

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JANUARY 23, 2014**

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

ABSENT: None

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The meeting was called to order at 8:16 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

The Honorable John T. Frey, Clerk of the Circuit Court, performed the swearing-in ceremony for John C. Ulfelder, who had been appointed by the Board of Supervisors as Commissioner of the Dranesville District to replace former Commissioner Jay P. Donahue.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on Wednesday, January 29, 2014, to continue discussion with staff regarding electric vehicle charging stations. He said that the public was welcome to attend. He also noted that staff had distributed a document to the Commission entitled, "Environment Committee Review of Electric Vehicle Charging Infrastructure Recommendations from MITRE Corporation," and he encouraged Commissioners to review this document.

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Commissioner Sargeant said that the Planning Commission's Residential Studio Units Committee meeting scheduled for 7:00 p.m. on Wednesday, January 22, 2014, had been cancelled due to inclement weather. He then announced that the next meeting would be at 7:00

p.m. on Tuesday, February 11, 2014, in Conference Rooms 4/5. He added that the meeting would be open to the public.

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Chairman Murphy stated that forms would be circulated at the next meeting for Commissioners to indicate their preference for Committee membership. He added that Commissioners should forward these forms to him or Commissioner de la Fe for approval. In addition, Commissioner Flanagan indicated that he would no longer serve on the Airports Advisory Committee and this position would be open. Chairman Murphy also pointed out that Commissioner Sargeant was a member of the Leadership Team for Community Transportation Grant from the Center for Disease Control and Prevention and had expressed his willingness to maintain this position. He then noted that there were vacancies for the Board of Supervisors' Economic Advisory Committee, noting that Commissioner Ulfelder had expressed interest in this position. Chairman Murphy indicated that the Planning Commission's Residential Studios Unit Committee and Tysons Corner Committee would remain unchanged and Commissioner Ulfelder would replace former Commissioner Jay P. Donahue on these Committees.

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Commissioner Litzenberger stated that at the public hearing for RZ/FDP 2013-SU-010, Christopher Land, LLC, he asked staff to determine whether a sidewalk associated with an abandoned road that had been proffered approximately 25 years ago was considered part of the trail system. He then asked staff to provide an update on this issue. Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning, indicated that while the proffers did mention public streets, staff had not discussed this issue with the County Attorney's office regarding the ownership of the parcels in question. Therefore, Mr. Litzenberger MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ/FDP 2013-SU-010, CHRISTOPHER LAND, LLC, TO A DATE CERTAIN OF WEDNESDAY, FEBRUARY 5, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

FEBRUARY 7, 2013	FEBRUARY 21, 2013	FEBRUARY 28, 2013
MARCH 7, 2013	MARCH 14, 2013	MARCH 20, 2013
MARCH 21, 2013	MARCH 27, 2013	

Commissioner de la Fe seconded the motion which carried by a vote of 11-0-1. Commissioner Ulfelder abstained.

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RZ/FDP 2013-HM-012 – SEKAS HOMES, LTD. (Decisions Only)

(The public hearing on these applications was held on December 5, 2013. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-HM-012 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED DECEMBER 23, 2013.

Commissioner Hart seconded the motion which carried by a vote of 10-0-2. Commissioners Migliaccio and Ulfelder abstained.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-HM-012, SUBJECT TO DEVELOPMENT CONDITIONS DATED DECEMBER 31, 2013, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2013-HM-012 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hart seconded the motion which carried by a vote of 10-0-2. Commissioners Migliaccio and Ulfelder abstained.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF SECTION 8-0201.3 OF THE PUBLIC FACILITIES MANUAL, REQUIRING A TRAIL ALONG TETTERTON AVENUE, IN FAVOR OF THE CONSTRUCTION OF THE SIDEWALK SHOWN ON THE CDP/FDP.

