

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 21, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Karen Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At Large
Timothy J. Sargeant, Commission At-Large

ABSENT: None

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The meeting was called to order at 8:18 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

Commissioner Ulfelder MOVED TO ACCEPT THE FOLLOWING PLANNING COMMISSION OFFICERS FOR 2016:

Chairman	Peter F. Murphy, Jr., Springfield District
Vice Chairman	Frank A. de la Fe, Hunter Mill District
Secretary	James R. Hart, At-Large
Parliamentarian	Timothy J. Sargeant, At-Large

Commissioner Flanagan seconded the motion. The motion carried by a vote of 12-0.

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Chairman Murphy announced that the 2016 Committee Preference Form had been distributed to the Commission by staff. He requested that the Tysons Committee members remain as-is since they were still in the process of examining the plan amendment that was approved by the Board of Supervisors. Chairman Murphy also noted that two of the committees listed on the form, the Policy and Procedures Committee and the Personnel and Budget Committee, had limited

membership. He instructed the Commission to complete the form and submit it to Jill Cooper, Executive Director, by Wednesday, January 27, 2016.

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Commissioner Hart announced that the Commission's Environment Committee had met earlier this evening for a discussion with staff regarding building energy. He said the next meeting would be held at 7 p.m. in the Board Conference Room of the Fairfax County Government Center on Thursday, February 25, 2016. He noted it would be a continuation of the building energy discussion and it was open to the public.

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SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

(Start Verbatim Transcript)

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Commissioner Flanagan: Thank you, Mr. Chairman. The special exception application 2015-MV-019, from the Charles County Sand and Gravel Company for the construction of a concrete batching plant on Gunston Cove Road in the Mount Vernon District Lorton community is scheduled for a public hearing tonight. The South County Federation adopted a resolution on May 12 in opposition to the application well before the staff report was published two weeks ago. The applicant, meanwhile, has been in negotiations with the Lorton community trying to resolve community objections, and that's still under way. The applicant has requested further meetings. I concur and therefore MOVE THAT THE PLANNING COMMISSION DEFER TONIGHT'S PUBLIC HEARING FOR SE 2015-MV-019 TO FEBRUARY 25, 2016, TO PROVIDE THE COMMUNITY TIME TO CONSIDER POSSIBLE ADDITIONAL SPECIAL EXCEPTION CONDITIONS.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on Charles County Sand and Gravel Company Incorporated, which is SE 2015-MV-019 to a date certain of February 25th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Commissioner Lawrence announced that the Commission's Tysons Committee would meet at 7 p.m. in the Board Conference Room of the Fairfax County Government Center on Wednesday, January 27, 2016.

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PCA 75-7-004-03/SE 2015-PR-021 – MERIDIAN SCIENCE 7980, LLP (Decision Only)
(The public hearing on this application was held on January 13, 2016.)

(Start Verbatim Transcript)

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Commissioner Lawrence: I have a deferral to continue. I-I trust that every- that Commissioners got a memo concerning the chrome rubber findings. Did you get - - It was distributed by email earlier. So that - that goes on the record now, but there is still stuff to do. The applicant is currently working with county staff and the Planning Commission to address outstanding items from the hearing on January 13th and the applicant has requested an additional week of time to do so. Therefore, I MOVE THAT THE PLANNING COMMISSION CONTINUE THE DEFERRAL OF DECISION ONLY FOR PCA 75-7-004-03 AND SE 2015-PR-001 (sic) TO A DATE CERTAIN OF JANUARY 28TH, 2016, AND THE RECORD REMAINS OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? All those in favor of the motion to defer the Meridian Science 7980, LP, public – continue the decision only on PCA 75-7-004-03 and SE 2015-PR-021, to a date certain of January 28th with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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SE 2015-SP-022 – EILEEN MEADE, DBA MEADE FAMILY DAYCARE (Decision Only)
(The public hearing on this application was held on December 9, 2015.)

(Start Verbatim Transcript)

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Commissioner Murphy: I have two decisions only this evening. The first one I would like to do is the Meade Daycare Center. This was a public hearing that we had on December 9th. Ms. Meade has a daycare facility but she is taking advantage of the fact that now daycare centers in residential communities can increase their children's capacity from seven to twelve. There was an application that was filed. Ms. Meade and the homeowners association, I think they got off to a little rocky start, but I understand that they are working together now on this particular application. And during the public hearing I asked Ms. Meade if, notwithstanding the Board of —, the Planning Commission's recommendation, if in fact the Board of Supervisors denied this application, would she continue to have a daycare center for seven children which she has now and which is a legal - a legal application, and she answered yes. So this daycare center is going to be in this community for a long time. And so I asked the members of the community who came and spoke in opposition to this special exception if they would take home with them the copies of the development conditions which, if this application were approved, those development conditions would be in effect and would ameliorate some of the concerns that they had, and I asked them to take a copy of the development conditions home. We had it right here at the staff table and I asked them to please communicate with me before the decision only and tell me what you think: Would you rather have a daycare center with 7 children or would you rather have a daycare center with 12 children with development conditions which would ameliorate the perceived impact in the neighborhood. I have not heard from anyone. So I am going to go tonight and I'm going to make the decision – a recommendation to the Board of Supervisors on this special exception. I do want to say at the outset that during the public hearing Mr. Streich, I believe his name is, who was the attorney for the homeowners association, argued that the Planning Commission was obligated under *Virginia Code* Section 55-513.2 to enforce the policy that he articulated on behalf of the homeowners association and recommended the denial of the application. One of the first things we did after the public hearing is we referred his study at his request to the County Attorney who has since answered that after reviewing the *Virginia Code* cited above in detail the County Attorney concluded that the statute has no bearing on the Planning Commission's review of the special exception application for home child care. So it is legally sound. The action we are about to take is legally sound this evening. This application is in conformance with the Comprehensive Plan. It is also in conformance with the applicable zoning ordinances that affect child care facilities in residential areas, so I'm going to recommend to the Board that this application be approved. But before I do that I'd like Ms. Meade to please come down if she's here. Ms. Meade? Hopefully you are here in this crowd of Dranesville people so we can have you come down and take action on this application. Would you please state your name for the record and your address and would you agree that you have read the development conditions, you understand the development conditions, and that you will abide by the development conditions.

Eileen Meade, Applicant: My name is Eileen Meade. I live at 9697 South Run Oaks Drive, Fairfax Station, Virginia 22039. I do agree and I will abide by the development conditions.

