

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 27, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
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
Phillip A. Niedzielski-Eichner, Providence District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Karen A. Keys-Gamarra, Sully District

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The meeting was called to order at 8:15 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 this July 27, 2017 meeting as the last meeting before the recess and the public hearings would resume on September 13, 2017. He offered accolades to Channel 16's television crew for broadcasting the Planning Commission's public hearings and the roundtable. He further recognized the Planning Commission's staff, in particular John Cooper, Clerk, Planning Commission, on his Outstanding Performance Award and his work with the Planning Commission technology upgrade, which resulted in significant cost saving to the County's general fund.

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2232-L16-29 – FAIRFAX COUNTY PARK AUTHORITY, PLANNING AND
DEVELOPMENT DIVISION, MOUNT VERNON WOODS PARK, 4014 Fielding Street,
Alexandria

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one "feature shown" this evening. It is for a revision to the Master Plan for the Mount Vernon Woods Park, located at 4014 Fielding Street, Alexandria, Virginia. This revision will add a new skate park, a new open play field, a new half sized sport court, new trails, a new parking lot with room to expand and will relocate the existing playground, picnic area and pavilion. Granted there is no funding for it right now, but that is the plan. I agree with the staff that this revised plan is consistent with policy plan standards for local parks. Therefore Mr. Chairman, I MOVE THAT THE PLANNING

COMMISSION FIND 2232-L16-29, A PROPOSED MOUNT VERNON WOODS PARK MASTER PLAN REVISION, TO BE A FEATURE SHOWN, PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA CODE, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to concur with the feature shown determination in 2232-L16-29, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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Commissioner Hurley announced that the Policy and Procedure Committee meeting would be held on September 13, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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APPROVAL OF MARCH AND APRIL 2017 MINUTES

(Start Verbatim Transcript)

Commissioner Hart: Yes, Mr. Chairman. I MOVE THE APPROVAL OF THE MINUTES, FOR THE FOLLOWING DATES; MARCH 2, 8, 9, 15, 29 AND APRIL 19, 20 AND 26.

Commissioners Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio, is there a discussion of the motion? All those in favor of the motion to approve the minutes as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. We held a public hearing at our July 19th meeting on Dominion Energy's...

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Sargeant: As you know, I am employed by Dominion energy and, as a result, I'm going to recuse myself as I did during the public hearing. I'll recuse myself during the vote. Thank you.

Chairman Murphy: Thank you. Please.

Commissioner Niedzielski-Eichner: We held a public hearing at our July 19th meeting on Dominion Energy's application to amend a special exception previously approved for improvements to the Idylwood Electric Substation located on Shreve Road. We have before us tonight a decision on whether or not to recommend approval of this amendment, which would permit the installation of temporary equipment needed to facilitate the modernization of the substation. The temporary equipment called a "high bus" or "construction bus" is needed to keep the substation operational, while the equipment modernization is completed. The high bus will be visible to the community and is expected to be in place for three years, after which it will be removed. As such, the requested special exemption amendment is narrowly focused on permitting an interim action required for the Applicant to complete an improvement to the substation that the Commission has already recommended, and the Board of Supervisors already approved. Additionally, the applicant has agreed to development conditions that are significantly improved from those originally under consideration that address community concerns regarding substation aesthetics and that mitigate construction impacts. In response to a recent event that rightly angered the community, a new condition is now added to the July 27th, 2017 version that requires locating dumpsters on Dominion property and away from public visibility. Finally, Mr. Chairman, we have heard from the community representatives the desire to replace an existing lattice tower, which carries transmission lines, with a more modern monopole. This change would have a perceptible and appreciable positive visual impact for the Holly Crest community. Following last week's public hearing, I asked staff to further explore the legal bases for Dominion's position that such an action could not be reasonably related to the high bus impacts and would likely not pass SCC muster. Additionally, the matter was not part of the SCC hearing on the high bus. My understanding today, however, is that Dominion may be able to offer a path forward, and, at this time and with your agreement, Mr. Chairman, I'd like to ask Mr. Riegle to step forward and explain Dominion's current thinking regarding replacing this lattice tower with a monopole.

Gregory A. Riegle, Applicant's Agent, McGuireWoods LLP: Thank you, Mr. Chairman, members of the Commission. For the record, I'm Greg Riegle, I represent the applicant and that setup is absolutely correct. Let me start by saying the Dominion understands the issue and the challenge frankly is to try to find a way to respond within the regulatory framework that we're collectively dealing with. And, as was stated correctly, the pole in question is not in the special

exception and it is under the exclusive jurisdiction of State Corporation Commission. And as a regulated utility and as the Commission may know, Dominion simply doesn't have the authority to unilaterally make decisions on replacement of this type of equipment. In this case equipment that we estimate is about a \$300,000 piece of work or expense. And normally, as was referenced, we would have to get approval from the State Corporation Commission under what is commonly known as the Certificate of Public Convenience and Necessity. However, we have identified a limited exception to that that does allow the company to replace certain equipment in what is referred to as a standard course replacement and essentially applies to equipment that is at or nearing its useful life, and that allows us to frankly not have to go through that time consuming and exhaustive State Corporation Commission process, we would still likely notify them but it adds considerable efficiency. The bottom line is pulmonary research into this suggest that the structure in question may well qualify for that exception, and our commitment to the county and the community is to peruse that exception and try to do this as a normal course or standard course replacement, and in fact understand the concern, the research and effort on that began earlier this week. Thank you.

Commissioner Niedzielski-Eichner: And Mr. Riegle, if you could, is this – is it possible that you could have a decision about whether you can or cannot move forward on this by the time this heard before the Board of Supervisors?

Mr. Riegle: That is our expectation. We will have an answer as to whether it qualifies in that timeframe and that's certainly our goal to pursue in that timely manner.

Commissioner Niedzielski-Eichner: Thank you.

Mr. Riegle: Thank you.