Commissioner Hart seconded the motion which carried by a vote of 10-0-2. Commissioners Migliaccio and Ulfelder abstained.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF SECTIONS 8-0101.1 AND 8-0102 OF THE PUBLIC FACILITIES MANUAL, REQUIRING A SIDEWALK ALONG BESLEY ROAD AND BOTH SIDES OF THE PRIVATE STREET, IN FAVOR OF THE SIDEWALKS DEPICTED ON THE CDP/FDP.

Commissioner Hart seconded the motion which carried by a vote of 10-0-2. Commissioners Migliaccio and Ulfelder abstained.

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RZ 2013-SP-005 – MHI-SPRING LAKE, LLC (Decision Only)

(The public hearing on this application was held on October 9, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-SP-005, SUBJECT TO THE EXECUTION OF PROFFERS DATED JANUARY 15, 2014.

Commissioners Hall and Litzenberger seconded the motion which carried by a vote of 10-0-2. Commissioners Lawrence and Ulfelder abstained.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION ENCOURAGE STAFF TO COORDINATE WITH SPRINGFIELD DISTRICT SUPERVISOR HERRITY, THE VIRGINIA DEPARTMENT OF TRANSPORTATION, AND THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION TO DETERMINE A RESOLUTION FOR THE HOMEOWNERS ALONG SPRING LAKE DRIVE WITH REGARD TO PARKING RESTRICTIONS ON SPRING LAKE DRIVE TO ENSURE THAT EXISTING PARKING PROVISIONS WERE RETAINED.

Commissioners Hall and Litzenberger seconded the motion which carried by a vote of 10-0-2. Commissioners Lawrence and Ulfelder abstained.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2013-HM-013 – G & K, INC.
2. FDP 2013-MV-001 – A & R HUNTINGTON METRO, LLC
3. 2232-P13-13 – TINNER HILL HISTORIC SITE

This order was accepted without objection.

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SE 2013-HM-013 – G & K, INC. – Appl. under Sect. 6-304 of the Zoning Ordinance to permit truck rental establishment. Located at 11410 North Shore Dr., Reston, 20190, on approx. 37,096 sq. ft. of land zoned PRC. Tax Map 17-2 ((1)) 7. HUNTER MILL DISTRICT. PUBLIC HEARING

Charles Sickels, Esquire, Sickels, Frei & Mims, PC, deferred to Sanjeev Kapoor, Applicant's Agent, who reaffirmed the affidavit dated September 5, 2013.

There were no disclosures by Commission members.

Commissioner de la Fe 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 de la Fe for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-HM-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 9, 2014

Commissioners Hart and Hedetniemi seconded the motion which carried by a vote of 12-0.

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FDP 2013-MV-001 – A & R HUNTINGTON METRO, LLC –  
Appl. to approve the final development plan for RZ 2013-MV-001 to permit mixed use development. Located at 2338, 2340, 2342 and 2344 Glendale Ter. and 2317 Huntington Ave., Alexandria, 22303, on approx. 1.04 ac. of land. Comp. Plan Rec: Option for transit oriented mixed use with up to 3.0 FAR. Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B, and 94A. MOUNT VERNON DISTRICT.  
PUBLIC HEARING

Mark Looney, Esquire, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated January 9, 2014.

There were no disclosures by Commission members.

Megan Duca, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of application FDP 2013-MV-001 because of concerns regarding the compatibility of the proposed development with the surrounding residential area, the lack of adequate publicly accessible open space, the applicant's option to substitute residential amenities for the retail use, the lack of creative stormwater management techniques to meet the intent of the Comprehensive Plan's site-specific language, and the lack of accordance with the Policy Plan on noise mitigation for all outdoor activity areas.

In response to questions from Commissioner Flanagan, Ms. Duca confirmed that the parking ratio of the previously-approved proposal was approximately 1.1 spaces per dwelling unit and the ratio of the current proposal was approximately 1.3 spaces per dwelling unit. She added that the applicant would provide 10 spaces for the retail space, but noted that 16 spaces were required. Commissioner Flanagan pointed out to the Commission that parking provisions had been one of the major concerns raised at the public hearing for the previously-approved proposal on Thursday, October 24, 2013, and these additional provisions provided a substantial increase to address those concerns.

