AN EXISTING CELL TOWER AT 3799 LEES CORNER ROAD. He also MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FS-Y09-156, WHICH IS THE ADDITION OF THREE PANEL ANTENNAS AND A DISH ANTENNA ON TOP OF A 143-FOOT DOMINION RESOURCES POWER LINE TOWER NEAR THE INTERSECTION OF BAY VALLEY LANE AND ROCK CANYON DRIVE.

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

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FS-H09-115 – CLEARWIRE, 2455 Fox Mill Road (Stratton Woods Park)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE TELECOMMUNICATIONS FACILITY BY CLEARWIRE AT STRATTON WOODS PARK, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

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FS-H09-159 – CLEARWIRE, 11500 Fairway Drive
FS-S09-166 – CLEARWIRE, 11209 Fairfax Station Road
FS-S09-168 – CLEARWIRE, 4641 West Ox Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE FOLLOWING THREE CONSENT AGENDA ITEMS BY CLEARWIRE: FS-H09-159, LOCATED AT 11500 FAIRWAY DRIVE; FS-S09-166, LOCATED AT 11209 FAIRFAX STATION ROAD; AND FS-S09-168, LOCATED AT 4641 WEST OX ROAD.

Without objection, the motion carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

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ZONING ORDINANCE AMENDMENT (LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 7, 2009, WHICH INCLUDES A RECOMMENDATION THAT THE FOLLOWING BE GRANDFATHERED FROM THE PROPOSED AMENDMENT:

- 1) LOTS THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, PROVIDED THAT SUCH LOTS ARE LOCATED IN A COUNTY-APPROVED SUBDIVISION, OR ARE VALIDATED UNDER SECTIONS 01-1-12, 101-1-13, OR 101-1-14 OF THE SUBDIVISION ORDINANCE.
- 2) ALL SPECIAL PERMITS, SPECIAL EXCEPTIONS, AND PROFFERED REZONING APPLICATIONS AND AMENDMENTS THERETO THAT CONTAIN OUTLOTS THAT ABUT A STREET, WHEN APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT.
- 3) ALL PRELIMINARY SUBDIVISION PLANS SUBMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDMENT, PROVIDED THAT THE PRELIMINARY PLAN IS APPROVED WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT, AND THE SUBDIVISION PLAT IS RECORDED WITHIN 24 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT.
- 4) ALL SITE PLANS SUBMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDMENT, PROVIDED THAT THE SITE PLAN IS APPROVED WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT, AND THE SITE PLAN REMAINS VALID.

Commissioners de la Fe and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

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SEA 85-L-022-03 – PUBLIC BROADCASTING SERVICE (Mason District)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-L-022-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 11, 2010, WITH THE FOLLOWING TEXT ADDED TO CONDITION 8: "ROOFTOP SCREENING MAY BE PROVIDED."

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN BOUNDARY, IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT.

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

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SEA 87-D-025 – VINSON HALL CORPORATION

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 87-D-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 20, 2010.

Commissioners Flanagan, de la Fe, and Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 9-306 OF THE ZONING ORDINANCE, TO PERMIT A MAXIMUM BUILDING HEIGHT OF 56 FEET FOR THE PROPOSED INDEPENDENT LIVING FACILITY AND 65 FEET FOR THE EXISTING INDEPENDENT LIVING FACILITY, INSTEAD OF 50 FEET.

Commissioners Sargeant and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 9-306 OF THE ZONING ORDINANCE, TO ALLOW THE ASSISTED LIVING FACILITY UNITS ON THE SITE TO BE OCCUPIED BY RESIDENTS OTHER THAN THOSE MOVING FROM THE INDEPENDENT LIVING FACILITY.

Commissioners Sargeant and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE COUNTYWIDE TRAILS REQUIREMENT ALONG OLD DOMINION DRIVE AND KIRBY ROAD, TO PERMIT THE EXISTING AND PROPOSED SIDEWALKS, AS DEPICTED ON THE SEA PLAT.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF PUBLIC FACILITIES MANUAL SECTION 6-0303.8, TO PERMIT THE USE OF AN UNDERGROUND DETENTION FACILITY IN A RESIDENTIAL AREA, SUBJECT TO THE DEVELOPMENT CONDITIONS TITLED "WAIVER NUMBER 6713-WPFM-001-1 CONDITIONS," DATED SEPTEMBER 24, 2009, AND CONTAINED IN APPENDIX 8 OF THE STAFF REPORT.

Commissioners Litzenberger, Flanagan, and Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

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SEA 85-D-033-02 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (Decision Only)
(Public Hearing held on November 19, 2009)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-D-033-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2010.

Commissioner Lusk seconded the motion.

Commissioner de la Fe MOVED AN AMENDMENT TO COMMISSIONER DONAHUE'S MOTION THAT THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2010, BE AMENDED, AS SHOWN IN HIS HANDOUTS DISTRIBUTED TO THE COMMISSION THIS EVENING.

Commissioner Hart seconded the motion.

Following a lengthy discussion among Commissioners, staff, and the applicant, Commissioner Alcorn MOVED A SUBSTITUTE MOTION TO COMMISSIONER DE LA FE'S AMENDMENT THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ON SEA 85-D-033-02, TO A DATE CERTAIN OF JANUARY 28, 2010, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioner Lusk seconded the substitute motion which carried by a vote of 8-1 with Commissioner de la Fe opposed; Commissioner Sargeant recused; Commissioners Harsel and Lawrence absent from the meeting.

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The meeting was adjourned at 10:57 p.m.
Peter F. Murphy, Jr., Chairman