Commissioner Niedzielski-Eichner: Thank you, Mr. Riegle. With Dominion's commitment to – Mr. Chairman, to pursue before the Board's public hearing in September, the replacement of the lattice tower as an ordinary improvement not requiring SCC approval; and, Mr. Chairman, in light of the limited scope of the special exception amendment and important improvements having been made to the development conditions, I will be moving this evening for approval. But before doing so, I want to acknowledge the frustration experienced by the Holly Crest community, as well as this Commission, as engendered by this application. At my colleagues' recommendation, I have reviewed the minutes and verbatim transcript from the 2015 public hearing and subsequent decision only Commission meeting. The special exception recommended by the Commission in 2015 was understood to portray the full set of impacts to be experienced by the community as a result of the substation modernization. And here, just two years later, the applicant proposes an amendment to enable the construction of a high-visibility – of a high-visibility albeit temporary high bus. We can anticipate that this substation will continue to be the focus of Dominion infrastructure intensification. Though beyond the scope of this application, the applicant has acknowledged that a 230kV line from the Idylwood Substation, and possibly even a 500kV line, will be required to support growing area demand, principally from that of Tysons and McLean. My understanding is that an underground installation is possible today, and I believe strongly that this should be a County expectation. In 2015, my predecessor Ken Lawrence put forward a follow-on motion that was approved by the Commission. Commissioner Lawrence noted that "As the county continues to grow, and as demand per capita also grows, there will surely be expansions needed at Dominion sites in many places." I believe, and this is

Commissioner Lawrence believes, we should proactively seek ways to get better solutions on mitigation.” While calling for the County to be proactive, Commissioner Lawrence also acknowledged that the County’s ability to mitigate the impact of transmission line placement is more limited, since that responsibility is primarily the domain of the State Corporation Commission. He did note, however, that there are procedures for requesting encroachments into transmission line easements and for determining the alignment of new easements; and that these offered avenues for better achievement of County goals while respecting those of our state-regulated electric power utility. Finally, the Commission approved a Lawrence-initiated motion recommending and here I quote, “...the Board of Supervisors direct staff to work with Dominion and state officials to explore the feasibility and practicality of various approaches to harmonizing objectives in mitigating the impact on adjacent and nearby properties, of electric power station construction or expansion.” The motion included five tasks, which I will not recap this evening. I find that the Commission’s 2015 recommendation to the Board remains relevant today and will, therefore, offer a follow-on motion to have this history re-conveyed to the Board for its attention, as it considers Dominion’s more narrowly-focused special exception amendment. My follow-on motion also calls for the County to build capability to effectively engage with SCC in the future, as Dominion and NOVEC seek to supply the region’s growing demand for power. I believe that the staff’s participation in the SCC hearing on Dominion’s plans for the Idylwood Substation temporary high bus demonstrated the value and importance of the County maintaining the capability, either through staffing or through consulting services, to independently assess technical proposals being made by Dominion or NOVAC that will impact County residents and then be able to provide a County position for SCC consideration. In preparation for motions, I would ask the applicant’s representative to please come forward and confirm for the record agreement to the proposed development conditions dated July 27th, 2017.

Mr. Riegel: Again, Greg Riegel on behalf of the applicant, and we are in agreement with the referenced conditions bearing today’s date. Thank you.

Commissioner Niedzielski-Eichner: Thank you, Mr. Riegel. And with that, Mr. Chairman, I concur with staff’s conclusion that the proposal by Dominion Energy Virginia to construct and operate a temporary high bus at the Idylwood Substation, located at 7701 and 7707 Shreve Road, Falls Church, satisfies the criteria of location, character and extent, as specified in Virginia Code Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232A-P14-4-1 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hurley: Second.

Chairman Murphy: Seconded Ms. Hurley. Is there a discussion of motion?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I appreciate Commissioner Niedzielski-Eichner’s comments, I find this a difficult case to make a recommendation to the Board. I recognize the importance of the electrical infrastructure to the County. But I also recognize that the additional equipment that is the subject of this application is probably something that the applicant was or should have

been aware of two years ago and this should have been disclosed to us at time. I think that the additional impact from the equipment that's requested tonight, with significant height, remains largely unmitigated. The impacts from that on the residential neighborhood are significantly unmitigated. It is for a limited duration in time, and I guess we perhaps can rationalize it because of that, but I suspect also that there is more to come. I have a concern that further intensification of a non-residential use on this site, which is essentially an eyesore for the neighbors, may require more robust and innovative efforts to mitigate the visual impacts. Commissioner Lawrence's follow-on motions two years ago are even more relevant tonight. I think more is going to have to be done whether that involves things being undergrounded or the profile reduced or additional ways for screening and buffering developed, I don't know, but we are going to have to focus on that. I don't think this applicant should take for granted that additional intensification or additional burdening of this particular site would necessarily be appropriate. Even if this site happens to be the easiest site for their upgrades of equipment or service. I'm concerned also that we are simply waiting of the other shoe to drop and there is more planned for this particular site that we haven't heard about yet, that could have been disclosed in the context of this particular application. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion. Mr. Ulfelder.

Commissioner Ulfelder: I want to concur with Commissioner Hart's comments. I find it – I find it extremely difficult to think that Dominion at the time they came in with the original application did not have a pretty good idea of what they were going to have to do on a temporary basis in order to continue to operate this substation and to meet their customer's requirements. And, frankly while it would have raised additional questions about the impact of their original application, I think it would have been a lot easier for everyone to understand it, to deal with it, and to take it – take it under advisement as part of their thinking and decision making at that time. Transparency is always better and when you have information, it's always better to get it out as soon as you have it. And, if they didn't know what they were going to have to do in order to continue to operate the substation while they were doing the project, that we approved two years ago, shame on them. So, I – I have similar problems with how this has evolved.

Chairman Murphy: Further discussion of the motion. Ms. Strandlie.

Commissioner Strandlie: I just want to concur with what my colleagues said. I find it very hard to believe that Dominion did not have advance knowledge or some understanding that further request were going to be forthcoming. And, what else may be coming along is also of concern. Thank you.

Chairman Murphy: Further discussion. All those in favor to recommend to the Board of Supervisors that it approve, 22 – I'm sorry, strike that. All those in favor of the motion to approve 2232A P14-4-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed.

Commissioner Migliaccio: Mr. Chairman,

Chairman Murphy: Yes.

Commissioner Migliaccio: I abstain.

Commissioner Hart: Abstain.

Commissioner Strandlie: Me too. I going to abstain.

Chairman Murphy: Alright, let's make... Mr. Ulfelder.

Commissioner Ulfelder: Aye.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Aye.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Abstain.

Commissioner Hart: Abstain.

Commissioner Strandlie: Abstain.

Commissioner Niedzielski-Eichner: Aye.