Commissioner Hart pointed out that the development conditions in the revised staff report did not address issues regarding the Residential Parking District (RPD). He asked if the Board of Supervisors would address this issue when it voted on the concurrent rezoning application (RZ 2013-MV-001). Ms. Duca stated that the proposal pertained only to FDP 2013-MV-001 and the associated development conditions. She also confirmed that the Board of Supervisors would address RZ 2013-MV-001 and the associated proffers. (A copy of the development conditions dated January 9, 2014, is in the date file.)

When Commissioner Hart asked if a development condition would be necessary to restrict residents from obtaining a permit to park in the RPD, Ms. Duca pointed out that the proffers in RZ 2013-MV-001 would restrict the residents' eligibility for obtaining this permit and including such restrictions in the development conditions was not necessary.

Referring to Proffer Number 2A, Ground-Floor Uses/Amenities on Huntington Avenue, in Appendix 1 of the staff report, Commissioner Sargeant asked if the applicant's option to convert the proposed retail space into additional residential units was still part of the proposal. Ms. Duca explained that the applicant had revised this proffer to remove the option to convert the proposed retail space to residential units, but still retained the option to convert this space to residential amenities. She added that staff was still concerned about this option. A discussion ensued between Commissioner Sargeant and Ms. Duca regarding the definition of residential amenities wherein Ms. Duca said that this term pertained to any provisions that served the residents of the proposed development.

Referring to the fifth bullet point on page 4 of the staff report, Commissioner Sargeant asked if the option to provide residential amenities in the proposed retail space would create issues with ingress and egress. Ms. Duca indicated staff's major concerns with the previous option to provide additional residential units within the proposed retail space pertained to design and safety. A discussion ensued between Commissioner Sargeant and Ms. Duca regarding staff's support of the option to provide residential amenities wherein Ms. Duca stated that staff had suggested a use that would improve the streetscape, such as a community meeting space, and while the proposal permitted this option, it still included the option to provide residential amenities.

Commissioner Lawrence pointed out that the applicant had conducted a noise study and asked staff to elaborate on their concerns regarding noise mitigation. Ms. Duca said that the applicant's proffers included a commitment to adhere to the Policy Plan regarding noise mitigation for certain outdoor areas, but not for every portion of the site. She noted the transitional plaza located at the northeast corner of the proposed development as an area of concern. Commissioner Lawrence then asked if staff had discussed this issue with the applicant and Ms. Duca indicated that while such discussions had occurred, the applicant had expressed concerns about meeting the necessary noise standards in an area located within close proximity of the Huntington Avenue Metrorail Station.

Mr. Looney pointed out that the Planning Commission had recommended approval of the previous version of the proposal, as articulated in RZ/FDP 2013-MV-001. He noted that this version included a request for a parking reduction to reduce the parking ratio to approximately 1.14 spaces per dwelling unit, but indicated that the Board of Supervisors had expressed concern about setting a precedent for permitting such a ratio. Mr. Looney then said that to address this concern, the applicant revised the designs for the proposed parking structure to include a third level, which would add 30 additional spaces to create a parking ratio of 1.3 spaces per dwelling unit. In addition, he said that these additional spaces included 10 spaces for the proposed retail use, which would secure support from the Department of Public Works and Environmental Services (DPWES) and the Fairfax County Department of Transportation. He explained that due to the revised designs for the proposed parking structure, the applicant needed to present a modified FDP to the Planning Commission for approval. Mr. Looney said that the proffers for