Commissioner Murphy: Okay, thank you very much. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-SP-022, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED DECEMBER 7TH, 2015.

Commissioners Hart, Lawrence, and Strandlie: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and –

Commissioner Lawrence: Mr. Lawrence, with pleasure.

Vice Chairman de la Fe: Mr. Lawrence and Ms. Strandlie. Okay, any discussion? Hearing and seeing none all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

NOTE: Commissioner Keys-Gamarra did not abstain during this motion; however, during the motion for the following public hearing (RZ/FDP 2015-SP-007, MRD PROPERTIES, LLC), her abstention was noted by the Planning Commission Chairman.

Vice Chairman de la Fe: One question, on the previous one on the Meade case, Ms. Keys-Gamarra you abstained on that one, right; because you were not at the Commission then. Yes? Right, I just want to make that clear.

The motion carried by a vote of 11-0-1. Commissioner Keys-Gamarra abstained from the vote.

(End Verbatim Transcript)

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RZ/FDP 2015-SP-007 – MRD PROPERTIES, LLC (Decision Only) (The public hearing on this application was held on January 14, 2016.)

(Start Verbatim Transcript)

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Commissioner Murphy: Yes, also I have a decision on SE, excuse me, RZ and FDP 2015-SP-007 Meade Properties. This is an application in the Springfield District on 9.99 acres in the Springfield District again in the Fairfax Center area.

Commissioner Sargeant: Mr. Chairman, I'm sorry to interrupt. As you know I recused myself from this public hearing in this case from the last meeting due to an affidavit issue and I'm going to recuse myself from vote as well.

Commissioner Murphy: Okay, thank you. This was a residential 2.5 units per acre which is the overlay district in the Fairfax Center area. This application is in an area where we always get a lot of citizen comments and I'm very thankful to get those comments but I think in this particular case this application should be supported for a number of reasons. First of all, it is in conformance with the Comprehensive Plan. They requested 2.4 dwelling units per – per acre and the comprehensive plan calls for a maximum 2.5 its close but it's still in conformance with

the plan. They have addressed successfully the Fairfax Center residential checklist. They have come in they are in conformance with the applicable zoning ordinances, and the PDH provisions and they maxed out basically in the residential development criteria. One of the issues that was discussed in the staff report and this is an issue that sometimes is misinterpreted - is the context of the application. Does it fit in with the neighborhood? and the folks sort of took a position that it doesn't fit in with the neighborhood because the lots are smaller than the lots next door or the next down the street and so forth and although that may be true this application has a very, very comprehensive tree preservation plan. It also have 40 percent open space so although the density is a little higher but still in conformance with the Comprehensive Plan the application has a tremendous amount of open space that I think will be an attractive situation for this particular part of town. Also, they have a very comprehensive set of proffers and you received a new set tonight and the only addition to that is a proffer that would restrict putting as we call them popsicle stick - popsicle stick signs on the streets in the neighborhood telling, you know, these house are up for sale and so forth and the others are just as I understand it just typos that have been, have been have been corrected so this is almost the same as the rezoning, - the proffers that are in the rezoning and development conditions that are in the rezoning application. They also have, have proffered to improve Westbrooke Drive in front of the site the sidewalks and so forth it has, as I said, a tree preservation plan. It has addressed the request for funding in the Fairfax Center area for residential property to contribute to the housing fund. It has a generous donation of 82,000 thousand dollars plus to the schools and also a very generous donation of 61,000 thousand dollars to parks. So it is in conformance with the comprehensive plan the proffers are very comprehensive. Also one of the things I would like to clear up one of the issues that was raised was at Westbrooke Drive. West Brook Drive no question about it, is a rural road. Maybe one of the few left in Fairfax County in this part of town. But we have rural roads all over the place and I know this one has been a bone of contention for a long time. We are trying to do something about it but there's nothing in the VDOT plan or in the Fairfax County Plan that -has the funding to do something with this road. So we are stuck with this road and its configuration although this development will help that out by doing a lot of frontage improvements- improvements in front of the site. But someone said there are a lot of accidents on the road and I just want to make sure that I clarify that as far as the police reports are concerned, in 2015, there was an accident that involved a vehicle approaching the downhill curve, lost control on icy, on the icy roads and skidded into an oncoming lane striking an oncoming car. There were no injuries. The second, and only second reported in 2015, was a crash at the Stringfellow Road intersection involved, involving a pedestrian who had been drinking and was wearing headphones and dark clothing who went out for a walk and was hit by a car turning from Stringfellow Road onto West Brook and only minor injuries occurred. Now it's sad that those things happen but this is not a road problem. Ice on the road is all over the county. Someone in this particular situation gets hit by a car, we are very sorry to hear about that but that's, you can't blame that on the road. So therefore, having said all that Mr. Chairman, I MOVE -first I'd like to have the applicant please come forward because we do have a special exception here. Oh we have a PRC, I'm sorry, FDP.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, and Walsh: We have read and agree to abide by the conditions that are contained in the staff report.

Commissioner Murphy: Okay, thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO

APPROVE RZ 2015-SP-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AND SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 20TH, 2016.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Is there any discussion? Hearing and seeing none, all those I favor please signify by saying aye.

Commissioners: Aye.

Commissioner Migliaccio: Mr. Chairman, abstain, I was not here for the public hearing.

Vice Chairman de la Fe: Okay. Motion, motion carries.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-SP-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 22ND, 2015, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2015-SP-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Same abstention.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO PERMIT A DEVIATION FROM THE TREE PERSERVATION TARGET.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion, same abstention, carries.

Commissioner Murphy: Thank you very much and I want to thank Ms. Bishop, as always she brings with us always interesting, brings to us always interesting applications. She always does a wonderful job and I really appreciate it, thank you very much.

Vice Chairman de la Fe: One question, on the previous one on the Meade case, Ms. Keys-Gamarra you abstained on that one right because you were not at the Commission then, yes. Right, I just want to make that clear.

The motion carried by a vote of 9-0-2. Commissioners Keys-Gamarra and Migliaccio abstained. Commissioner Sargeant was not present for the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. FDPA 2003-LE-025-05 – JEFFREY D. CLINE
2. SE 2015-SP-023/2232-S15-5 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS: LITTLE LEAGUE INC. FAIRFAX
3. RZ 2014-DR-022 – BASHEER/EDGEMOORE-BROOKS, LLC

This agenda was accepted without objection.