Chairman Murphy: And Chair votes aye. Motion carries. Four to three, two abstentions?

Commissioner Hart: Three.

Chairman Murphy: Three abstentions. Four – four, three abstentions. Thank you very much. I'm not good at math. Mr...

Commissioner Niedzielski-Eichner: Some additional motions Mr. Chairman. I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF SEA 2014-PR-032, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 27TH, 2017, AND APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED JULY 19TH, 2017, WHICH SHALL BE PART – MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder is there a discussion of the motion? All those in favor to recommend to the Board of Supervisors that it approve SEA 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?
Commissioner Hart: Abstain.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Motion carries. Same distribution of votes. Mr....

Commissioner Niedzielski-Eichner: Finally, Mr. Chairman, since I believe the Planning Commission follow-on motion remains pertinent today, I move that the minutes – excuse me – I MOVE THAT THE MINUTES AND VERBATIM TRANSCRIPTS OF THE PLANNING COMMISSION’S MARCH 4TH, 2015 MEETING, AT WHICH THE DOMINION APPLICATION SE 2014-PR-032 AND 2232-P14-4 WERE RECOMMENDED FOR APPROVAL, BE RE-CONVEYED AS AN ATTACHMENT TO THE PLANNING COMMISSION RECORD FOR ITS DECISION ON SEA 2014-PR-032 AND 2232A-P14-4-1.

Commissioner Hurley: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: And finally Mr. Chairman...

Chairman Murphy: That was unanimous.

Commissioner Hart: Yeah.

Chairman Murphy: By the way. Yeah.

Commissioner Niedzielski-Eichner: And finally, Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COUNTY MAINTAIN THE CAPABILITY, EITHER THROUGH STAFFING OR THROUGH CONSULTING SERVICES, TO INDEPENDENTLY ASSESS TECHNICAL PROPOSALS BEING MADE BY DOMINION OR NOVAC, THAT WILL IMPACT FAIRFAX COUNTY RESIDENTS AND PROVIDE A COUNTY POSITION FOR SCC CONSIDERATION.

Commissioner Hurley: Second.

Chairman Murphy: Seconded by Ms. Hurley. Is there a discussion? All those in favor. . . I’m sorry, yeah.

Commissioner Ulfelder: Discussing...

Chairman Murphy: Okay. Mr. Ulfelder.

Commissioner Ulfelder: When I was thinking about this – it seemed to me that the question that needed to be asked with the original application, was “Are you going to continue to operate this substation, and if so, how are you doing to do that?” So, in connection with this motion, I think that when we are looking at future situations that’s a very basic question we need to ask and we may need our own consulting experts who can work with us to tell us exactly what kind of options they have in order to continue operation while – of the substation of this size and importance, while they are going about upgrading and putting in new equipment for refurbishing and changing the station. So, I think this is important those are kinds of questions that we need to have asked at the time we’re dealing with those applications.

Chairman Murphy: Further discussion. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed. Motion carries. I presume that was unanimous. Okay.

Commissioner Niedzielski-Eichner: And, Mr. Chairman, to close, I want to thank staff, particularly Kelly Posusney, Cathy Lewis, Joanna Faust and Laura Gori, the applicant, and the thoughtful work of the community for their work on this application. I also want to thank those who took the time to comment on the application by speaking at last week’s hearing and through correspondence.

Chairman Murphy: Thank you very much.

The first and second motions carried by a vote of 4-0-3. Commissioner Sargeant recused himself from the public hearing. Commissioners Migliaccio, Hart and Strandlie abstained from the vote. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

The third and fourth motions carried by a vote of 7-0. Commissioner Sargeant recused himself from the public hearing. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. SEA 2002-MA-003-02 – TRUSTEES OF SLEEPY HOLLOW UNITED METHODIST CHURCH/EYMY TELLERIA D/B/A WECARE DAYCARE, LLC
2. CDPA 82-P-069-09/FDPA 82-P-069-01-17 – FIVE OAKS PROPERTIES, LLC
3. AR 2009-SP-002 – RAYMOND S. CRAWFORD III & TERESA A. CRAWFORD
4. SEA 99-P-046-02 – SEA 99-P-046-02 - FLINT HILL SCHOOL
5. SE 2017-LE-006 – DVA TELEGRAPH – 7710, LLC

This order was accepted without objection.

TRUSTEES OF SLEEPY HOLLOW UNITED METHODIST CHURCH/EYMY TELLERIA
D/B/A WECARE DAYCARE, LLC

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SEA 2002-MA-003-02 – TRUSTEES OF SLEEPY HOLLOW
UNITED METHODIST CHURCH/EYMY TELLERIA D/B/A
WECARE DAYCARE, LLC – Appl. under Sect. 3-204 of the
Zoning Ordinance to amend SE 2002-MA-003 previously
approved for a Church with a child care center and
telecommunications facility to revise development conditions to
permit a modification of operating hours and phasing and
associated modifications to site design. Located at 3435 Sleepy
Hollow Rd., Falls Church, 22044 on approx. 5.04 ac. of land zoned
R-2. Tax Map 60-2 ((33)) 1A and 1B. MASON DISTRICT
PUBLIC HEARING.

Marlon A. Telleria, Applicant's Agent, d/b/a WeCare Daycare, LLC, reaffirmed the affidavit dated June 16, 2017.

Commissioner Strandlie 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 Strandlie for actions on this application.

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(Start Verbatim Transcript)

Commissioner Strandlie: Great. Thank you. Could I have the applicant come forward to reaffirm the conditions dated July 27th, 2017?

Marlon A. Telleria, applicant: Yes, ma'am.

Commissioner Strandlie: You – you reaffirm the conditions, yes?

Mr. Telleria: I'm sorry?

Commissioner Strandlie: You reaffirm the conditions dated July 7 – July 27th, 2017?

Mr. Telleria: Yes, we agree.

Commissioner Strandlie: Okay, thank you. This a – a simple matter of changing the condition to permit the hours of operation, just to add another hour and to modify the phasing of the approval of the church that was already in existence. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE SEA 2002-MA-003-02, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JULY 27TH, 2017.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2002-MA-003-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: I further MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY LINES, IN FAVOR OF THE EXISTING VEGETATION AS SHOWN ON THE SEA PLAT AND AS CONDITIONED.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTH EASTERN, NORTH WESTERN, AND SOUTH EASTERN PROPERTY BOUNDARIES AND A MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE SOUTH WESTERN PROPERTY BOUNDARY, IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you – thanks to every one for their work and thank you very much.