RZ 2013-MV-001 had also been updated to reflect the revisions to the proposal. In addition, he stated in their discussions regarding the RPD, DPWES indicated that the eligibility for a permit in an RPD was determined by the location of a property and whether it abutted a particular street that was part of the RPD. He stated that the proffers had been revised to state that the applicant would coordinate with the Board of Supervisors to restrict the residents of the proposed development from obtaining parking permits for the RPD. He added that one of the options in pursuing such a restriction was to remove Biscayne Drive and Glendale Terrace from the RPD, but due to concern regarding the consequences of this option, the applicant could only commit to coordinating with the Board of Supervisors in addressing this issue. Mr. Looney echoed remarks from staff regarding the revision of Proffer Number 2A, which permitted the conversion of the proposed retail space to residential amenity space if a tenant could not be secured. He added that this space could possibly include a fitness center or community room. In addition, he stated that this space could also be converted to a public space. He then pointed out that for security purposes, this space would be accessed through the central lobby. Mr. Looney addressed staff's concern regarding the proposed development's compatibility with the surrounding area, stating that while the neighboring developments were located within the Huntington Conservation Area, the applicant anticipated that these properties would be redeveloped to become more consistent with Transit Oriented Development. He also noted how the design of the proposed development mitigated its impact on the neighboring residents, pointing out that the structure was tiered and a shadow study had demonstrated that the surrounding properties would not be adversely affected.

Referring to depiction on page 2 of the document entitled "Parking Permit Availability For Addresses Along Huntington Avenue:" in Appendix 5 of the staff report, Commissioner Flanagan pointed out the size of the RPD and the surrounding Huntington Community. He then referred to the depiction on page 5 of the staff report, noting the RPD parking spaces located near the proposed development along Biscayne Drive and Glendale Terrace. A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the eligibility of the residents to apply for permits for the PRD and the applicant's intent to restrict the residents from obtaining these permits wherein Mr. Looney confirmed that Proffer Number 22B, Residential Parking District and Glendale Terrace Dwelling Units, articulated this intent and noted the consequences of removing Biscayne Drive and Glendale Terrace from the RPD. When Commissioner Flanagan asked whether this prohibition would be articulated in the leases for the residents, Mr. Looney confirmed that the leases would reflect this.

Responding to questions from Commissioner Flanagan, Mr. Looney indicated that there would be curb spaces to accommodate delivery trucks, which were exempted from obtaining a permit for an RPD. He also confirmed that guests of the residents could park in the RPD parking spaces overnight and the RPD permits only to vehicles parked in these spaces during designated daytime hours.

A discussion ensued between Commissioner Litzenberger and Mr. Looney regarding staff's determination on page 8 of the staff report that the proposal lacked sufficient publicly accessible open space and how much additional space the applicant needed wherein Mr. Looney pointed out that the applicant was expected to provide approximately a third of an acre of open space to be consistent with the Urban Park Standards, but he indicated that meeting this standard would take up a significant portion of the property. When Commissioner Litzenberger asked whether the applicant had made any commitments to compensate for this shortcoming of open space, Mr.

Looney stated that the applicant had included contributions for off-site park facilities to provide various amenities along portions of the property.

Referring to staff's concerns regarding sufficient noise mitigation on the site, Commissioner Lawrence said that the amenities that the applicant had proposed for the open space needed to be functional and insufficient noise mitigation would negatively impact this function. He then asked Mr. Looney to address the status of the issues staff listed in their recommendation for denial. Mr. Looney then explained the following:

- The applicant was unable to incorporate the neighboring properties to the east into the development to address staff's concern regarding insufficient consolidation;
- There was an existing utility easement that ran along the eastern portion of the property, which restricted the development potential on this area;
- The applicant had provided a conceptual plan at the previous public hearing for the subject application and RZ 2013-MV-001 to demonstrate how the subject property could be incorporated into a more consolidated development with the surrounding properties;
- The applicant would have to relocate the various utilities within the utility easement into public right-of-way to construct additional structures within this area, which was financially prohibitive;
- The proposed development was consistent with conceptual plan that the applicant had provided for the area, noting that the utility easement would act as a connection between Huntington Avenue and Glendale Terrace;
- The proposed development would not preclude a future redevelopment of the surrounding area, as prescribed by the Comprehensive Plan;
- The applicant's conceptual plan included sufficient open space, noting that a portion of this space was not located within the subject property;
- The applicant incorporated step-backs into the proposed development to ensure its compatibility with the neighboring developments to the west of the subject property;
- The design of the proposed development was terraced to further mitigate the impact on the adjacent properties;
- The applicant conducted a shadow study that concluded that the proposed development would not adversely impact the neighboring properties;
- The streetscape around the proposed development included areas for seating and public artwork near the intersection of Biscayne and Huntington Avenue;

- The Public Facilities Manual did not recognize creativity as a standard for stormwater management;
- The proposed development would include stormwater management provisions such as natural lawns on the roofs, cisterns, and underground detention facilities, which would sufficiently off-set the stormwater run-off from the site.
- The current soil quality on the subject property was poor and did not contain any stormwater detention systems; and
- The subject application focused primarily on parking because this had been the primary concern of the Commission and the Board of Supervisors.

A discussion ensued between Commissioner Lawrence and Mr. Looney regarding potential architectural design solutions to address the noise mitigation concerns and open space requirements wherein Mr. Looney pointed out that the noise mitigation provisions for the proposed development were directed towards the outdoor spaces along Biscayne Drive and the upper level courtyards, but noted the challenge of mitigating noise along Huntington Avenue due to current speed of the traffic. In addition, Mr. Looney said that the applicant had originally proposed a fountain to further mitigate the noise impact, but since it was not certain that this would provide sufficient mitigation, no commitment for such a provision had been made.

Referring to Proffer Number 24A, Parking Tags/Stickers for Residents/Visitors, Commissioner Hurley expressed concern that allotting parking spaces on a first-come first-serve basis could leave some residents without a parking space and suggested that the proffer be revised to guarantee each resident one. She also expressed concern that the language of this proffer would make it difficult for residents to move into a unit on the first of the month, which was typically the move-in date for a new lease, and suggested that it be revised to accommodate the new residents.

Referring to Proffer Number 31B viii, Transportation Demand Management (TDM) Program Components, which would provide a SmartTrip card loaded with a minimum of \$25 to each resident, Commissioner Hurley suggested that this proffer be clarified to indicate that the applicant would provide one card per unit.

When Commissioner Sargeant asked for additional information about a potential consolidated development of the subject property and the surrounding area, Mr. Looney reiterated that the Comprehensive Plan required the applicant to provide a conceptual development plan for a possible consolidated development in the future. He added that while the applicant had not achieved full consolidation of the site with the surrounding properties, the proposed development did not preclude a more consolidated development in the future. In addition, he said that the applicant had discussed a possible consolidated development with the adjacent property owners, but the adjacent property owners had not made any commitments towards such a development. Mr. Looney also clarified that there was no plan or proposal in place to pursue the conceptual development plan. A discussion ensued between Commissioner Sargeant and Ms. Duca regarding input from local civic associations regarding a consolidated development in the area

wherein Ms. Duca pointed out that the Comprehensive Plan, which was amended in 2009 to reflect these plans for further consolidation, included additional land units for such a development than those depicted in the applicants conceptual development plan. In addition, Commissioner Sargeant suggested that a local civic association pursue an Area Plans Review to promote a more consolidated development of the area.

Commissioner Sargeant asked for additional information on the status of the Affordable Dwelling Units (ADU) that would be provided within the proposed development. Ms. Duca indicated that the Policy Plan prescribed that at least 12 percent of the dwelling units be reserved for ADUs and the applicant had committed to reserve 15 percent of the dwelling units as Workforce Dwelling Units (WDU), which staff determined to be sufficient.