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FDPA 2003-LE-025-05 - JEFFREY D. CLINE – Appl. to amend a final development plan for RZ 2003-LE-025 to permit modifications of yard requirements for lot 85 and associated changes to the development conditions. Located approx. 1,200 ft. S. of the intersection of South Van Dorn St. and Franconia Rd., on approx. 3,720 sq. ft. of land zoned PDH-5, HC. Tax Map 81-4 ((48)) 85. LEE DISTRICT. PUBLIC HEARING.

Jeffrey Cline, Applicant, reaffirmed the affidavit dated September 30, 2015.

Commissioner Migliaccio 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 Migliaccio for action on this case.

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(Start Verbatim Transcript)

Chairman Murphy: Close the public hearing; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Mr. Cline, for the record, do you agree with the one proposed development condition dated January 6th, 2016?

Jeffrey Cline, Applicant: Yes.

Commissioner Migliaccio: Okay, thank you. Mr. Chairman, this is a very simple case. It's for a patio in the Kingstowne Area. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2003-LE-025-05, SUBJECT TO THE DEVELOPMENT CONDITION DATED JANUARY 6TH, 2016.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2003-LE-025-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Noting the large amount of listed speakers for the following two cases, Chairman Murphy recited the rules for testimony.

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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SE 2015-SP-023 - CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; LITTLE LEAGUE INC. FAIRFAX – Appl. under Sect. 3-C04 of the Zoning Ordinance to permit a telecommunications facility. Located at 12601 Braddock Rd., Fairfax, 22030, on approx. 4.86 ac. of land zoned R-C, WS. Tax Map 66-2 ((3)) 2. (Concurrent with 2232-S15-5.) SPRINGFIELD DISTRICT. PUBLIC HEARING.

2232-S15-5 - CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; LITTLE LEAGUE INC. FAIRFAX – Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a telecommunications facility. Located at 12601 Braddock Rd.,

Fairfax, 22030, on approx. 4.86 ac. of land zoned R-C, WS. Tax
Map 66-2 ((3)) 2. (Concurrent with SE 2015-SP-023.)
SPRINGFIELD DISTRICT. PUBLIC HEARING.

Benjamin J. Pelletier, Applicant's Agent, Network Building and Consulting, LLC, reaffirmed the affidavit for SE 2015-SP-023 dated June 8, 2015.

There were no disclosures by Commission members.

Laura Arseneau, 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 applications SE 2015-SP-023 and 2232-S15-5.

Commissioner Hurley asked staff about the noise level and the proximity of the generator to nearby residences. Ms. Arseneau said that a noise study had not been conducted and deferred further explanation to Mr. Pelletier who responded later in the discussion.

Commissioner Hart referred to Development Condition 15, Appendix I of the staff report, and asked Ms. Arseneau if the Department of Public Works and Environmental Services (DPWES) would review and address the stormwater issues later during the application process. Ms. Arseneau confirmed and noted that no comments had been submitted from DPWES regarding stormwater on this case.

Addressing Commissioner Hurley's earlier question regarding generator noise, Mr. Pelletier stated that Verizon Wireless operated their generators within the Fairfax County Noise Ordinance guidelines. In addition, he said that there would be a casement around the generator for noise reduction. Mr. Pelletier explained that the generator would be scheduled to run for 30 seconds, once a month in order to flush the lines for maintenance purposes which could be scheduled at the community's discretion. He said that during an emergency power outage the generator would run continuously until power was restored to the facility. Mr. Pelletier noted that the closest residences were located on Hampton Forest Way which was approximately 251 feet from the generator.

Commissioner Murphy discussed with Mr. Pelletier the balloon tests performed on the site; wherein, he said that it was flown at two different heights, one at 164 feet and the other at 180 feet. Mr. Doug Hansen, ZED, DPZ, explained that under Section 6409 of the Spectrum Act, carriers were allowed a one-time height increase of ten percent or up to the next antenna array not to exceed ten percent. He noted that this application was for 164 feet and if approved the applicant could raise the height to 180 feet. Commissioner Murphy discussed with Mr. Pelletier the area that would be covered by this tower. In addition, Mr. Pelletier explained that it would help relieve the existing cell tower at Patriot Park which was overburdened with cell traffic. In response to a question from Commissioner Flanagan, Mr. Pelletier said that the antennae platform would be a triangular shape with a diameter of 6 or 7 foot at the widest point.

Commissioner Ulfelder referred to the Land Use/2232 Analysis, page 4 of the staff report, and discussed with Mr. Pelletier the issue of interference between cell towers which were located in

close proximity to one another. Mr. Pelletier explained that because all the cell sites were broadcasting on the same frequencies, when you have two antennas facing each other at too close a proximity, the sound waves could deconstruct. He said that the engineer for Verizon had issued a statement that ruled out the Willow Springs site based on the close proximity to the Patriot Park cell tower. Commissioner Ulfelder suggested to staff that additional background material relating to this subject would be helpful to the Commission.

Commissioner Keys-Gamarra asked Mr. Pelletier if the tower would require lights due to the proposed height. He confirmed adding that he had submitted a request to the Zoning Administration Division for a waiver of the steady red marker light but had not received a response. Ms. Atkinson noted that it was currently under review by the Fairfax County Police Department.

Commissioner Murphy announced his intent to defer the decision on these applications at the end of the public hearing.

Vice Chairman de la Fe called the first listed speaker and recited the rules for testimony.

Wei Lu, 12407 Kahns Road, Manassas, spoke in opposition to the application and stated that he was part owner of the adjacent property, Lot 1, which was purchased in 2014 with the intent to build a luxury single family home that he was currently pursuing through the county. Mr. Lu stated that because both lots were long and narrow the proposed cell tower with lights would negatively detract from his property value and referred to a survey conducted by the *National Institute for Science, Law, and Public Policy* on June 28, 2014, a copy of which is in the date file, which cited the negative impact of cell towers on a prospective buyer's interest.

Commissioner Flanagan discussed with Mr. Lu screening and tree preservation planned for his property. He asked if Mr. Lu was aware that the applicant's property was owned by the Little League who could construct some type of athletic facility which might involve lighting at night. Mr. Lu agreed that could impact his property.

Commissioner Hart commented that in recent years the development pattern for lots in the Residential-Conservation (R-C) District, on four-lane divided roads, had been for institutional uses even though residential was a by-right use. He noted that the lot located on the other side of the subject property had been approved for a place of worship which would consist of a large domed building with a parking lot and another nearby property had also been approved for a church. Mr. Lu said that he did not have an issue with the close proximity of the churches but was concerned about this application because it was an industrial type of development. Following up on Commissioner Hart's comments, Commissioner Murphy explained that this application for a cell tower was a public facility use which was allowed in the R-C District. He add that due to a court ruling church uses were also allowed.

