

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 8, 2020**

PRESENT: Peter F. Murphy, Jr., Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Julie M. Strandlie, Mason District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:31 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that the Board of Supervisors would make its recommendations and nominations for the new members of Planning Commission at its meeting on Tuesday, January 28, 2020. Chairman Murphy added that on Wednesday, January 29, 2020, the Planning Commission would conduct a swearing in ceremony of its new members.

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SCHOOL COMMITTEE RECOMMENDATION OF APPROVAL RE: SHARED COUNTY
AND SCHOOL COMPREHENSIVE PLAN PRIORITIES

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. This is related to the Schools Committee's initiatives in the past several months and I have some motions and considerations for the Planning Commission. Mr. Chairman, in October of 2016, the Fairfax County Board of Supervisors and the Fairfax County School Board agreed to the creation of a joint work program to develop recommendations regarding shared priorities between the two Boards. The Planning Commission's Schools Committee was assigned the topic of land use and was directed to develop and present a work plan on this topic to the Board of Supervisors. In addition to my fellow Planning Commissioners and the excellent guidance and support of Fairfax County

Planning staff, our efforts benefited tremendously from the participation and guidance of Fairfax County School Board members and the leadership and the Fairfax County School Systems' Department of Facility and Transportation Services. I would very much like to thank Former School Board member Sandy Evans, former School Board member and now Fairfax County Supervisor, Dalia Palchik, and current School Board Chair, Karen Corbett-Sanders for their leadership, their insight, and their contributions to this committing process. In addition to our School Board representatives, the Schools Committee's assignment benefited from the subject matter expertise of the school systems facilities division. This included Jeff Platenberg, Assistant Superintendent with the Department of Facilities and Transportation Services. Our gratitude also goes to Kevin Sneed, who has now retired, and Jessica Gillis also with the FCPS Department of Facilities and Transportation Services. It goes without saying that this assignment would not have been as positive or productive without the study and thoughtful guidance and support of our two main Fairfax County staff members. Michelle Stahlhut is a Branch Chief with the Public Facilities and Planned Development Branch in the Planning Division of the Department of Planning and Development. David Stinson is a Planner in the Planning Division of the Department of Planning and Development. David was actually in the Public Facilities Branch when this assignment began lo those many months ago. He is now in the Heritage Resources and Plan Development Branch, but has soldiered on with us throughout these many months of this assignment. Needless to say, without their professionalism, their understanding of the Comprehensive Plan and planning, their patience and support, we would not have been able to translate the committee's collaborative discussions and ideas into recommendations and suggested plan text. As noted in our executive summary, the Schools Committee developed a work plan that includes land use recommendations, non-land use recommendations, and proposed revisions to the policy plan element of the Comprehensive Plan. The work plan focuses on the topics of long-range student population forecasting, school proffers, Capital Improvement Plan recommendations, co-location of facilities, equity and access, and economic development. We examined the One Fairfax Policy through a land use lens and we applied the policy's areas of focus related to land use, to draft suggested edits and additions to the policy plan's economic development section. I would like to thank Karla Bruce, Fairfax County's Chief Equity Officer for her input during this process. I anticipate additional input from Ms. Bruce as this process moves forward. This evening, we are asking school – we are asking Planning Commissioners to approve the Schools Committee recommendations and support the transmission of the recommendations to the Board of Supervisors. We will also ask the Planning Commission to recommend that the Board of Supervisors authorize the advertisement of an amendment to the Public Facilities and Economic Development sections of the policy plan element of the Comprehensive Plan. And this will trigger a public review process, if authorized by the Board. And with that Mr. Chairman, I'm ready to make a motion.

Chairman Murphy: Please.