When Commissioner Sargeant expressed concern regarding incentives to promote the proposed retail space, Mr. Looney noted that it was in the applicant's interest to ensure the success of this retail space, adding that the size of the space would preclude high rents. He also indicated that the retail would not be occupied by destination retail tenants and would favor small, community-serving uses. In addition, Mr. Looney stated that there had originally been proffer language that would require the applicant to pursue a retail tenant for a period of time before converting the retail space to additional residential units, but this language had been removed because of concerns regarding the impact on the streetscape along Huntington Avenue. He said that the option to convert the retail space into amenity space in the event that the retail space could not be filled would be retained. A discussion ensued between Commissioner Sargeant and Mr. Looney regarding the possibility of re-adding the language pertaining to providing additional incentive to fill the retail space while removing the option to convert the retail space to residential units. Commissioner Sargeant then asked if staff would support this revised language. Ms. Duca said that similar language had been included with other developments and staff would coordinate with the applicant to include this language if they were willing to do so.

When Commissioner Sargeant suggested providing additional proffer language that would discourage residents from parking in the RPD, Mr. Looney pointed out that parking spaces in the proposed development were unbundled from the purchase or lease of the dwelling units and parking would have to be purchased separately. In addition, he stated that the applicant had added language that would make parking spaces cheaper for residents occupying the WDUs, but noted that the applicant would coordinate with Commissioner Flanagan and Mount Vernon District Supervisor Hyland on this issue.

Commissioner Hart noted that his primary concern at the previous public hearing for this proposal was the lack of parking for the proposed retail space and commended the applicant for addressing his concern by adding 10 spaces for this space. He then expressed concern that if the parking spaces were unbundled from the dwelling units, then the earlier tenants would purchase more spaces, thereby leaving none for later tenants. He suggested that the applicant allocate the parking spaces to ensure that parking was available for these later tenants. In addition, Commissioner Hart said that by making the parking spaces for the ADUs and WDUs lower, it would create an incentive for the landlord to favor selling market units. When he asked whether there would be a minimum number of parking spaces reserved for the WDUs and ADUs, Mr. Looney pointed out that other developments had included unbundled parking as part of their TDM plan to appeal to tenants who did not have a car. He also explained that the applicant had

sufficient incentive to effectively manage the parking for the proposed development and to ensure that there would be sufficient parking for every tenant. In addition, Mr. Looney indicated that the applicant's previous parking provisions had been insufficient and the increased number of parking spaces would be consistent with the parking provisions of similar developments in the area, noting that DPWES supported the proposal's revised parking provisions. He then pointed out that the language in Proffer Number 22C, Parking for ADUs and WDUs, which indicated that parking for ADUs and WDUs would be offered at a reduced rate, was prescribed by staff and the ADU program to ensure that the price for parking was not too expensive for WDU residents. A discussion ensued between Commissioner Hart and Mr. Looney regarding the possibility that there would not be sufficient parking for WDU residents wherein Mr. Looney indicated that there had been consideration to include reserved parking for WDU residents, but the applicant was concerned that this would be too prohibitive because it would restrict the use of spaces reserved for tenants that did not have a vehicle.

When Commissioner Hart asked where a tenant would park if every parking space was taken, Mr. Looney stated that these tenants could park along Biscayne Drive and Glendale Terrace, but they could not keep their car parked in these spaces during certain hours because they were not eligible for an RPD permit. He also indicated that this restriction would be articulated to the tenants. In addition, he noted that there was parking available at the Huntington Avenue Metrorail Station. However, Mr. Looney pointed out that the landlord would not likely lease a unit to a tenant that did not have a parking space. He also stated that Proffer Number 23, Offsite Parking/Loading Options, would require the applicant to pursue additional off-site parking on non-Metro related properties to further supplement the on-site parking provisions. A discussion ensued between Commissioner Hart and Mr. Looney regarding the parking provisions for ADU tenants wherein Mr. Looney said that this issue was common in Transit Oriented Developments and there was currently no parking permitted along Huntington Avenue.