Mr. Bill Towcimak, 5351 Lake Normandy Court, Fairfax, spoke in opposition to the application and stated that the cell tower would visually detract from the community's appearance resulting in reduced marketability, decreased property values, and discourage future development of residential houses in the vicinity. Mr. Towcimak noted that an environmental impact study had

been completed based on neighbors' concerns regarding the health impact of microwave towers. Citing the Telecommunications Act, Commissioner Murphy explained that the Commission could not deny an application based on health issues if the subject application met the required standards as prescribed by law. Commissioner Migliaccio referred to the staff report, Applicant's Justification, and discussed with Mr. Towcimak the homeowners association's attempted negotiations with the applicant to allow co-location on a transmission pole located within the neighborhood. Mr. Towcimak said he had no objection of an addition to an existing tower; however, he explained that the association covenants would not allow it. Commissioner Hart asked Mr. Towcimak the difference between the current power lines on Braddock Road that were approximately 140 feet and the proposed cell tower which would be 164 feet. Mr. Towcimak explained that the power lines existed prior to the community being built and the proposed cell tower would be a new visual impact.

William Stefan, 5485 Ashleigh Road, Fairfax, spoke in opposition to the proposed application echoing the previous speaker's comments and stated a concern over the staff report which showed no determination at the time regarding the following: water quality, whether wetlands protection would be required, the drainage area not meeting the standard requirements and generator noise.

Mary Armstrong, 5489 Ashleigh Road, Fairfax, spoke in opposition to the application echoing the previous speaker's comments and added that she was against any change to the zoning of this area. Commissioner Murphy clarified that this application would not change the R-C District zoning. He explained that it was mandated by the State that public facilities going onto land that was not owned by the government had to go through two processes, a special exception and a 2232. Commissioner Murphy said that with regards to the 2232, the Commission could only render judgement on whether it met the three criteria of character, location and extent.

Roisin Burford, 5496 Ashleigh Road, Fairfax, spoke in opposition to the applications echoing the previous speaker's comments

John Carter, 4103 Chain Bridge Road, Fairfax, spoke on behalf of adjacent property owner Mr. Zalmai Afzay, Lot 3, in opposition to the applications echoing the previous speaker's comments and added that the all metal design would not fit in with the landscape of the property. He said the area north of Braddock Road was a transition area from high density to lower density uses and suggested a better location might be farther back on Colchester Road in an area that would not visually impact the Braddock Road corridor.

Jeffrey Saxe, 12728 Heatherford Place, Fairfax, Chairman of the Springfield District Land Use Committee, spoke in support of the application noting that this application would improve wireless service to the area with minimal impact to the majority of the neighborhood. In addition, he said that the Springfield District Land Use Committee had voted in favor of this application. Commissioner Hart asked Mr. Saxe if there had been any discussions at the Committee meeting over the preferred appearance of the cell tower. Mr. Saxe said no due to a concern from staff that any addition of greenery might make the tower more visible because it was higher than the existing trees.

Kevin Hurley, 5471 Ashleigh Road, Fairfax, spoke in opposition to the applications echoing the previous speakers concerns. In addition, he requested a noise study be conducted on the generator along with a cumulative noise study to include: Braddock Road traffic, the little league fields and the temple.

Commissioner Flanagan noted that an example of a cell tower buffered appropriately by greenery was located in the area of Mount Vernon Estate for residents to view over the deferral period.

Arye Ephrath, 5467 Ashleigh Road, Fairfax, spoke in opposition to the applications and suggested that a distributed antenna system (DAS) in lieu of the proposed cell tower might blend in better with the community while still improving cell service.

Jonathan Morgan, 5487 Ashleigh Road, Fairfax, spoke in opposition to the applications echoing the previous speakers concerns. In addition, he questioned whether the option of moving the cell tower farther back on the lot away from Braddock Road and the Hampton Chase neighborhood had been considered. Commissioner Murphy deferred explanation to Mr. Pelletier who responded later in the discussion.

There being no more speakers, Vice Chairman de la Fe called for concluding remarks from the Planning Commission and staff.

Commissioner Sargeant referred to a letter in the staff report from Fairfax Little League, dated October 22, 2015, which stated that they had no current intention of developing the property but it was not clear about any future plans and asked staff if they had considered moving the cell tower farther back on the property. Mr. Hansen explained that at the community meeting there was a discussion about relocating the cell tower more off-set from the driveway but the applicant chose not to and deferred further explanation to Mr. Pelletier who responded later in the discussion.

Aligning himself with Commissioner Sargeant's comments, Commissioner Lawrence suggested that during the deferral period the applicant consider options of relocating the cell tower on the property to help reduce the visual impact to the community if Fairfax Little League had no plans to develop the property.

Commissioner Flanagan and Ms. Arseneau discussed the terrain of the subject property and whether it could be utilized as an athletic field; wherein, Ms. Arseneau explained that a special exception application would be required in order for an athletic field and a cell tower to be co-located on this property and would require further analysis by staff.

Vice Chairman de la Fe called for a rebuttal statement from Mr. Pelletier, who introduced Mr. Scott Pierce, president of the Little League of Fairfax, to respond to questions regarding future development. Mr. Pierce explained that subsequent to the purchase of this property it was discovered that an athletic field would not function properly on this lot, noting that Little League had been unable to sell it because the lot did not perk for an approved septic system. He said that

Little League was supportive of this use and if approved, the proceeds would go into their athletic field maintenance fund.

Mr. Pelletier continued his rebuttal by stating that he would meet with Verizon's construction team and engineer to discuss possible changes to the driveway and relocation of the tower farther back on the property. He explained that while cell towers do not require a clear line of sight from one to the other in order to function properly, tree cover could cause interference; therefore, moving the cell tower back could affect the height of the tower. In addition, he said he would obtain information regarding the decibel levels of the noise produced by the generator.

Commissioner Lawrence asked Mr. Pelletier why the county needed additional cell towers; wherein, Mr. Pelletier explained that because each cell tower had a limited amount of capacity it could provide, a new one was needed to create the additional capacity to fill in gap areas in the more dense residential neighborhoods.