Mr. Telleria: Thank you, good night.

Commissioner Strandlie: Congratulations, good luck.

Chairman Murphy: Thank you.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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CDPA 82-P-069-09/FDPA 82-P-069-01-17 – FIVE OAKS PROPERTIES, LLC – Appls. to amend the ninth conceptual development plan, and first final development plan for RZ 82-P-069, previously approved for planned commercial and residential development, to allow a College/University and associated changes to development conditions. Located on the E. side of Fair Lakes Ct., approx. 600 ft. N. of Fair Lakes Pkwy on approx. 6.25 ac. of land zoned PDC and WS. Comp. Plan Rec: mixed uses. Tax Map 45-4 ((1)) 25D. SPRINGFIELD DISTRICT PUBLIC HEARING.

Carlos M. Montenegro, Applicant's Agent, reaffirmed the affidavit

Commissioner Murphy asked that Secretary Hart 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 Murphy for actions on this application.

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(Start Verbatim Transcript)

Commissioner Murphy: Thank you Mr. Chairman. This is a very straightforward application, very similar to the one we had several weeks ago in the same Fair Lakes area, to allow College and University as a secondary use this time, in a four-story building in Fair Lakes. It's in conformance with the Comprehensive Plan, the appropriate zoning ordinances and all the criteria set for the Fairfax Center Area. So, Mr. Chairman, I move that the Planning – would you please come forward Mr. Montenegro and reaffirm your support and understanding of the development conditions.

Carlos M. Montenegro, Applicant: We concur with the conditions of approval. Thank you.

Commissioner Murphy: Thank you very much. Therefore, this also I want to add that this had the unanimous approval recommendation from the Springfield Land Use Committee. So, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE CDPA 82-P-069-09.

Commissioners Migliaccio and Sargeant: Second.

Secretary Hart: Motions seconded by Commissioners Migliaccio and Sargeant. Any discussion on the motion? Seeing none, we'll move to a vote. All in favor of the motion articulated by Commissioner Murphy please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-01-17, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 12TH, 2017 AND SUBJECT TO THE BOARD'S APPROVAL OF CONCURRENT CDPA APPLICATION.

Commissioners Migliaccio and Sargeant: Second.

Secretary Hart: Second by Commissions Sargeant and Migliaccio. Any discussion on that motion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Chairman Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE A WAIVER OF PARAGRAPH 5, SECTION 6-206 OF THE ZONING ORDINANCE TO PERMIT THE GROSS FLOOR AREA OF ALL OTHER SECONDARY USES TO EXCEED TWENTY FIVE PERCENT OF THE GROSS FLOOR AREA OF ALL PRINCIPAL USES.

Commissioners Sargeant: Second.

Secretary Hart: Second by Commissioner Sargeant. Is there any discussion on that motion? Seeing none, we'll move to a vote. All those in favor please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner Murphy: Thank you very much. Thank you Mr. Montenegro and Mr. Atkinson. Appreciate it.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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AR 2009-SP-002 – RAYMOND S. CRAWFORD III & TERESA
A. CRAWFORD – A&F District Renewal Appl. authorized by
Chapter 115 (County Code), effective June 30, 1983 to permit
renewal of a previously approved agricultural and forestal district.
Located at 12655 Wiltonshire Dr., Clifton, 20124. on approx.
21.24 ac. of land zoned R C and WS. Tax Map 85-2 ((10) 1Z, 2Z,
3Z and 4Z. SPRINGFIELD DISTRICT PUBLIC HEARING.

Michael Lynskey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. He stated that staff recommended approval of AR 2009-SP-002.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Hal Moore, Concerned Clifton Residents (CCR), 12840 Dunvegan Drive, Clifton had no fundamental objections to the continuation of the Crawford Agricultural and Forestal (A&F) District, but rather supported the general enforcement of A&F Districts in the County as it applied to the subject application. Mr. Moore noted the following:

- The impediment within the Resource Protection Area (RPA), the garden area would be removed and relocated and the disturbed area would be stabilized. This was contained in the original agreement. Eight years later, this was still not enforced;
- A soil and water conservation plan was enacted in 2009. However, the applicant stated he did not believe one was in place;
- In the 2017 staff report, the Storm and Water Conservation District report on the site referenced the same impediment in the 2009 A&F agreement. That report contained a nexus of critical concerns regarding that particular intrusion within the resource protected area; and
- Regarding the A&F Districts, the beneficiaries of those districts had eminent domain protections, most significantly were the property tax deductions. Therefore, it was fair to ask that they adhere to the agreements when they initially agreed to them.

Commissioner Murphy acknowledged the receipt of Mr. Moore's letter and asked staff to respond to Mr. Moore's concerns. In response, Mr. Lynskey made reference to a recommendation which required that the applicant relocate the garden out of the referenced area. There was some encroachment, which may not be a violation of the Chesapeake Bay area, due to the date the garden was established and may have predated the Chesapeake Bay ordinance. The revised soil and water plan had a requirement where the conservation officer marked some elements as critical, which meant there would be a condition that required the applicant to follow up within a year to address or had a plan in place that would address the issue. In this case, the applicant addressed some of the issues. Commissioner Hart followed up by asking if anyone had a question regarding the violation of a development condition or something on a site which was

subjected to an approval, should Code Enforcement be the contacting agency. Mr. Lynskey stated that Code Enforcement should be the first point of contact. They would offer an assessment of the issue, after which the assessment would be sent to the respective agency, for example the Department of Public Works and Environmental Services (DPWES). In a case of an A&F ordinance provision violation, that would be the domain of the Board of Supervisors. A Board member would have to instigate a re-review of the case. Commissioner Ulfelder followed up by asking for a point of contact. Mr. Lynskey reiterated that depending on the issue, the point of contact would be Code Enforcement and or the Board of Supervisors. Commissioner Ulfelder and Mr. Lynskey further discussed A&F districts point of contact for complaints regarding violations. Mr. Moore informed the Commission that there were some complaints against some of the A&F Districts of the Occoquan Water Shed, specifically the Kincheloe Wild Paradise Springs A&F District and Whitehall Farms regarding tree removal and had been informed by Leslie Johnson, Zoning Administration Division, Department of Planning and Zoning, and Supervisor Pat Herrity, that in June 2013, the Board of Supervisors adopted a new rule which was placed into Appendix E and F of the Code of Fairfax. The agreement stated that unless there was a court case impacting an A&F District or if there was a change in the underlying enabling legislation from the Commonwealth of Virginia, they would not come out to see if there was a violation. Mr. Lynskey stated he was not aware of the provision cited by Mr. Moore, and this had nothing to do with the current applicant. Commissioner Niedzielski-Eichner and Mr. Lynskey discussed the conditions addressed by the applicant. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, stated the required conditions were sufficient in this case as to other examples raised by Mr. Moore, stronger enforcement mechanisms with the A&F Districts should be in place, staff was aware and was working to improve. In terms of the case before the Commission, the condition did remedy the situation.