Commissioner Sargeant: Mr. Chairman, I have three motions to make. One, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECEMBER 12TH, 2019 (SIC) PLANNING COMMISSION SCHOOLS COMMITTEE RECOMMENDATIONS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt these shared County and school Comprehensive Plan priorities, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman. Second, I MOVE THAT THE PLANNING COMMISSION THAT THE REPORT BE TRANSMITTED TO THE BOARD OF SUPERVISORS AS THE PLANNING COMMISSION'S RECOMMENDATION, IN RESPONSE TO THE BOARD'S OCTOBER 18TH, 2016 REQUEST.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion as articulated by Commissioner Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE PUBLIC FACILITIES AND ECONOMIC DEVELOPMENT SECTIONS OF THE POLICY PLAN ELEMENT OF THE COMPREHENSIVE PLAN, CONSISTENT WITH THE COMMITTEE'S RECOMMENDATION FOR ACTION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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SE 2019-MA-004 - CHICK-FIL-A, INC

(Decision Only) (Public Hearing on this application was held on December 11, 2019)

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you. I just want – also wanted to thank personally Sandy Evans, our former...

Chairman Murphy: Yeah.

Commissioner Strandlie: School Board member. Prior to our working with her, the Schools Committee had not met in several years. So, with her leadership and our colleague collegiality, we were able to restart those meetings and make great progress. And hopefully we'll be able to do more in the future. So, and with that, I have a decision on the Chick-Fil-A case. On December 11th, we held the public hearing on the case SE 2019-MA-004, Chick-Fil-A application for a new restaurant near the intersection of Little River Turn Pike and John Marr Drive. Following a long path to get to that spot, many concerns were addressed and discussed. The – whether it complied enough or not with the Comprehensive Plan, which had a slightly different vision and interparcel access that was going to be required between the – the new Chick-Fil-A and the existing Speedway, which had already granted the interparcel access. And I know several commissioners and we all had some concerns about the adherence to the Comprehensive Plan and where – whether this sets a precedent. The staff worked very closely with Chick-Fil-A to do their best in adhering to it, absent the drive-thru, which is why we're here for a special exception. The building is located close to the street with outside dinning and trees, which we have gotten added to the conditions. The interparcel access was a great concern because of the traffic flow between the two businesses and also because of the congestion at that intersection and also because of the potential backup. The drive-thru is – I think is an exceptional drive-thru. It has two lanes and a significant stacking area. After the – after doing a walkthrough with the staff and VDOT, and FCDOT and after the hearing, I convened a conference call with Chick-Fil-A and the general counsel and real estate department of Speedway because I thought it was very important that Speedway be fully involved because we had not heard from them. And at that time, we started a dialogue and the Chick-Fil-A representatives continued to talk to the Speedway colleagues. The resulting conditions that we have before you, in particular proffer – Condition Number 19, talks about some concerns with how they will address the vehicular flow, also 20 and 21. So those conversations are ongoing. I did e-mail Speedway with the proposed language to make sure that they were completely on board with that. I did not hear back from them. I understand from the applicant that this language is acceptable to Speedway. I will continue to verify that to make sure that in fact that is the case. And if there is a problem with that between now and the Board date, we will fix that. In addition to the language on the interparcel access, on monitoring the traffic, language was added to address Commissioner Migliaccio's concerns about deliveries and trash pickup. I understand commissioner – one of my fellow commissioners had concerns about what is exactly the business – business hours. Chick-Fil-A has pretty designated business hours. I'm not sure if we need to specify the exact ones in this – in these conditions, given there're very clear corporate policies on all of them. If that's the case, staff is saying, no we don't need to do that. Okay. We also at the – at the hearing there was concerns about the lack of real trees and the recommendation to have shrubs. We've since worked that out. This landscape to have the boulevard affect that we hopefully will happen. We're going to work to make sure that there are appropriate trees and not just small shrubs along that path. In addition, there is language that will require the applicant to provide the Mason District Supervisor's office with the name and contact of the restaurant operator to make sure that there's someone on call in case of problems and to

make sure that there is a contact, especially as this – as this gets started. So, with that, unless anyone has any questions. Commissioner Hurley.

Commissioner Hurley: We're on verbatim now, correct?

Chairman Murphy: Yes.