In response to a question from Commissioner Keys-Gamarra, Mr. Pelletier explained that the base of the cell tower would be surrounded by board on board fencing along with trees and additional plantings for screening purposes. He said the issue of camouflaging the tower was discussed at the Springfield Land Use Committee meeting, but because they were in favor of the standard monopole Verizon chose not to include it in the application. Commissioner Keys-Gamarra suggested that in light of tonight's testimony, Verizon should consider providing options for camouflaging the tower. Commissioner Strandlie also requested that Verizon provide a depiction of any changes that are a result from redesigning the driveway or relocation of the tower to include color or camouflage options for the community. Mr. Pelletier agreed.

In addition, Mr. Pelletier agreed to Commissioner Ulfelder's earlier request to provide detailed information regarding the engineer's conclusion concerning the cell tower interference at the alternative site.

(Start Verbatim Transcript)

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Vice Chairman de la Fe: Public hearing is closed.

Commissioner Murphy: Mr. Chairman, before we-we go over the decision.

Vice Chairman de la Fe: Oh, okay.

Commissioner Murphy: Yes, thank you very much. Do we have any time constraints? Is it still, like, about a couple weeks? Are we okay?

Doug Hansen, Zoning Evaluation Division, Department of Planning and Zoning: We are running up against a time deadline but, I think, in light of tonight's conversations the applicant would be more than willing to extend the deadline. It's - it's a negotiation now, we're - we're past the -

the state-mandated deadlines, past that point negotiated and I'm sure the applicant would be willing to negotiate a later deadline.

Commissioner Murphy: Can I have an affirmation of that from the applicant?

Benjamin Pelletier, Applicant's Agent, Network Building & Consulting, LLC: Yes, so on behalf of Verizon Wireless we will agree to extend that deadline in order to resolve these issues in – in, you know, in due time.

Commissioner Murphy: Okay, I intend to defer this for a couple of weeks initially, and let's just see where we go with this, okay? So, that's about - I'm thinking of February 3rd.

Benjamin Pelletier, Applicant's Agent, Network Building & Consulting, LLC: Okay.

Commissioner Murphy: And just to clarify that point for the folks tonight, there are state mandates on the 2232 application; it has to be heard within a certain period of time or it's automatically approved. To preclude that from happening the applicant, very agreeably, will allow us to extend that date so we can take a look at some of the issues that were discussed here this evening. Okay, thank you very much.

Mr. Pelletier: Thank you.

Commissioner Murphy: Before we - before I make the motion, as I say I'm not calling balls and strikes here, but let me just – the capacity and what Mr. Lawrence brought up for the band width is a serious problem in Fairfax County because, believe it or not, there is economic development that's involved with monopolies right now. And believe it or not, one of the questions people who are going to come here with a business, and have concerns in – they ask about how good are the schools and they ask do you have a network. And all of us who have cellphones, who have iPads, who have iPods in our homes; our children carry them to school; we are all – we all share in the responsibility of capacity and bandwidth. Every time you punch that app, every time you make a phone call, it affects the capacity of one of these poles at one of these sites in one of these neighborhoods. And there are plenty of monopolies in Fairfax County in neighborhoods. So, we all contribute to the capacity problem and we all contribute to the lack of capacity. And saying well will transfer it to another location is not really solve the problem, okay. And that's we have to sort out. We have to look at the three criteria established by the state for the 2232 – the character, location, and extent – and we have to look at the special exception and the standards in the special exception to see if they have been met and we have to look at the Comprehensive Plan. As I mentioned, this is not a rezoning application, so the – the - the R-C zoning designation for the sites along Braddock Road will never change with this application, but the use is permitted through the special exception and 2232 process. It's a land use issue and that's what we have to decide. I want to thank you all for coming this evening. Please drive carefully, we're going to give this some consideration over the next two weeks. And so Mr. Chairman, I MOVE THAT WE DEFER DECISION ON SE 2015-SP-023 AND 2232-S15-5 TO A DATE CERTAIN OF FEBRUARY 3RD, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Chairman Murphy resumed the chair.

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The Commission went into recess at 10:30 p.m. and reconvened in the Board Auditorium at 10:54 p.m.

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RZ 2014-DR-022 - BASHEER/EDGEMOORE-BROOKS, LLC –
Appl. to rezone from R-A and R-E to R-E (Cluster) to permit residential development with a total density of 0.38 dwelling units per acre (du/ac). Located approx. 600 ft. E. of Springvale Rd. and N. of Parkerhouse Dr., on approx. 51.97 ac. of land. Comp. Plan Rec: Residential: 0.2-0.5 du/ac. Tax Map 7-2 ((1)) 17 and 23. (DRANESVILLE DISTRICT.) (PUBLIC HEARING)

Greg Riegle, Esquire, McGuireWoods LLP, reaffirmed the affidavit dated November 5, 2015.

Commissioner Hart stated that Ms. Susan M. Pesner, Co-Trustee of Land Trust Agreement dated March 30, 2014, was listed on the affidavit as a co-owner of the property. He disclosed that in March 2012 he was hired as an expert witness by the attorney's representing Ms. Pesner's firm with the matter concluded in September 2013. Since that conclusion, Commissioner Hart said that his law firm, Hart and Horan PC, has had three additional cases, with one still ongoing, where there were attorneys in Ms. Pesner's firm representing an adverse party but indicated it would not affect his ability to participate in this case.

Bob Katai, 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 application RZ 2014-DR-022.

Noting citizen concerns regarding water quality and erosion issues that could impact Pond Branch, Commissioner Ulfelder asked staff to explain the measures being taken to contain and slow down the quantity as well as improvement to the quality of the stormwater. Mr. Katai noted that the applicant had proposed bioretention areas and a dry swale. He deferred further explanation to Camylyn Lewis, Engineer, Department of Public Works and Environmental Services (DPWES), who stated the following:

- There were various drainage areas on the property where water would be captured and treated;
- Stormwater would flow into a conserved tree safe area, nature open space, and a vegetated dry swale area;
- Three rain gardens that would fill into an underground facility with an isolator row, an arched pipe system where water flows in and fabric around the outside of the pipes trap sediment to help improve water quality;
- To meet the requirements of Chapter 124, Channel Protection, of the *County Code* the applicant proposed a detention method which would store water in underground detention facilities to be released at a slower rate to mitigate erosion downstream; and
- Within the proffer conditions, after the site was developed, the applicant had agreed to a requirement to monitor the channel for two years to check for erosion and repair.