When Commissioner Hart expressed his concern about the low parking ratio for the proposed development, Mr. Looney reiterated that the proposal's parking provisions were consistent with those of similar developments in the area.

Commissioner de la Fe asked for clarification on the scope of the subject application, stating that the Board of Supervisors referred this application to the Commission to address revisions to the parking provisions for the proposal.

Answering questions from Commissioner Flanagan, Mr. Looney confirmed the following:

- The Board of Supervisors was scheduled to act on RZ 2013-MV-001 on Tuesday, January 28, 2014;
- The Board of Supervisors referred the subject application to the Commission to approve the revisions that would accommodate additional parking;
- The Board of Supervisors also referred the subject application to the Commission to rule on the status of the applicant's ability to provide permits for the RPD.

Commissioner Migliaccio expressed concern that the 10 parking spaces for the proposed retail space would be insufficient and the intensity of the development was excessive for the site. Referring to Proffer Number 22A, Unbundled Parking for Residential Uses, which prohibited the applicant from leasing more than 181 parking spaces, he asked what would happen to the 10 parking spaces reserved for the retail development if the retail space were converted into a residential amenity space. Mr. Looney indicated that this issue would be addressed during the Board of Supervisors' public hearing for RZ 2013-MV-001.

Commissioner Hedetniemi asked whether the retail space would be viable with the proposed parking provisions. Mr. Looney reiterated that the applicant intended the retail development to be small and would not include destination retail, adding that this development would primarily serve nearby residents or pedestrians from the Huntington Avenue Metrorail Station. He also listed a coffee shop or dry cleaning service as possible uses for the proposed retail space.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-MV-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 9, 2014 AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2013-MV-001 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Litzenberger seconded the motion which carried by a vote of 5-3-4. Commissioners Hall, Hedetniemi, and Lawrence voted in opposition. Commissioners Hart, Migliaccio, Murphy, and Ulfelder abstained.

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2232-P13-13 – TINNER HILL HISTORIC SITE – Appl. under provisions of *Virginia Code* Sects. 15.2-2204 and 15.2-2232, as amended, to consider the proposal by the Fairfax County Facilities Management Department to establish the Tinner Hill Historic Site Park located at 106 and 108 Tinner Hill Road, Falls Church, VA 22046. Tax Map 50-2 ((7)) 1; 50-2 ((7)) 2. Area I. PROVIDENCE DISTRICT. PUBLIC HEARING

Commissioner Sargeant disclosed that he was a member of the Northern Virginia Regional Park Foundation Board (NVRPFB) and since the Northern Virginia Regional Park Authority, which coordinated with the NVRPFB, would operate the subject property, he would recuse himself from the public hearing.

Leanna O'Donnell, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find application 2232-P13-13 substantially in accord with the provisions of the adopted Comprehensive Plan.

Edwin Henderson, 307 South Maple Avenue, Falls Church, representing Tinner Hill Heritage Foundation (THHF), explained that the subject application would develop the site as a historic significant site, noting the site's importance in Fairfax County's history regarding the American Civil Rights Movement. He pointed out that the subject property was the location where a group of African American citizens met in 1915 to oppose an ordinance within the Town of Falls Church. He noted the history of the THHF, which dated back to 1994. Mr. Henderson commended the progress in developing the subject property, explaining that the proposal would provide open space and preserve the history of the site. In addition, he said that the site would help educate the public about the County's history regarding Civil Rights. He also indicated that the THHF conducted blues festivals and heritage tours. He then distributed a brochure detailing the THHF's activities. Mr. Henderson pointed out other historically significant details of the subject property, which dated back to a voting district issue that occurred in 1887. In conclusion, he stated that the proposal would contribute to diversity, history, and social justice within the County and would be consistent with the surrounding development. He also noted the site's proximity to the Falls Church Arts and Cultural District. (A copy of the brochure is in the date file.)

A discussion ensued between Commissioner Hall and Mr. Henderson regarding the historical significance of his residence.