Commissioner Hurley: I see the – the question about the proffer – preemption devices. I support the idea of the preemption devices, but I'd just like staff to clarify why the staff did not want to add the development condition themselves and to verify that the County attorney is okay with the development condition, as Commissioner Strandlie is proposing. I support it; I just want to clarify why you didn't add it and that it's okay with the County attorney.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development: Staff didn't add it because there's no direct connection to the proposal for the preemptive device. However, we did reach out to Fire and Rescue and they did say the preemption devices weren't needed, particularly at the intersection of John Marr Drive and Little River Turn Pike. So, given that, we decided that if it – if it was in the Planning Commission's interest that they could certainly ask for that condition on the record.

Commissioner Hurley: And so why didn't the staff add it?

Ms. Williams: Because there's no direct connection between that request and the proposal.

Commissioner Hurley: Alright. Thank you. Oh, and the County Attorney is okay with it?

Ms. Williams: County Attorney is okay with it.

Commissioner Hurley: Thank you.

Chairman Murphy: Ms. Strandlie? Anyone else?

Commissioner Strandlie: Great. As Commissioner Hurley had suggested – had just mentioned, in addition to the conditions that you have before you, I would like to add two additional development conditions. The first one is the preemptive device. Prior to the site plan approval, the applicant will contribute 10,000 dollars to the Capital Project Fund titled Traffic Light Signals, FRD Proffers in Fund 300-C30070, Public Safety Construction for the use in the installation of preemptive signal device on traffic signals within the supervisor district where the Fire and Rescue station serving the property is located and as determined by the Fire and Rescue Department. In addition, Improvements at the Speedway Entrance – the applicant will work with the adjacent property owner, Speedway, to determine if mitigation measures are necessary for Speedway's ingress/egress movements at its John Marr Drive entrance. Such mitigation measures may include, but are not limited to, do not block driveway signage and stripping on John Marr Drive, subject to VDOT consultation and approval. Mr. Chairman, I request that the applicant confirm for the record their agreement to the development conditions dated January 8th, 2020, including the two additional conditions that I just read.

Sheri L. Akin, Applicant's Agent, McGuireWoods LLP: Thank you, Commissioner Strandlie, members of the Commission. My name is Sheri Akin. I'm a land use planner with the law firm of McGuireWoods and we, on behalf of Chick-Fil-A, agree to the development conditions dated January 8th, 2020.

Commissioner Strandlie: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2019-MA-004, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW – NOW DATED JANUARY 8TH, 2020, INCLUDING THE CHANGES THAT WERE INCLUDED THIS EVENING.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes. Mr. Hart.

Commissioner Hart: Thank you. I have a couple observations. This case I think presents a dilemma for us that is susceptible of repetition, both in Annandale and Countywide. And, although I'm not going to oppose the application, I'm gonna abstain. I – I think we may have some obligation to the Board in the wake of this decision as to how to clean things up. We typically view an application through the prism of the Comprehensive Plan to make a recommendation to the Board. And we use the plan as a guide. Most of the time, the applications that we see are generally in conformance with the plan. We've gone through several planning processes for big areas, Reston, Tysons, Route 1, Annandale is another one. And they haven't all worked out quite the same way. In this situation, I think that the – the result of the – the Annandale planning process was a very ambitious plan that the citizens had high expectations for. And I think we had expected at the time maybe things would have been a little different, but that we would be implementing that vision as applications came through. What was envisioned I think for this stretch of Route 236 was sort of a grand boulevard with five to seven story apartment buildings lining the street, with elegant shops and cafes along the sidewalk, and it would be very pedestrian oriented. And automobile oriented uses would be discouraged. And the citizens, I think, were hopeful that that was the vision, that that's what we would see. And we – we've seen the implementation, I think, of pedestrian oriented mixed-use developments much more successfully in Tysons and Reston where there's a lot of activity because we've got the Silver Line. And on Route 1, maybe not so much, but maybe things are happening a little bit and slower, but we're hopeful. Annandale on the other hand we really – maybe we miss the mark. And even though the real estate market is strong, that vision has not materialized. And it may be that we miscalculated. And that maybe, in order to have these pedestrian friendly, pedestrian oriented mixed-use type things, maybe transit is part of the – is part of the equation. And that in an area like Annandale where we have buses, buses aren't gonna do it. We were talking at the time about street cars coming down Columbia Pike, I think. I can't remember if when we finally voted the street cars were in or out. But the street car – bringing out the street cars fizzled out and that was more of an Arlington thing, but that it killed it. So now what we have is a very