Commissioner Ulfelder discussed with Ms. Cathy Lewis, ZED, DPZ, some of the uses that were allowed in the Residential-Agriculture (R-A) District. Commissioner Ulfelder also inquired about the legislation passed by the General Assembly in 2014, which allowed by-right agritourist type of activities. Ms. Lewis explained that a winery or brewery might be considered under that legislation but noted that the language used was not specific; therefore, it would require further analysis by staff.

Commissioner Hart confirmed with Ms. Cathy Lewis that the density for this property was 0.2 to 0.5 units per acre since approval in 1976 and an application for an Agricultural and Forestal District had never been proposed on this property.

Commissioner Ulfelder clarified that in 2003 there was a change to the Area Plan language that approved cluster development under certain criteria for this area. He said that in 2004 the General Assembly passed legislation which made it possible for cluster subdivisions on lots smaller than 2 acres that were consistent with the other requirements in the Residential-Estate (R-E) District. He pointed out that this was the first application to come before the Commission under the new language passed by General Assembly regarding cluster subdivisions.

Commissioner Hart discussed with Mr. John Milgrim, Fairfax County Health Department, requirements for the alternative septic system proposed by the applicant.

Commissioner Hart and Mr. Katai discussed the stub street, Forest Lake Drive, and its possible connection to Springvale Road.

Commissioner Sargeant and Ms. Cathy Lewis discussed and clarified several items listed in the staff report; wherein, she explained the following:

- Comprehensive Plan Provisions, page 4 of the staff report, Number 5, Lot Yield statement, explained that the applicant's purpose of clustering was to protect the environment;
- Proffer 10, Construction Phase, stated that the start time allowed for Saturdays would be 9 a.m. and no outdoor construction would be allowed on Sundays or Federal holidays;
- Proffer 16, Post-construction Monitoring of Receiving Stream Channels, defined the monitoring and time allowed to repair the outfall channels, which would be two years after the development was completed as evidenced by final bond release;
- Proffer 19, Off-Site Work, addressed the issue regarding the requirement for the applicant to attempt to obtain permission from private lot owners in order to monitor the stream that runs through their properties to ensure the stormwater management facilities that were completed on the applicants property was successful; and
- Proffer 38, Public Schools, showed the total contribution amount for the schools based on the amount of students generated from a cluster development, which would be a total of eleven.

Commissioner Sargeant suggested that Proffer 38 reference the total number of students along with the amount being contributed. In addition, Commissioner Sargeant discussed with Ms. Lewis the home owners association maintenance obligations for the community.

Following up on Commission Sargeant's questions about Proffer 38, Public Schools, Commissioner Strandlie questioned if the amount of the contribution listed, \$10,825, was correct. Ms. Lewis deferred further explanation to Mr. Riegle.

Mr. Riegle said that the applicant had experience in designing communities with low-impact developments along with these type of proposed stormwater facilities and stated the following:

- The applicant would provide escrow for the maintenance and replacement cost of the stormwater management facilities with the amount to be determined by the county to make it sustainable by the home owners association;
- Addressing Commissioner Strandlie's question regarding Proffer 38, Public Schools, the applicant had a revised set of proffers dated January 15, 2016, subsequent to the staff report, with a corrected amount of \$11,749.00;

- The applicant had assembled a set of commitments beyond the minimum rezoning requirements to include environmental protection regarding the stream valley which added value to the community;
- The applicant had studied and analyzed issues that were normally completed during the site or subdivision planning phase of the process in order to ensure they could fulfill their commitments;
- The applicant proposed a density of .38 unit/per acre, the middle range of the required .2 to .5 unit/per acre;
- Cluster development was approved in a 2003 Plan Amendment as a tool to protect the environment through open space measures; wherein, the applicant had proposed 41 percent open space with approximately 12 acres dedicated to tree preservation;
- The proposed lots were compatible with the surrounding community;
- The application would enhance the Resource Protection Area with an extensive restoration program to include the addition of trees, removal of invasive species and general remediation; and
- The applicant would provide stormwater management controls that exceeded the county minimum requirements along with a monitoring program for the stream valley with the agreement to accept responsibility for repairs.

In summary, Mr. Riegle said the application met the criteria of the Comprehensive Plan and offered an environmental benefit.

Commissioner Sargeant suggested to Mr. Riegle language added in the proffers describing the responsibility and maintenance obligations required to maintain these properties for new residents due to the resource protection of this area.

Commissioner Hart asked Mr. Riegle to summarize the changes to the applicant's revised proffers dated January 15, 2016. Mr. Riegle noted that language was added to these new set of proffers that addressed equestrian trail coordination with Great Falls Trail Blazers, sky provisions, and a correction to the school proffer contribution amount. Commissioner Hart suggested that Proffer 7, Signs, have more specific language as to what would not be allowed in addition to complying with the Zoning Ordinance and Sign Regulations. Mr. Riegle agreed.

Commissioner Flanagan and Mr. Riegle discussed the applicant's proposed tree preservation on the site; wherein, Mr. Riegle explained that the applicant would preserve the majority of the existing trees along with the addition of 300 to 400 new trees planted throughout the property. He noted that Sheet 9.8, in the staff report, depicted landscape detail planned on a proposed typical lot.

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

Donald Whitworth, 10120 Walker Lake Drive, Great Falls, representing the Citizens of the Heart of Great Falls, spoke in opposition to the application and stated that it would create environmental risks to the health of the ponds and the quality of the Pond Branch watershed. He voiced a concern over the impact of an additional 20 new homes with wells would be on the aquifer. Mr. Whitworth said that the Great Falls Citizen Association had voted to adopt a resolution in opposition.

Chairman Murphy pointed out that every property owner had the right to develop their property under the Comprehensive Plan. He said that this applicant had filed a legal application and it was the Commission's responsibility to evaluate it in order to make a recommendation to the Board of Supervisors on whether or not it should be approved or denied. Chairman Murphy said that in order to do that the Commission utilized the Comprehensive Plan and the Zoning Ordinance to make their recommendations.

John Sullivan, 10115 Walker Lake Drive, Great Falls, spoke in opposition to the application echoing the previous speaker's remarks adding that Walker Lake was the community of Great Falls' main resource as a stormwater retention facility and it was the only source of water for firefighting within a two mile radius. Mr. Sullivan said he was concerned over the proposed stormwater flow facilities and cited the Walker Lake Dam storm breach, four years ago, that caused stormwaters to flow over the dam which caused a significant amount of erosion and questioned whether these facilities would be effective during a ten year event.

