



County of Fairfax, Virginia

March 27, 2015

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Department of Planning & Zoning

MAR 31 2015

Zoning Evaluation Division

**2015 Planning
Commission**

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James Migliaccio
Lee District

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Sara Mariska, Esquire
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

**Re: SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS
CHURCH, VA LIMITED PARTNERSHIP
Mason District**

Dear Ms. Mariska:

At its March 25, 2015 meeting, the Planning Commission voted 8-0-2 (Commissioners Migliaccio and Murphy abstained; Commissioners de la Fe and Sargeant were absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: Penelope Gross, Supervisor, Mason District
Julie Strandlie, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Sharon Williams, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
March 25, 2015 date file

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
March 25, 2015
Verbatim Excerpt

SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS CHURCH, VA
LIMITED PARTNERSHIP

Decision Only During Commission Matters
(Public Hearing held on March 12, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, the Planning Commission will make a decision regarding SE 2014-MA-069, the Seven Corners Shopping Center's request for a special exception to exceed the Sign Ordinance. The Planning Commission held a public hearing on this matter on March 12th, 2015. I moved to defer the decision twice until tonight to clarify the Mason District Land Use Committee's and the community's position on the height of the proposed sign. Everyone agrees that proposed sign design is a huge improvement and welcome improvement; however, there was concern about the height, as it being too tall. Just a little background, back in January, the Seven Corner Shopping Center sign special exception was on the Mason District Land Use Committee's agenda as an information item. For those unfamiliar with the committee process, that means the applicant would make a presentation and would come back for a decision, generally the next month, and the staff - - after the staff report was issued. The applicant made a presentation and the Committee was so enthusiastic about the appearance of the proposed sign, the Committee voted to approve the application on the spot, including the design and a 10-foot, 11-inch increase in frame height. However, when the staff report came right before the Planning Commission's March 12th, 2015 hearing, the staff recommended the sign be limited to no more than 24 feet. At that time I became starkly aware of just how big this proposed sign, at 30 feet, really was. Before the Planning Commission hearing the applicant, after working with staff, did agree to reduce the sign to 25 feet. No one did - - from the community came forward at the Planning Commission in opposition and no one submitted letters in opposition; however, I was not comfortable moving a decision because I was concerned and the staff was concerned that 20 - - the 25 feet as requested, and even 24 feet, was too tall. Further, I attended the January 2015 Land Use Committee meeting and I questioned whether the Committee specifically considered the actual increase in height from 19 feet, 1 inch to 30 - to 30 feet - at about three times the square footage. Therefore, I wanted to provide an opportunity for the land use committee to clarify, or verify, its position regarding the height of the proposed sign. In the interim the Vice President of the Bailey's Crossroads Revitalization Corporation, on her own behalf since the VCRC had not - had been unable to take a vote - and the Mason District Council, by their land use Chair, Carol Turner, submitted last minute letters of opposition. Last night, the Land Use Committee considered the application, again as an information item, since this was before the Planning Committee [sic]. The applicant attended and had a chance to re-brief the Committee and the public. Although the Committee did not take another vote, it was clear from the discussion that they did not support 30 feet and, furthermore, they did not support 24 feet. So where are we now? We have since received letters asking the Planning Commission to deny the application. Others have suggested 22 feet. The staff again supports 20 - the staff report again supported 24 feet. After considering this information, I will make a motion to approve the application at 23 feet, which I believe is a workable compromise. At 23 feet, the sign would be 7 feet shorter than the original requested 30; 2 feet shorter than their reduced - reduced request of 25; and 1 foot less than the staff report. The sign would also be 2 feet shorter than the Home Depot sign across the sign across the street and 17 feet shorter than the Williston

sign to the east on Route 50. So approving this special exception at 23 feet would not create a precedent to approve even taller signs. Mr. Chairman, would you please call the applicant up and ask them if they agree to the 23-foot sign limitation and height for the Arlington boulevard sign?

Chairman Murphy: Ms. Mariska, please.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. I'm Sara Mariska with the law firm of Walsh, Colucci, and unfortunately, we – we do not agree to the 23-foot sign. We're still requesting the 24 feet. We do think that the compromise from our original position is a reduction from the public hearing that was held, so that's our position as it stands. As Ms. Strandlie mentioned, the Land Use Committee had the opportunity to take a vote last night. They did not. They reaffirmed their original position that supported a 30-foot sign. I'm happy to answer any questions.

Chairman Murphy: Okay, thank you very much. So noted. Ms. Strandlie.