ambitious plan for this grand boulevard that doesn't seem to be happening and may not be as viable as or as realistic as I think, with benefit with of a few years of experience in the absence of transit. That presents a dilemma for us and that what are we gonna do in Annandale the next time something comes along, and is what we're going to get basically and automobile oriented free standing fast food drive-thru, which was exactly what we didn't want and what I think the plan discourages. But realistically, is that what the market will bring on a road like 236, which is automobile oriented if we don't have transit? So what do we do in Annandale? What do we say to the next people? Do we just keep getting free standing, fast food, one-story uses? Or is there something else we should do that's – that's intermediate to that. We don't really have any guidance in the plan. Once we bust the plan and once we do it in something like this in the middle of the block, there's not going to be consolidation. This is not an interim use. This is something that, I think, establishes the pattern for what's around it. It won't consolidate right or left and so there will now three things that instead of one thing or however that breaks out. There're many other separately owned parcels up and down 236, particularly on the other side. I think it's reasonable to assume also that in a situation like this, we have a junkie site with rickety dilapidated buildings that are an eyesore and the community would like to get rid of them. We're not getting this grand boulevard. What we're getting is a free standing one story fast food use. The streetscape staff is enthusiastic about, I think, we're getting a new sidewalk, but two thirds of the, the frontage remains an asphalt parking lot. The trees – well, we would have gotten trees if the poles and wires were coming out, which they're not. And we have a development condition now that says we may get trees on the right-hand half of the site as long as VDOT doesn't say no, whatever that means. But it still isn't quite this grand tree line pedestrian oriented boulevard. So, I guess the – the – if – if you're with me to this point it's certainly better than what's there. And by the way, the two conditions that Commissioner Strandlie is – is adding, I think that I would find that that there's a nexus. I think that this area is so congested and this – this site is such a difficult site in the middle of the block. The transportation really doesn't work, even with this sort of contorted cut-through through the Speedway. Somebody is gonna have to let cars in to get over to the left turn lane. Anything that helps mitigate the traffic problems in a congested area, such as preemptive devices for traffic signals or beefing up the – the – the functioning of this interparcel access, I think both of those things are mitigating a terrible traffic situation that this – this use is not particularly helping with when you can't turn left. And people are gonna be either making a U-turn in chaos trying to come back the other way toward Alexandria or trying to get over to this left turn lane zig-zagging through the – the filling station. The two problems that we have is, once we bust the plan here, what do we do in Annandale henceforth? Do we just keep busting the plan absent guidance in the plan? How do we clean this up? Do we acknowledge at some point that transit is missing or there's something else missing? There needs to be another option and maybe at least in 2020, automobile oriented uses like this are realistically what the market is gonna bring in an area like this and how do we confront either of those dilemmas. I don't know. We don't have any follow-on motions and I don't know that that it's the appropriate time to bring them up. But, when we bust the plan, I think we make it harder to stick to the plan everywhere and the citizens have an expectation. We put such effort into creating the plan text that we ought not take it lightly when we do something else. And – and that's a disappointment. I understand the rationale here. I'm not gonna oppose it. But we leave a mess still to be cleaned up. Thank you.

Chairman Murphy: Mr. Migliaccio. And we're on verbatim.