Betsy Silverman, 10117 Walker Woods Drive, Great Falls, spoke in opposition echoing the previous speaker's comments. Ms. Silverman said that the applicant's hydrology study, a copy of which is in the date file, did not provide evidence of what the effect would be of twenty new water wells on the existing neighboring. Referring to the applicant's Traffic Analysis, page 22 of the staff report, she also stated a concern of the impact of the proposed development on the current traffic conditions at Walker Road and Georgetown.

Commissioner Ulfelder discussed with Ms. Silverman, letters sent by the applicant to the community which requested permission to temporarily monitor their existing wells. In response to a question from Commissioner Ulfelder, Mr. Milgrim stated that there were 2,187 wells within a two mile radius of the subject property. Commissioner Ulfelder noted that based on information provided by the Fairfax County Health Department there had been a total of 23 calls regarding well issues since 2010 within that area. He noted that the calls addressed the following issues: low water pressure, water quality and gastrointestinal issues or other chemicals possibly present in the water. In response to a question from Commissioner Ulfelder, Mr. Milgrim said the hydrology study provided by the applicant was representative of the area in general.

William Harvey, 9512 Neuse Way, Great Falls, spoke in support of the application referring to his previously submitted written testimony, which is in the date file.

Elise and Bob Turkeltaub, 10226 Morris Lake Drive, Great Falls, spoke in support of the application and stated that they had met with the applicant who addressed their concerns regarding stormwater drainage and the relocation of their driveway. Mr. Turkeltaub said the

applicant's proposal was preferred over a possible by-right development that would not fit in with the neighborhood.

Commissioner Hart, Ms. Cathy Lewis, and Mr. Turkeltaub discussed the zoning of Forest Lake Estates; wherein, it was determined that it was a cluster development with lot sizes ranging from 40,000 square feet, less than an acre, to 115,627 square feet.

Robert Weaver, 349 Springvale Road, Great Falls, spoke in opposition to the proposed application echoing previous speaker's comments and stated a concern over possible contamination of his well due to the proximity of the proposed drainage areas and the impact of damage to the surrounding properties during the construction phase.

Commission Ulfelder, Ms. Camylyn Lewis, and Mr. Weaver discussed the Waivers and Modifications, page 28 of the staff report; wherein, Ms. Lewis explained that county regulations allowed for a dry swale to drain to two acres and the state regulations allowed to four acres. She said that the applicant was requesting a waiver that would allow them to use the state regulation; however, Ms. Lewis noted that the dry swale must also be designed to handle the water velocity along with the runoff so it would not be erosive.

James Trent, 10219 Forest Lake Drive, Great Falls, representing the Forest Lake Homeowners Association, spoke in opposition to the application and stated the following:

- The association obtained over 1,400 signatures in opposition to the proposed development;
- The number of homes on Forest Lake Drive would double and would increase traffic and safety issues;
- The extension of Forest Lake Drive to Springvale Road would turn the cul-de-sac into a cut-through street and negatively affect the character and value of their homes;
- The proposed development would be a 25 percent higher density than the surrounding Great Falls area;
- In 1973, the Board of Supervisors rezoned Brooks Farm property from R-E to R-A;
- There were many larger R-E parcels in Great Falls that would likely be developed without the need for a rezoning; however, there were only four remaining R-A parcels with two of them currently under consideration for rezoning. He thought it was premature to approve a rezoning to a higher than average density without first fully recognizing the impact of the development of all the R-E parcels; and
- The homeowners association recommended the following mitigation options: 5-acre Residential-Conservation (R-C) District Zoning, elimination of the cut-through access to Springvale Road, and a requirement for a study to assess the impact of additional water wells to the Forest Lake homes.

Commissioner Ulfelder and Mr. Katai discussed the properties zoned R-A District versus R-E District in the Great Falls area; wherein, Commissioner Ulfelder commented that the R-A District properties contribution to the Great Falls area, which already had 5,700 – 5,800 single family homes, was not as significant as the larger parcels currently zoned R-E and could be developed on a by-right basis. Mr. Trent said the HOA was proposing an alternative solution that would have R-C zoning instead of the R-E to help reduce the homes in the Great Falls area. In response to a question from Commissioner Ulfelder Ms. Cathy Lewis said that generally the R-C zoning was in the Occoquan area since the purpose of it was to protect the quality of water and public water supply watersheds and advised that she would check into this issue further during the deferral period.

Richard Klein, 21300 Heathcote Road, Great Falls, representing the Great Falls Citizen Association, spoke in opposition to the application by stating the following:

- Walker Lake was used by the community for swimming, boating and fishing which added value to the homes that surround it;
- Potential impacts from the rezoning request would be excessive soil erosion and pollution during the construction phase, significant increase in the amount of phosphorus released to Walker Lake and accelerated stream channel erosion;
- The applicant would be required to cover the idle sections with straw, mulch and grass during construction in order to reduce the amount of sediment from the lake and he questioned whether Fairfax County had the means to adequately enforce this state law; and
- He compared the applicant's proposed stormwater Best Management Practices (BMPs) to what he would recommend by referring to a graph, a copy of which is in the date file, which indicated that the phosphorus could be further reduced along with the amount of runoff by using his recommended BMPs.

In response to Mr. Klein's comments, Ms. Camylyn Lewis said that the state requires certain measures to be taken during construction and for adequate erosion sediment control which would be designed within the project. She said that DPWES staff would make the zoning inspectors aware of the concerns regarding this property particularly during the construction phase. Ms. Lewis explained that the state had changed the regulations so that the county was now required to use the BMPs on the state mandated clearinghouse; therefore, they could not approve Mr. Klein's recommended BMPs. In addition, Ms. Lewis noted that the state also directed them on the methodology to use when reviewing water quality computations for a development project. Mr. Klein said the Department of Environmental Quality offered two designs for bioretention and he would suggest option 2 because it had 33 percent more surface area and depth than option 1, which was proposed by the applicant. He said that option 2 would trap 50 percent of the phosphorous which was twice what the applicant has proposed. In addition, Mr. Klein said that it would also result in an 80 percent volume reduction. He noted that state law also allowed for Fairfax County to go beyond the minimum standard regarding phosphorous reductions if there was a uniquely vulnerable resource.

Commissioner Flanagan clarified with Mr. Klein that he would be supportive of the application with the use of bioretention option 2, along with the original R-E zoning.

Glen Sjoblom, 815 Seneca Road, Great Falls, spoke in opposition echoing the previous speaker's views and added that the community was trying to protect the stream valleys. He said that five years ago, the Board of Supervisors approved projects to restore the stream valleys but none have been implemented.