Raymond S. Crawford, III, Applicant, in his rebuttal testimony, stated there were two issues that were raised back in the year 2008. There was an issue with a compost pile located too close to the creek. Mr. Crawford was told to relocate the compost pile which he did. The other issue was that he infringed too closely to a creek and was told to truncate his garden. The garden was moved back about 24 feet. He was informed he would be in compliance if the buffer zone was increased with trees and bushes. Mr. Crawford stated that he had between 50 to 75 trees he received from the tree relief group that he would plant. Mr. Crawford stated he was, and would continue to do everything he could to be in compliance. Commissioner Murphy stated his intent was to approve the application and suggested that Mr. Crawford speak to the Board of Supervisors and explain how the issues raised at the Planning Commission hearing were being addressed.

There being no additional speakers, further comments or questions from the Commission, Secretary Hart closed the public hearing and recognized Commissioner Murphy for action on this application.

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(Start Verbatim Transcript)

Commissioner Murphy: Thank you. Mr. Chairman as I mentioned to Mr. Crawford, an issue did come up from Mr. Moore and yet, I'm still going to recommend approval of this agricultural and forestal district as extension for eight years and I have asked Mr. Crawford, the owner of the property and the applicant to address the Board. And, to address the Board on the issue raised by

Mr. Moore and how he has addressing that issue and how he is ameliorating the situation. So, therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE AR 2009-SP-002 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE CRAWFORD LOCAL AGRICULTURAL AND FORESTAL DISTRICT, FOR AN ADDITIONAL EIGHT-YEAR TERM, SUBJECT TO THE ORDINANCE PROVISIONS, DATED JULY 12TH 2017.

Commissioner Sargeant: Second.

Secretary Hart: Seconded by Commissioner Sargeant. Any discussion on that motion? Seeing none, we'll move to a vote, all in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner Murphy: Thank you very much.

Secretary Hart: Thank you.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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SEA 99-P-046-02 – SEA 99-P-046-02 - FLINT HILL SCHOOL –
Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE 99-P-046 previously approved for a private school of general education to allow modifications to site and development conditions to permit the construction of a middle school resulting in an increase in enrollment from 700 to 800 and associated modifications to site design and development conditions. Located 10900, 10824, 10816 Oakton Rd. and 3400, 3320, 3310, 3300, 3308 and 3408 Jermantown Rd., Oakton, 22124 on approx. 34.16 ac. of land zoned R-1. Providence District. Tax Map 47-3 ((1)) 17A, 18, 19, 19A, 20, 20A, 20B, 21A, 22, 22A, 23, 24, 34A, 34B, 34C. PROVIDENCE DISTRICT PUBLIC HEARING.

Francis A. McDermott, Applicant's Agent, Hunton & Williams LLP, reaffirmed the affidavit dated June 23, 2017.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. Staff recommended approval of SEA 99-046-02.

Mr. McDermott gave a presentation where he stated the following:

- The main purpose of the application was to move the seventh and eighth grades from the east campus, to a location of the high school, on the west of the campus. This move would enhance the developmental, academic, social and athletic opportunities;
- The middle school students used the facilities on the campus; however, the school felt it was much better to integrate them with the high school students who were closer in age and developmental level;
- The current proposal also requested an increase to the floor area square footage from 221,959 to 12,043 square feet;
- The proposal also requested a student cap from 700 to 800 students;
- The traffic study performed was scoped with the Virginia Department of Transportation (VDOT). The traffic engineer for Flint Hill School proposed a fifteen percent trip distribution from Oakton Road;
- Staff and VDOT reviewed and accepted the operational analysis. That analysis reflected there would be twenty-four students entering the access on Oakton Road to the middle school;
- To build on the school's strengths and innovate in ways to keep education relevant and dynamic, part of the design would include a robotics laboratory;
- The front of the high school building would house the future arts center, which would show the school's very strong commitment to the fine arts;
- Improvements would be made to the soccer field which field would be converted from grass to an all-weather surface. Improvements would also be made to the track. Seating and additional lighting would be provided. All lighting improvements were within the limits of the development conditions;
- With regards to the circulation, access to the middle school would be limited to Oakton Road. Eighty percent of the trips would come from Jermantown Road, turning right into the school, at that one access point. That current existed access point provided access into a parking lot. The other twenty percent of the trips would come from the west along Oakton Road. Notably, those students were already coming to the school along Oakton Road to the east campus and these were no new trips; and
- The traffic study demonstrated that there was no cuing, no stacking less than a portion of vehicle because there were sufficient breaks in the traffic coming from Jermantown Road, west bound for those left turns. For safety purposes, at the beginning and end of school, a police officer would be placed at that location, mirroring the main and east campus entrance.

Commissioner Niedzielski-Eichner asked for clarification that the entrance off of Oakton Road would only be a middle school entrance. Mr. McDermott indicated it would be and would strictly be enforced by staff stationed at that location. High school students were not allowed through that entrance. If for some reason a high school student were in violation, a warning would be given the first time, the second time a suspension, and ultimately a denial of driving privileges. Commissioner Niedzielski-Eichner and Mr. McDermott explained the benefits of a police officer verses and expansion of a stacking lane.

Commissioner Hurley asked in the case where a parent had both a middle school and high school student, would both students be allowed the middle school drop off location. Mr. McDermott indicated the decision would be up to the parent. However, the school did have a main drop-off entrance.