Commissioner Migliaccio: Yes. Thank you, Mr. Chairman. I just would like to point out. I would like to thank Commissioner Strandlie for adding those additional development conditions. Working with staff and the applicant. I'm supporting this. I have the same concerns Commissioner Hart does, but I would like I would like to remind people that this is not Tysons, this is not Reston, it's a CRD, a revitalization district. And sometimes we don't get what we want, we get what we need in there. Right now, we need a little bit of growth and retail and this is what we have. And I think it will work out in the long run. Therefore, I'll be supporting it. Thank you.

Chairman Murphy: Further discussion? Alright. All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2019-MA-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Hart abstains.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENTS OF SECTION 11-203 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same abstention.

Commissioner Strandlie: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF A MODIFICATION OF THE PARKING REQUIREMENTS TO ALLOW A PARKING REDUCTION OF UP TO 15 PERCENT, PER SECTION A7-109 (3)(A) OF THE ZONING ORDINANCE FOR THE ANNANDALE COMMERCIAL REVITALIZATION DISTRICT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, say aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Each motion carried by a vote of 10-0-1. Commissioner Hart abstained from the vote. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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2232-V19-3 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES,
MOUNT VERNON RECENTER, 2017 Belle View Boulevard, Alexandria, VA 22307

(Start Verbatim Transcript)

Commissioner Clarke: Alright. Thank you, Mr. Chairman. Good evening everyone. Happy New Year. We have a 2232 for Park Authority. And I wanted to see if there was a representative from the Park Authority here tonight that needed to say anything? With that, I wanna thank the Park Authority for all their hard work on this. This is in the Mount Vernon District. And it's a proposal with 2232 to expand and renovate the RECenter there in Mount Vernon – Mount Vernon RECenter. Much needed renovations, I must say. And I do wanna thank Michelle Stahlhut, Bryan Botello, and Linwood Gorham, Park Commissioner, as well as David Bowden. Linwood was instrumental in making sure that David and other representatives from the Park Authority met with me and went over these plans in great detail separately. So, I feel really good about what's gonna happen there. Much needed renovations. If you've been to the facility, you know that there's – the workout facility is basically in the lobby of this place. So that's gonna be a great improvement to have its own separate space. And it's one of the only RECenters in the – in the County that has a ice rink. And so, we're gonna be adding a second ice rink. And having at one point middle school kids, they take over the ice rink on Friday nights and so the adult ice hockey team they have to wait until midnight before they can get on the ice to play. So, having this extra rink and all the other things that they're gonna do to this facility is gonna be really, really great. So, without any further conversation, I'd like to move forward with my motion, sir that I CONCUR WITH THE STAFF CONCLUSION THAT THE PROPOSED PROPOSAL BY THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, TO RENOVATE AND EXPAND THE EXISTING MOUNT VERNON RECENTER, LOCATED AT 2017 BELLE VIEW BOULEVARD, ALEXANDRIA, VIRGINIA, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AND SPECIFICITY OF THE *VIRGINIA CODE*, SECTION 15.2-2232, AS AMENDED.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of the motion? All those in favor of the motion to approve 2232-V19-3, Mount Vernon RECenter, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. SEA 95-P-022 – BURKE PETROLEUM REALTY LLC
2. ZONING ORDINANCE AMENDMENT (ARTICLE 14: OUTDOOR LIGHTING AND RELATED PROVISIONS)
3. SE 2019-SU-019/2232-Y19-8 – MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE: T-MOBILE

The order was accepted without objection.

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SEA 95-P-022 - BURKE PETROLEUM REALTY LLC – Appl. under Sect. 9-610 of the Zoning Ordinance to permit a waiver of minimum lot size requirements. Located at 8514 Lewinsville Rd., McLean, 22102 on approx. 2.54 ac. of land zoned R-1. Tax Map 29-1 ((3)) 13. PROVIDENCE DISTRICT. PUBLIC HEARING.

David S. Houston, Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated November 22, 2019.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had one case in which attorneys in Mr. Houston's firm represented an adverse party or parties. He stated that matter and those parties were unrelated to the application and there were no business or financial relationship and, to his knowledge, did not believe this would affect his ability to participate in the case.

