



County of Fairfax, Virginia

February 4, 2016

2016 Planning Commission

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Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Noah Klein, Esquire
Odin, Feldman & Pittleman, PC
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Re: SE 2015-DR-028/2232-D15-14- METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION o/b/o THE WASHINGTON AREA TRANSIT AUTHORITY AND THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY Dranesville District

Dear Mr. Klein:

On Wednesday, February 3, 2016, the Planning Commission voted 10-0 (Commissioners Flanagan and Sargeant were absent from the meeting) to **RECOMMEND APPROVAL** of SE 2015-DR-028 to the Board of Supervisors, subject to the development conditions dated January 19, 2016. A copy of the verbatim transcript and development conditions 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 the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 10-0 (Commissioners Flanagan and Sargeant were absent from the meeting) to **CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSED ELECTRICALLY-POWERED REGIONALLY RAIL TRANSIT FACILITY SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED; AND MOVE THAT THE PLANNING COMMISSION FIND 2232-D15-14 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.** As noted above, a copy of the verbatim transcript is attached.

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 for obtaining the necessary permits.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

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.



Attachments (a/s)

cc: John Foust, Supervisor, Dranesville District
John Ulfelder, Planning Commissioner, Dranesville District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
William O'Donnell, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
Diane Johnson-Quinn, Chief, Zoning Permit Branch, ZAD, DPA
February 3, 2016 date file

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Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
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www.fairfaxcounty.gov/planning



Planning Commission Meeting
February 3, 2016
Verbatim Excerpt

SE 2015-DR-028/2232-D15-14 – METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC
TRANSPORTATION o/b/o THE WASHINGTON AREA TRANSIT AUTHORITY AND THE
BOARD OF SUPERVISORS OF FAIRFAX COUNTY

After Close of the Public Hearing

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

Commissioner Ulfelder: Thank you, Mr. Chairman. I believe this is the last station – one more? Okay, south – one more. With that, Mr. Chairman, I request – would the – could the applicant representative please come forward? Thanks. Would you confirm for the record agreement to the proposed development conditions now dated January 19th, 2016?

Noah Klein, Esquire, Applicant's Agent, Odin, Feldman & Pittleman, PC: We are agreed.

Commissioner Ulfelder: Okay, thank you. Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSED ELECTRICALLY-POWERED REGIONALLY RAIL TRANSIT FACILITY SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND 2232-D15-14 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Migliaccio and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Lawrence. Is there a discussion? All those in favor of the motion to approve 2232-D15-14, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Thank you. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-DR-028, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 19TH, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-DR-028, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO THE SOUTH AND EAST IN FAVOR OF THE LANDSCAPE TREATMENTS DEPICTED ON THE SE PLAT AND AS CONDITIONED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS TO DIRECT TO THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE SE PLAT.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

JLC

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2015-DR-028

January 19, 2016

The Board of Supervisors approved SE 2015-DR-028 located at Tax Map 15-2 ((1)) 17 pt. for electrically-powered regional rail transit facilities pursuant to Sects. 5-405 and 9-405 of the Fairfax County Zoning Ordinance and conditioned the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Innovation Center Station – North," prepared by Dewberry dated August 25, 2015, and revised through December 21, 2015. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of the development conditions approved by the Board of Supervisors shall be included in all relevant plans, as determined by the Department of General Services (DGS) and/or the Metropolitan Washington Airports Authority (MWAA).
5. Certification from DGS and/or MWAA shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
6. Stormwater management plans shall be reviewed and approved by the Department of Environmental Quality (DEQ), which assumed responsibility from the Virginia Department of Conservation and Resources for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act and shall also be based on the Cooperative Agreement dated July 19, 2007 between the County and the Metropolitan Washington Airports Authority. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.

7. Erosion and Sediment control plans shall be implemented as determined by DEQ. The stricter of the State or Fairfax County standards shall be applied by the State reviewing authority.
8. Any proposed changes to the transit facilities that are owned and operated by the Washington Metropolitan Area Transit Authority (WMATA), as identified generally with an asterisk on Exhibit A and located within an area containing a minimum of 20,000 square feet of land around such facilities, shall be subject to WMATA consent.

Development of the remaining portion of the subject property in which transit access and access support facilities are shown as being provided within an ingress-egress easement shall not require an amendment to this special exception so long as the same type and quantity of access support facilities, as determined by the Board as part of any subsequently approved rezoning application, are provided as part of the proposed development of the underlying fee and/or adjacent fee areas, and the northern entrance canopy and the elevated pedestrian walkway that connects to the transit station continue to be in substantial conformance with this Special Exception.

Minor modifications to the approved special exception for other development proposals not associated with a rezoning application may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.