Commissioner Hart inquired about the school's synthetic field and the materials used, alternatives, and storm water issues that may have an impact on the material. In regards to the materials and storm water issues, Mr. McDermott stated he was not qualified to answer or discuss the issue. Mr. McDermott stated Flint Hill School had always been sensitive to all environmental issues. Commissioner Hart asked staff of the impact on storm water depending on the material used for a synthetic field. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, stated staff could not find an issue where storm water impacted a synthetic field. Commissioner Ulfelder interjected and stated there were two issues with turf fields. One being human health impacts based on materials used and second, potential downstream impacts from crumb rubber. In some cases proper measures were set in place to control the storm water before it was released into local water ways. The County and its citizens were waiting for the federal government, under the leadership of the Environmental Protection Agency, to complete its review of existing studies and reports. Commissioner Strandlie follow up by asking if the school had discussions with parents in regards to their field preference. Mr. McDermott stated that from a design standpoint, the school was far from a decision.

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

Randy Krout, Oakton Crest Homeowners Association, 11000 East Oaks Court, Oakton, requested the decision on Flint Hill be deferred. Mr Krout gave a background on Oakton Road and expressed his concerns as follows:

- The homeowner's association became informed of the current changes on July 24, 2017;
- Community members worried about the school's buildings, the soccer field and the lights;
- The new entrance of Oakton Road was the main concern, with the effects on the neighborhood with the increased traffic pattern and possible safety concerns in terms of school bus stops;
- Properties value would be impacted; and

- In terms of a traffic pattern and the arrival timeframe of students, that buffer would create a problem. The community did not understand the twenty-four cars out of one hundred and fifty students making a left-hand turn. Demographic changes should be factored into the equation.

Visuals were provided to Chairman Murphy of the location of the Oakton Crest Homeowners Association. Chairman Murphy and Mr. Krout discussed the timeframe in which the association and homeowners received the notices and the postings of the yellow signs before the public hearings.

Robert Andersen, 11008 Lance Lane, Oakton, echoed Mr. Krout's request for a deferral of the decision. He also concurred with Mr. Krout's concerns regarding traffic and the proposed traffic pattern. He provided examples of the east campus of the school. Mr. Andersen also addressed concerns in terms of the potential environmental impacts, the storm water retention pond and the wetlands.

Jeff Shen, 10880 Mimosa Place, Oakton, concurred with both Mr. Andersen and Mr. Krout's testimonies. He voiced his concerns regarding traffic issues to include the traffic pattern that would occur as a result of the new entrance and the impact to traffic on Oakton Road. Mr. Shen showed visual of entrances that would be completely blocked as a result of possible traffic stack up. Mr. Shen also submitted a letter to the Planning Commission on behalf of Mr. Chaitanya K. Dahagam and Mr. Fred Sanchez, which echoed the concerns of the above referenced speakers.

Fred Sanchez, 10886 Mimosa Place, Oakton, echoed the concerns raised by the other speakers. He also stated the school headmaster was a great friend and was good to the community. He stated that his concerns were not geared towards the school, but rather the traffic on Oakton Road. He pointed out that in the here and now, there were more houses than road could accommodate. He also referenced the traffic issues on Jermantown road. Mr. Sanchez also brought up the impact on residents within the community who would not be able to get to work on time as a result of the traffic. With traffic issues on Route 66, Blake Road and Jermantown Road became alternate routes which caused an even greater traffic impact. In conclusion, Mr. Sanchez asked that the decision be deferred. By doing so, this would allow the community to work with staff and the applicant to obtain a better solution.

Mr. McDermott offered a rebuttal. He reiterated the trips for middle school students were already on Oakton Road and that new trips were not being added to Oakton Road. Traffic issues were not as a result of Flint Hill School. With respect to Mr. Krout's testimony, Mr. McDermott submitted for the record a sequence of e-mails circulated between Anne Petersen, Flint Hill School, and Mr. Krout. Mr. Krout was contacted by Ms. Petersen on May 16, 2017. He responded nine weeks later on July 13, 2017. The school offered to meet with Mr. Krout the following week; however, Mr. Krout stated he would be on vacation. The school made an effort to fully engage with the community and the home owners association. When the school finally met with Mr. Krout, he was presented with a copy of the staff report which included the development conditions which included arials describing the circulation of traffic and the turning traffic analysis. The traffic study and traffic pattern were analyzed by Wells + Associates, the school's traffic engineer, and the Virginia Department of Transportation.

There being no more speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on this application.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR AN SEA 99-P-046-02, TO A DATE CERTAIN OF SEPTEMBER 13TH, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Migliaccio: Second.

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 SEA 99-P-046-02 to a date certain of September 13th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Yes.

Commissioner Ulfelder: I think this is currently scheduled for the Board of Supervisors on September 12th. So can we make another motion?

Chairman Murphy: Ok, you have to make another motion to recommend to the Board of Supervisors that it defer its public hearing on this item to a date following a resolution by the Planning Commission.

Commissioner Niedzielski-Eichner: I SO MOVE.

Chairman Murphy: Okay.

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. Thank you very much.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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The Commission went into a recess at 10:24 p.m. and reconvened in the Board Auditorium at 10:35 p.m.

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SE 2017-LE-006 – DVA TELEGRAPH – 7710, LLC – Appl.
under Sects. 4-504 and 9-505 of the Zoning Ordinance to permit a fast food restaurant with a drive through. Located at 7710 Telegraph Rd., Alexandria, 22315 on approx. 30,683 sq. ft. of land zoned C-5. Tax Map 100-2 ((1)) 1A. LEE DISTRICT PUBLIC HEARING.

Tracy Themak, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated July 18, 2017.

Kelly Posusney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. She noted that staff recommended approval of SE 2017-LE-006.

Commissioner Hart and Ms. Posusney discussed some of the language in development condition number 9 in relation to the sight distance easement. Ms. Posusney stated the applicant could apply for a waiver which would show the sight distance requirements were met. An easement could be obtained from the Hayfield Secondary School or a waiver through the Virginia Department of Transportation. Another option would be to make changes to their entrances to meet sight distance requirements. Commissioner Hart stated that Development Condition 9 should be amended to reflect same. Commissioner Hart asked whether there was a process where a school board gave an easement to a private development. Ms. Posusney stated they would have to approach and work through the County Attorney's office to see if this was possible.