Commissioner Niedzielski-Eichner 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 Niedzielski-Eichner for action on this case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. The applicant seeks a special exception amendment in the deletion of a development condition that limited the types of merchandise it could sell. Further, the applicant seeks greater flexibility in the products it can sell

by deleting a development condition. The applicant does not seek to change the business character or primary use, and the trip generation is not expected to increase. Finally, this application affords the County and the applicant to, and I call clean up a set of sign and right-of-way issues. So, I agree with the staff's recommendations, Mr. Chairman, to recommend approval of this application to the Board of Supervisors. With that, Mr. Chairman, I ask the applicant to confirm for the record, agreement with the development conditions dated December 23rd, 2019.

David S. Houston, Applicant's Agent, Bean, Kinney & Korman, P.C.: Thank you. Again, David Houston, Bean, Kinney and Korman. And the applicant is in agreement with those draft development conditions, December 23rd.

Commissioner Niedzielski-Eichner: Thank you, sir. I – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 95-P-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 23RD, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of the motion?

Commissioner Hurley: [Inaudible].

Chairman Murphy: Yes. Ms. Hurley.

Commissioner Hurley: Just one quick question. What are the sales items that will now be allowed?

Commissioner Niedzielski-Eichner: The...

Commissioner Hurley: Just to make it clear.

Commissioner Niedzielski-Eichner: Yeah. The – any range of retail goods that are offered in any convenient store in the County.

Commissioner Hurley: So specifically, it will now allow alcoholic beverages.

Commissioner Niedzielski-Eichner: Alcoholic beverages will be allowed with the – this...

Commissioner Hurley: I'm just trying to make it clear what the difference is. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 95-P-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT (ARTICLE 14: OUTDOOR LIGHTING AND RELATED PROVISIONS) – An amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

- (1) Amend Sect. 7-204 to add sports illumination plans (SIPs) to plans the Architectural Review Board reviews and provides recommendations on within Historic Overlay Districts.
- (2) Amend Part 9 of Article 14 for outdoor lighting:
 - A. Revise the applicability provisions in Sect. 14-902 to apply the new color temperature and lumen standards to new and replaced outdoor lighting fixtures, and to allow routine maintenance that does not result in a color temperature that exceeds the proposed standard.
 - B. Add a maximum correlated color temperature standard.
 - C. Add a SIP perimeter area for tee boxes on golf courses and driving ranges, revise the perimeter area for baseball/softball fields, and clarify that all perimeter areas must be located entirely on the same lot.
 - D. Revise the turn-off time from 11:00 PM to 10:00 PM for lighting that is subject to a SIP on properties that are both zoned to a residential district and developed with a single family residential use. [Advertised to permit the Board to consider hours beginning between 10:00 PM and 11:00 PM.]
 - E. Revise the standards for exemption of motion activated light fixtures to allow a maximum of 4,000 lumens and other modifications. [Advertised to permit the Board to consider a range of 2,500 to 6000 lumens.]
 - F. Revise the standards for exemption of light fixtures on lots with single family dwellings to reduce the maximum lumens from 2,000 to 1,500 lumens.
- (3) Amend the definition of lumen in Article 20.

COUNTYWIDE. PUBLIC HEARING.

Carmen Bishop, Zoning Administration Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of this item.

There was a discussion between Ms. Bishop and multiple Commissioners regarding the following:

- The effect the change in time would have on Park Authority athletic fields;
- Enforcement options on limiting outdoor lighting for athletic fields on County property that were not in use;
- Recommendations to address controlling or reducing impacts from lighting glare;
- The review process involved for selecting streetlights and fixtures to address pedestrian safety and security;
- Research and analysis conducted for the requirements of neighboring jurisdiction for cutoff fixtures, and color temperature standards; and
- Coordination efforts with the County's Office of Public Affairs and the various homeowners associations to provide educational newsworthy materials to disseminate to the communities.

The discussion resulted in a deferral of these items to allow for additional time for review, and to confer with the Office of the County of Attorney and the Office of Public Affairs on possible options for presenting educational materials to the public.