Eric Knudsen, 808 Golden Arrow Street, Great Falls, spoke in opposition to the application echoing the views of the previous speakers. In addition, he also stated a concern over the proposed new septic systems and asked if there would be any maintenance requirements regulated by the county. Mr. Knudsen also requested that a copy of the homeowner's association guidelines be available for the community to view prior to the next Board meeting.

Commissioner Ulfelder discussed with Mr. Milgrim the Health Department's review process regarding the new septic systems; wherein, he said that these systems were required to be maintained and reported to them once a year.

Commissioner Strandlie commented that the applicant should develop language in the home owner association documents that related to the community going forward along with enough reserve funds for startup and operating expenses.

Mr. Jeffrey Kretsch, 166 Sulgrave Court, Sterling, representing the Analemma Society, stated that they had an agreement with the Fairfax County Park Authority to develop an observatory park at Turner Farm which was a mile south of the subject property. He explained that the work they do was educating the community by teaching science through astronomy; therefore, his main concern was over maintaining dark skies and deferred further comments to Bob Parks who addressed the Commission later in the discussion.

Mr. Claude Anderson, 441 Springvale Road, Great Falls, spoke in support of the application and stated that while it was a detailed, environmentally sound, and community oriented application he had the following concerns:

- Clarification of the possible road extension from Forest Lake Drive to Springvale Road; specifically, at what developmental level would the connection be constructed and requested the location be reevaluated;
- Wanted to make a part of the record that the applicant had offered to consider the community's input into the placement of the green shield along the footpath to ensure privacy to the residents;
- Inspection of tree 977, located on the north side of the subject property, which appeared to be diseased, and overhangs onto Mr. Anderson's residence for determination of its overall health due to its location along the proposed footpath; and

- Suggested that all the new underground utilities be placed along the 16 foot property line belonging to the proposed development which would not impact the existing residential border property.

Commissioner Ulfelder discussed with Mr. Katai under what circumstances Springvale Road might be extended to allow cut-through traffic. He explained that it would require a special exception request from an adjoining property owner or a comprehensive plan amendment along with a rezoning request.

Ms. Kathleen Murphy, 506 Arnon Meadow Road, Great Falls, president of the Great Falls Historical Society and manager of the Great Falls Farmers Market spoke in opposition to the application and stated that it was important to keep this property zoned as R-A because it would allow for possible farming activities which would benefit Fairfax County. Commissioner Lawrence commented that while the community was allowed input about a property, the property rights belonged to the property owner.

Mr. Bob Parks, Executive Director for the Smart Outdoor Lighting Alliance, explained that the darkest skies in Fairfax County were located in the Great Falls area and the impact of additional large homes had the potential to cause negative impact to the night sky. He stated that the current Zoning Ordinance regarding lighting was inadequate to protect the semi-rural areas; therefore, he had submitted to the applicant proposed revisions to the proffers to add additional requirements that would further protect the dark sky. In response to a question from Commissioner Migliaccio, Mr. Parks explained that Proffer 21, Lighting, restricted street lights on the public roads but did not control the individual land owner; therefore, he had requested the applicant to place a limit on the quantity of security and landscape lighting for each property.

Mr. Tim Quick, 10111 Walker Woods Drive, Great Falls, spoke in opposition to the application and requested additional information from the developer regarding the type, size and price point of the homes to be built on the property.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegle, who stated the following:

- The applicant agreed that the dark sky commitment would reflect the character of the community; therefore, the applicant would continue to work with Mr. Parks regarding the night sky proffer;
- There was a framework outlined in the proffers which addressed how the homeowners association should be set up, along with areas that should be addressed. In light of earlier testimony, he agreed to review the proffer language noting that the homeowners documents would also be subject to county review;
- The application before the Commission tonight was not a unique situation and the Comprehensive Plan did allow for this type of rezoning request. The application also met the criteria for fit, context and compatibility regarding infill development; and

- The applicant had added a condition for monitoring to the stormwater management regulations that had also gone before the Environmental Committee.

Mr. Riegler said that as a result of tonight's testimonies he would continue to work with staff regarding the proffers.

Chairman Murphy asked Mr. Riegler to address Mr. Quick's request regarding the proposed homes. Mr. Riegler explained that a typical home would be a two-story base house with 4,500 square foot which could get larger depending on options selected. He said it was detailed in the proffered plan which also included the house locations. In addition, Mr. Riegler said the applicant had suggested to the community to view a similar development that was completed by them for reference.

Commissioner Lawrence suggested that the applicant consider additional work on the stormwater issues with regard to the phosphorus and quality of the BMPs over the deferral period.

Commissioner Flanagan asked Mr. Riegler about the applicant's proposed energy certification program noting that on the site plans were not any trees depicted near the buildings which saves energy during the hotter months. Mr. Riegler said he would address that issue over the deferral period and follow-up with Commissioner Flanagan.

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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 Ulfelder for action on this case.

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(Start Verbatim Transcript)

Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. First, I-I too would like to thank all the staff people that were here this evening. We anticipated a number of questions and issues that were going to come up and it's - the staff report is very, very thorough and detailed and the proffers reflect a lot of negotiation and discussion. And, I think we have something we can work with in the deferral period which I'm going to move for. I also want to thank the folks from the community who came out this evening. We've had various meetings in Great Falls, including one on Tuesday night and - to try to, because we haven't had a rezoning in Great Falls in a number of years and therefore, this is kind of a foreign animal and I think there's a whole process here that's been very good for everybody. So, with that Mr. Chairman, I'm going to MOVE THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-DR-022, TO A DATE CERTAIN OF FEBRUARY 4TH -

Commissioner Migliaccio: Second.

Commissioner Ulfelder: – WITH THE RECORD OPEN FOR SUBMISSION OF WRITTEN COMMENTS.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ 2014-DR-022, to a date certain of February 4th, with the record remaining open for comment, say.

Commissioner Ulfelder: Not three.

Commissioner Migliaccio: Four.

Commissioner Ulfelder: Four, yeah that's what I said.

Chairman Murphy: Fourth, yeah.

Commissioner Ulfelder: Oh, you didn't say all of my hand.

Chairman Murphy: Okay.

Commissioner Ulfelder: I did that, as you can see.

Chairman Murphy: With the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)


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The meeting was adjourned at 2:02 a.m.
Peter F. Murphy, Chairman
James R. Hart, 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: Teresa M. Wang

Approved on: July 14, 2016



John W. Cooper, Clerk
Fairfax County Planning Commission