Commissioner Hart and Ms. Posusney discussed the entrance the applicant requested as an exit only entrance, and result of the dispute. Ms. Posusney stated a development condition was added which required that the exit be physically narrowed. Commissioner Hart indicated the use should not conflict with anticipated or current pedestrian traffic and should be concluded in the general standards. Commissioner Hart also stated his concern of the multiple entrances, incoming and exiting traffic, and the safety of pedestrians along Telegraph Road. Given the proximity to the road, he asked staff if pedestrians were safe. Ms. Posusney said the applicant was asked to take measures to remedy the situation. One being the entrance closest to the Hayfield Secondary School be narrowed to the commercial standard and the other entrance narrowed to 16 feet. Commissioner Hart and Ms. Posusney discussed a scenario where stacking would become an issue in the event the identity of the establishment or tenant changed. Ms. Posusney stated nothing would change if the existing conditions were in place. They also discussed the mandatory standards of the inter-parcel access.

Commissioner Strandlie asked to provide visuals of a Seven Eleven on the map and asked if there were sidewalks in place. Ms. Posusney indicated there were sidewalks in place. Commissioner Strandlie pointed out there were no crosswalks in place from the secondary school to the applicant's property. Ms. Posusney stated the area of the property in question was fenced and there were no access points from the secondary school to the grassy area. The current

sidewalks in place would provide access to the property. Commissioner Strandlie pointed out no sidewalks were in place at the intersection to cross the street from the secondary school. Ms. Posusney concurred. Commissioner Strandlie addressed the safety aspect of students not having access to a crosswalk and the trees that impacted visuals and asked staff for recommendations. Ms. Lewis pointed out the trees being referenced were off-site site, as a result, off-site distance may or may not be applicable under an off-site condition.

Commissioner Ulfelder stated the inter-parcel access was the closest point to Telegraph Road, between the Seven Eleven lot and the applicant's. He asked staff if the expectation was that the flow of pedestrians and traffic would start from the Seven Eleven side to the applicant's property. Ms. Posusney stated that connection was apparent and with the widening of the road, that would become a different situation. Commissioner Ulfelder referenced staff's preference of the inter-parcel access point location and asked for an explanation. Ms. Posusney stated the preference would be towards the rear of the site and would not conflict with the stacking lane.

Commissioner Migliaccio pointed out there were no vendor hours of operation in the development conditions. Ms. Lewis stated the request would be added to the development conditions. Commissioner Migliaccio pointed out the statement of justification noted five hundred trips; however, in the Institute of Transportation Engineers Manual (ITE), the numbers were 1,802 verses a bank, which would be 326. This was one of the issues brought up by the Lee District's Land Use Committee. Commissioner Migliaccio asked if this was ever corrected after it was addressed by the Land Use Committee. Ms. Posusney indicated it was not.

Commissioner Hurley asked if there were any reported issues in terms of students crossing the street or traffic accidents at the Seven Eleven. Ms. Posusney stated the school had safety precautions in place for their students. Commissioner Hurley stated her concern was for the safety of the students crossing the street and the need for a cross walk, right turn lanes and the visibility. Ms. Lewis stated staff was unaware of any traffic or pedestrian accidents. Commissioner Migliaccio interjected and stated the applicant came to the Lee District Land Use Committee and sent a letter which indicated signage would be put in place. However, there was no reference to signage on the SE Plat. The only visible signage referenced on the SE Plat was the exit sign and the other by the Telegraph Road entrance, closest to the high school, which was the standard Dunkin Donuts sign. Ms. Lewis stated the SE Plat had not been amended since the publication of the staff report.

Ms. Themak gave a presentation on behalf of the applicant. She stated the following:

- The applicant's property was an adaptive reuse and visuals of changes were provided. Some of the changes were made to the dumpster area, concrete slab, queue, menu and awning board;
- There would be fifteen employees at the site and seating for twenty patrons;
- Nineteen parking spaces were provided an excess of the eleven required and in addition there would be eleven stacking spaces for the drive-through;

- Urban Forestry and Storm Water Management comments were mentioned and the error which indicated trees would be removed was remedied. Trees were only being removed at the direction of Urban Forestry. Some of the invasive species were being removed and replaced with native understory trees, and additional landscaping in the parking area in the northwest portion of the parcel. This would keep the limits of disturbance under the 250-square foot threshold, by doing so, the storm water management would not be triggered as was previously considered;
- Trip generation data and visuals were provided for the right-of-way dedication and anticipation of the widening project for Telegraph Road, both on the southern and northern area. This information addressed many of the issues brought up by the Commission. Wells + Associates did a more specific and scientifically backed study. There would be an ante meridiem peak hour with a total trip number of about 223 cars in and out and post meridiem peak of about 80 trips. This would be an increase in trips from the previous tenant. Some increase for a viable business at this location had to be anticipated;
- In regards to the traffic impact, the applicant agreed to the development conditions to physically narrow the width of the southernmost drive to between 16 and 20 feet and physically indicate egress only. The northernmost entrance would be in compliance at 30 feet. Adequate stacking spaces would be in place which would assure no back-up of the drive-through lane through Telegraph Road; and
- Agreed to any development condition that proposed signage and also included the physical narrowing of the drives.

Commissioner Migliaccio requested that Ms. Themak address the vendor delivery hours. Ms. Themak indicated no information was provided by the applicant, would obtain, and that information would be provided to staff. Commissioner Migliaccio stated signage for pedestrians was one of many issues at the Lee District Land Use Committee and neither the SE Plat nor the development conditions contained that information.

Commissioner Hart asked if the applicant was in agreement with the reduction of the width to the entrance on the left and whether the sight distance easement was obtained from the Board. Ms. Themak confirmed the applicant was in agreement to the reduction of the width; however, a sight distance easement had not been obtained from the School Board. Commissioner Hart and Ms. Robin L. Antonucci, Wells and Associates, further discussed the sight distance easement. Ms. Antonucci stated both of the entrances have been in place on Telegraph Road since 1988. Although no commercial entrances in Virginia were tenured, there were certain exceptions in the access management regulations with regard to access points along an established business corridor. Access management acceptations had been filed for the spacing, the designed waiver for the southbound right turn and design waiver with Virginia Department of Transportation (VDOT) for the site-distance, looking left out of the northernmost entrance. The applicant had extensive conversations with VDOT and a reviewer visited the site on a number of occasions. There were no problems seeing left or right, the grades were relatively flat. At the time, although no official easement existed, the reviewer was satisfied with the sight distance. As Telegraph Road widened to the property, the entrances to the property would be reconfigured. At that point,

VDOT would take right-of-way from Hayfield Secondary School and by doing so, would provide adequate site-distance easements for a newly reconstructed access. Ms. Antonucci stated the applicant provided staking requirements in accordance with the Zoning Ordinance with a total of seven at the menu board. The applicant filed a right-turn waiver, received comments back from VDOT, those deficiencies were addressed and resubmitted back to VDOT. With regards to safety, the applicant pulled accident data for the last three years for the corridor between Leaf Road and the entrance for Hayfield Secondary School and the data showed three accidents. The applicant would work with staff and VDOT regarding crosswalk issues and would be willing to provide additional safety enhancements. Commissioner Hart and Ms. Antonucci discussed stacking length, the no-right-turn lane and a scenario in the case of another use.