There being no listed speakers, Chairman Murphy called for closing remarks from staff, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Cortina for action on this application.

(Start Verbatim Transcript)

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Commissioner Cortina: Thank you very much. Mr. Chairman, I MOVE TO DEFER THE DECISION FOR THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING OUTDOOR LIGHTING TO A DATE CERTAIN OF JANUARY 15TH, 2019 (SIC), WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Clarke: Second.

ZONING ORDINANCE AMENDMENT
(ARTICLE 14: OUTDOOR LIGHTING AND RELATED PROVISIONS)

January 8, 2020

Chairman Murphy: Seconded by Mr. Carter. Is there – Mr. Clarke. Is there a discussion of the motion? All those in favor of the motion to defer decision only on the Zoning Ordinance Amendment, Article 14, Outdoor Lighting and Related Provisions, to a date certain of January 15th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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SE 2019-SU-019 - MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE: T-MOBILE – Appl. under Sects. 2-514, 3-104, 9-103, 9-104 and 9-105 of the Zoning Ordinance to permit a telecommunication facility. Located adjacent to 4920 Stringfellow Rd., Centreville, 20120 on approx. 12.26 ac. of land zoned R-1 and WS. Tax Map 55-1 ((3)) 45, 46 and 46A. (Concurrent with 2232-Y19-8). SULLY DISTRICT. PUBLIC HEARING.

2232-Y19-8 - MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE: T-MOBILE – Appl. under Sect(s). 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a telecommunications facility. Located adjacent to 4920 Stringfellow Rd., Centreville, 20120 on approx. 12.26 ac. of land zoned R-1 and WS. Tax Map 55-1 ((3)) 45, 46, and 46A. (Concurrent with SE 2019-SU-019). SULLY DISTRICT. PUBLIC HEARING.

Tracy L. Themak, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated December 9, 2019.

There were no disclosures by Commission members.

Evelyn Mitchell, Planning Division, Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of these applications.

Ms. Themak gave a presentation on the subject applications.

Mohammed Alsamna, Applicant's Radio Frequency Engineer, T-Mobile Northeast, LLC, gave a presentation on the subject applications.

Following Mr. Alsamna's presentation, Ms. Themak resumed her presentation.

There was a discussion between Ms. Mitchell; William O'Donnell, Zoning Evaluation Division, DPD; Ms. Themak; and multiple Commissioners regarding the following:

- The lighting requirements for the proposed site;
- An e-mail received from the Fair Lakes Crossing shopping center regarding the lack of community outreach on this application;
- The visual impact of a 124-foot monopole versus a tree pole design;
- The test results from a balloon fly that had been conducted and the feedback received from the community regarding those tests;
- The proposed location of a diesel generator, the noise level during hours of operation, and the maintenance and testing schedule;
- The Urban Forester's opposition to the proposed site;
- The Urban Forester's suggested development conditions;
- Removing language from the proposed development conditions containing the words "shall" and "will" and replacing them with "must";
- The possible use of an alternative site that was located across from Interstate 66;
- The possible expansion of the proposed facility;
- Accommodations made for three possible co-locators; and
- The results from the applicant's conversations with the Virginia Department of Transportation regarding the site's square footage and to replacement requirements to replicate the projected coverage.

The discussion resulted in staff consulting with the Office of the County Attorney regarding the removal of language containing "shall" and "will" and replacing said language with "must".

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

Eric Points, 5015 Marshall Crown Road, Centreville, opposed the proposed applications. A copy of Mr. Point's statement is in the date file.

Luanne Turrentine, 5013 Marshall Crown Road, Centreville, opposed the proposed applications. A copy of Ms. Turrentine's statement is in the date file.

There was a discussion between Mr. O'Donnell and Chairman Murphy regarding letters received from citizens regarding health implications, and how the County planned to address those concerns based on the guidelines set forth in the Federal Communications Commission Telecommunications Act of 1996.