Commissioner Strandlie: Thank you for your statement. I feel – still feel strongly that this much – about this height limitation and would therefore like to make a motion. I MOVE THAT THE PLANNING COMMISSION APPROVE SE 2014-MA-069, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 18TH, 2015, WITH A CHANGE IN DEVELOPMENT CONDITION 4 TO READ, "THE PROPOSED SIGN ON ARLINGTON BOULEVARD SHALL BE REDUCED TO AN OVERALL HEIGHT OF 23 FEET, WIDTH THE 14 FEET, AND DEPTH OF 18 INCHES. ARCHITECTURAL TREATMENT OF THE SIGN SHALL BE CONSISTENT WITH THE SIGN ELEVATION DETAIL SHOWN ON THE SPECIAL EXCEPTION PLAT. THE SIGN SHALL BE INTERNALLY LIT. THE COLORS SHALL MATCH THE UPDATED FAÇADE TREATMENT WITHIN THE SHOPPING CENTER."

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: Unfortunately, I won't be able to be supporting Commissioner Strandlie's motion. I'll be abstaining this. I feel that the applicant and staff were pretty much on the same page. They went -- the applicant went from 30 down to 25; staff is supporting 24; it's in a CRD - a CRD. Staff supports the 24 and I think that it might put a chilling effect on future applicants that they go through this process in a CRD and come up with this result. So I'll be abstaining rather than voting no. Thank you.

Chairman Murphy: Further discussion? The Chair also is going to abstain. I had a special exception where I approved a 29-foot sign in a very similar situation and in a more bucolic area

than Bailey's Crossroads, and I feel – I feel that this sign is not out of order at that particular height the applicant requested.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I'm going to support the motion because it's an improvement over what's there; although, I would also have gone a couple feet higher, given the context; given whatever - everything else that's going on in Seven Corners and the desire to improve things. I don't think necessarily 24 or 25 would have been unreasonable, given everything we've seen. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MA-069, with the change of the height in the sign to 23 feet, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Mr. Migliaccio and the Chair abstain.

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(The motion carried by a vote of 8-0-2. Commissioners Migliaccio and Murphy abstained; Commissioner Sargeant was absent from the meeting.)

JN



County of Fairfax, Virginia

2015 Planning Commission

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Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

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Secretary
At-Large

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John W. Cooper
Clerk to the Commission

March 20, 2015

Sara Mariska
Walsh, Colucci, Lubeley & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

**Re: SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS
CHURCH, VA LIMITED PARTNERSHIP
Mason District**

Dear Ms. Mariska:

At its March 19, 2015 meeting, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of March 25, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Penelope Gross, Supervisor, Mason District
Julie Strandlie, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Sharon Williams, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
March 19, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
March 19, 2015
Verbatim Excerpt

SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS CHURCH, VA
LIMITED PARTNERSHIP

During Commission Matters

Commissioner Strandlie: Thank you, Mr. Chairman. We have a little more work to do on our sign in the Mason District and – including the Land Use Committee – will be meeting on Tuesday evening of next week. And we will have another opportunity to revisit the height of the sign and get some more community input. So therefore, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-MA-069 TO A DATE CERTAIN OF MARCH 25TH, WITH THE RECORD REMAINING OPEN UNTIL THEN.

Commissioners Hedetniemi and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Ms. Hedetniemi. Is there a discussion? That was March 25th?

Commissioner Strandlie: Yes.

Chairman Murphy: Okay. All those in favor of the motion to continue the decision only on SE 2014-MA-069 to a date certain of 3/25, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And you have a motion to – you have to make a motion that the Board of Supervisors' public hearing be deferred, which is scheduled for the 28th

Commissioner de la Fe: 24th.

Chairman Murphy: -to the 24th, to a date following the Planning Commission's recommendation.

Commissioner Strandlie: Thank you. I WOULD ALSO MOVE THAT THE Board of – to recommend that the BOARD OF SUPERVISORS HEARING BE PUSHED BACK TO that – AFTER THE PLANNING COMMISSION hearing – DECISION ON THE 25TH.

Chairman Murphy: Okay.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC



County of Fairfax, Virginia

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MAR 18 2015

Zoning Evaluation Division

March 16, 2015

**2015 Planning
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John W. Cooper
Clerk to the Commission

Stuart Mendelsohn, Esquire
Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

**Re: SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS
CHURCH, VA LIMITED PARTNERSHIP
Mason District**

Dear Mr. Mendelsohn:

At its March 12, 2015 meeting, the Planning Commission voted 11-0 (Commissioner Sargeant was absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of March 19, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Penelope Gross, Supervisor, Mason District
Julie Strandlie, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Sharon Williams, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
March 12, 2015 date file

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Planning Commission Meeting
March 12, 2015
Verbatim Excerpt

SE 2014-MA-069 – SEVEN CORNERS SHOPPING CENTER FALLS CHURCH, VA
LIMITED PARTNERSHIP

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Ms. Strandlie.

Commissioner Strandlie: I MOVE THAT PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-MA-069 TO A DATE CERTAIN OF MARCH 19TH.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Hedetniemi. Is there any discussion of the motion? All those in favor of the motion to defer decision only SE 2014-MA-069 to a date certain of March 19th with the date - - with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JN