In terms of safety, Commissioner Migliaccio pointed out the area on the same side as the high school, housed a middle school and across the street from the high school also housed and elementary school. In response to Ms. Antonucci's statement regarding no-right-turn lanes, Commissioner Migliaccio pointed to the many right-turn lanes on the corridor. Ms. Antonucci reframed her statement and indicated there were no-right-turn lanes serving the Seven Eleven, the veterinarian office in the area and the Hayfield Secondary School entrance. She indicated the applicant did not have the frontage to construct the entrance. When the applicant looked at the nomographs, they also looked at the operations and the pattern of development in a specific length. In this case, the applicant asked for a waiver. Commissioner Migliaccio asked in terms of the site lane, what would happen in scenario if the school decided something should be housed there, because that would be within their right and as a result, the school would not receive the requested easement. Ms. Antonucci stated the applicant would work on a condition with staff that addressed the issue.

Commissioner Hurley pointed out the hours of operation were not part of the proffers and asked if the establishment planned to be open twenty-four hours. In response, Ms. Themak stated the establishment would not be twenty-four hours and believed the hours of operation were from 5:00 a.m. to 9:00 p.m. Those hours would also be applicable to weekends. Commissioner Hurley requested that the applicant include as part of the development conditions, delivery times for vendors and trash removal not be during the peak hours. The applicant agreed to those conditions. In regards to trip counts Commissioner Hurley and Ms. Themak discussed comparisons to other similar uses.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Barbara Hicks, 5403 Broadmoor Street, Alexandria, informed the Commission that two of her children went to the elementary, middle and high school and so did her grandchildren. She stated traffic issues were created as a result of the opening of Wegmans grocery store and the Jeff Todd Way. There are no lights on the last street in the community, going southbound on Telegraph Road. As a result, in the afternoon there were traffic pileups. This also applied in the morning due to students being dropped off to school by their parents. U-turns off of Broadmoor Street caused traffic blockages. A medium strip was installed to stop the students from using the passing lane as a driving lane. The drivers were very aggressive and as a result, there were safety issues for pedestrians. This use would generate more traffic and stacking.

In response to Ms. Hicks testimony, Commissioner Migliaccio acknowledged Ms. Hicks home owner's association addressed those same issues at the Lee District Land Use Committee and those issues were being addressed. Commissioner Migliaccio and Ms. Hicks discussed the medium strip addressed in her testimony and the impact as a result.

Dawn Hicks, 5403 Broadmoor Street, Alexandria, was the daughter of Ms. Barbara Hicks and she concurred with her mother's testimony. She noted that the students who gained access to the Seven Eleven, would have to cross both driveways which was the one that led into the school and to the other businesses on the right-hand side of the road. Stacking would become one of the major issues.

In a rebuttal, Ms. Themak acknowledged there would be a traffic impact as a result of the use. The increase in traffic would be as a result of going from a vacant building to a viable use. The applicant's proposition was that this use provided minimal impact and that the current vacant building posed more of a hazard. The applicant met with Supervisor Jeffrey C. McKay, and the issue came up regarding the queuing on Telegraph Road. Brian Horan with Wells + Associates did some research as there were concerns that during the peak hours of operation, parents and students who drove down Telegraph Road and turned left into the school property, the queue lane at that location would interfere with the access to the use and potentially the business. Supervisor McKay confirmed there was adequate space between the access drive into the school property and the access drive into the parcel, and that queuing would not create an interference with the parcel. The overall conclusion was there would be no impact.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for actions on this application.

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(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you Mr. Chairman. As we heard tonight we have quite a few questions from the fellow Planning Commissioners. I was surprised that we had speakers tonight because normally we don't get speakers, especially this late, I apologize for that.

Dawn Hicks, 5403 Broadmore Street, Alexandria, VA 22315: And today is my birthday.

Commissioner Migliaccio: Oh my goodness. Well we will wrap it up quickly then.

Chairman Murphy: We have doughnuts.

Commissioner Migliaccio: We need to do some clean up on the signage and the development conditions and, therefore, I'm going to move to defer the decision only until September since we do not meet again in July. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2017-LE-006 TO A DATE CERTAIN OF SEPTEMBER 14TH – WITH THE RECORD – 2017 – WITH RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2017-LE-006 to a date certain of September 14th with the record reaming open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Migliaccio: Thank you Mr. Chairman.

Chairman Murphy: Everybody have a nice recess and thank you for your dedication and your professionalism.

Commissioner Migliaccio: Oh, Mr. Chairman, question for staff. Did the Board have a date on this one? Because I know they have many dates on this one.

Kelly Posusney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning: Yes, they do.

Commissioner Migliaccio: Ok.

Cathy Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning: September 12th.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DEFER THEIR PUBLIC HEARING ON SE 2017-LE-006 TO A DATE AFTER THE PLANNING COMMISSION MAKES ITS RECOMMENDATION.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Have a great recess everyone.

The motion carried by a vote of 8-0. Commissioners de la Fe, Keys-Gamarra, Flanagan and Hedetniemi were absent from the public hearing.

(End Verbatim Transcript)

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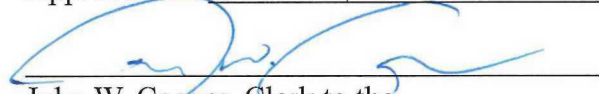
The meeting was adjourned at 10:34 p.m.

Peter F. Murphy, Chairman
Frank A. de la Fe, Vice Chairman

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: Samantha Lawrence

Approved on: October 5, 2017



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