Ajay Ganji, 13343 Emeric Court, Centreville, representing Fair Lakes Crossing Homeowners Association, opposed the proposed applications. A copy of Mr. Ganji's statement and petition is in the date file.

Lynne Carr, 5012 Marshall Crown Road, Centreville, opposed the proposed applications. A copy of Ms. Carr's statement is in the date file.

There was a discussion between Ms. Carr and multiple Commissioners regarding her thoughts on the best-suited open space sites that supported the installation of the proposed cell tower. Ms. Carr concurred with the suggestion of an alternative site located across from Interstate 66.

Gary Carr, 5012 Marshall Crown Road, Centreville, opposed the proposed applications and concurred with Mr. Carr's testimony. A copy of Mr. Carr's statement is in the date file.

Steve Duong, 5011 Marshall Crown Road, Centreville, opposed the proposed applications. A copy of Mr. Duong's statement is in the date file.

Venkataramanan Rengasamy, 5014 Marshall Crown Road, Centreville, opposed the proposed applications and concurred with previous speakers who had spoken in opposition. Mr. Rengasamy suggested that engineering solutions regarding decibel levels of signal strength measured should be addressed.

There being no additional listed speakers, Chairman Murphy called for speakers in the audience.

Rajendra Kumar, 2017 Marshall Crown Road, Centerville, opposed the proposed applications because of safety implications, possible health issues, and a potential decrease in property values.

Clarence Hunter, 12340 Emery Court, Centreville, opposed the proposed applications because the applicant's presentation was based on solely the ideal site. Mr. Hunter suggested alternative sites where not presented to the Commission and should be considered.

Krishansamy Ravichandran, 4737 Cochran Place, Centreville, opposed the proposed applications because of the radiation impact to the community. Mr. Ravichandran agreed with previous speakers that alternative sites should be considered.

Amrinder Arora, 4746 Cochran Place, Centreville, opposed the proposed applications because there had been insufficient outreach to the community. Mr. Arora added that alternative sites to accommodate the cell tower should be explored.

Timothy Yoo, 5008 Marshall Crown Road, Centreville, opposed the proposed applications because of notification process. Mr. Yoo stated the members of his church community were not notified of the project. He urged the Commission to make a decision that would be in the best interest of the community.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Ms. Themak, who addressed the following concerns:

- The visual impact and mitigation measures in place for the screening of the tower's base;
- The applicant's considerations for a smaller cell tower, a smaller pole, or a multiple pole solution;
- The reasons why the proposed site was dictated by the Virginia Department of Transportation, the current usage of the parcel, the expansion of Interstate 66, and the future expansion and operations of the proposed facility;
- Propagation maps for cell towers provided by the applicant that supported the item's data; and
- The amount of public outreach that had been conducted and the applicant's willingness to provide a mailing list of where the letters and post cards were sent.

A discussion followed between Ms. Themak, Mr. O'Donnell, and multiple Commissioners regarding the following:

- A list of alternative sites;
- Whether the applicant met the Zoning Ordinance requirements for public notification;
- The constraints imposed by the Federal Communications Commission and Virginia State Law regarding topics that could not be addressed in a public forum by government officials at the federal and state level, to broader investigate and allow for a consensus on the potential side-effects of 5G technology; and
- The research conducted regarding possible health effects as a result of telecommunications facilities within close proximity of residential and commercial developments.

The discussion resulted in staff providing the Commission with research regarding possible health effects of 3G and 4G technology and agreeing to include available research being conducted that would address 5G technology.

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 Tanner for actions on these applications.

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. I just have one motion. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR 2232-Y19-08 AND SE 2019-SU-019, TO A DATE CERTAIN OF JANUARY 15TH, 2020, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2019-SU-019 and 2232-Y19-8, to a date certain of January 15th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Ulfelder was absent from the meeting.

(End Verbatim Transcript)

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CLOSING

January 8, 2020

The meeting was adjourned at 10:45 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: May 20, 2020

Jacob Caporaletti

Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 15 day of June 2020, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

Notary Seal