Referring to Attachment J in the staff report, Commissioner Hurley pointed out that the proposed development would accommodate a stage for outdoor concerts. She then expressed concerns about the impact of these events. Mr. Henderson explained that there would not be a stage, but there would be a pavilion or picnic shelter. In addition, he pointed out that the events would be small. A discussion ensued between Commissioner Hurley and Mr. Henderson regarding the kinds of concerts that would be conducted at the site and the noise impact on the surrounding neighborhood wherein Mr. Henderson noted that the subject property had been the site of previous THHF festivals, but added that the THHF did not intend to utilize the subject property for its festival in the future.

Commissioner Lawrence commended the THHF for their work on the subject application. Mr. Henderson added that the proposal had been modified due to economic factors.

Commissioner Hedetniemi expressed support for the design of the proposed development.

Commissioner de la Fe noted his personal experience with Civil Rights issues within Fairfax County.

Commissioner Migliaccio thanked Mr. Henderson for the THHF brochure, noting the history it told of his private residence.

Mr. Henderson pointed out the recent tours that THHF had conducted around the subject property, adding that the THHF was also developing smartphone application to promote self-guided tours of the area. He then indicated that new tours of the site would commence in Spring, 2014.

David Snyder, 300 Park Avenue, Suite 303E, Falls Church, representing City of Falls Church City Council, echoed Mr. Henderson's remarks regarding the history of the subject property regarding its role in the American Civil Rights Movement. He noted that he had participated in a deed signing ceremony for the subject property in February 2001, but pointed out that there had been delays in developing the site. He then commended the City of Falls Church, Fairfax County, and the THHF in coordinating on this development. In conclusion, Mr. Snyder expressed support for the proposal because it would preserve the history of the site and educate the public on the importance Civil Rights issues.

Chairman Murphy called for speakers from the audience.

Paul Gilbert, 6006 Talford Court, Springfield, representing Northern Virginia Regional Park Authority, expressed support for the proposal. He commended staff, the City of Falls Church, and the THHF for their efforts on the proposal. He echoed remarks from Mr. Henderson regarding the historical significance of the subject property and stated that the proposed development would educate the community about the history of the site.

Robert Welsh, 951 Tympani Court, Herndon, expressed concern about the parking provisions for the proposed development, noting that he owned a commercial property that was located near the site. He said that the parking provisions for the proposal were insufficient and would not accommodate visitors attending concerts, noting that this would require residents to park in the residential and commercial areas. In addition, he pointed out that the applicant's current parking plan would require pedestrians to cross busy streets to access the proposed development. Mr. Welsh suggested that the applicant pursue a public/private partnership with a property located near a commercial property that he owned to provide parking to visitors to the proposed development.

When Chairman Murphy asked Mr. Welsh to point out the location of the commercial property he owned, Mr. Welsh identified his property.

Continuing his testimony, Mr. Welsh identified the location of the lot that could be utilized for parking, noting that this lot was currently utilized as a used car lot and it contained underground gas tanks from a gas station that had previously operated on the site. In addition, he said the soil quality on this lot was poor.

Answering questions from Chairman Murphy, Mr. Welsh confirmed that his property was located along Lee Highway and reiterated his concern about insufficient parking for the proposed development, noting the close proximity of his property to the subject property. He then pointed out possible parking locations for the proposed development. In addition, he said that parking was permitted along the public streets around the subject property, but this parking was limited to two hours. Mr. Welsh then indicated that the additional traffic generated by the proposed development would aggravate the parking provisions in the area, which were already strained. A

discussion ensued between Chairman Murphy and Mr. Welsh regarding his proposal for a public/private partnership to provide parking for the proposed development and the current ownership of the lot that he suggested for additional parking.

Chairman Murphy called for concluding staff remarks from Ms. O'Donnell, who declined.

When Commissioner Lawrence asked for clarification on the jurisdiction of the property that Mr. Welsh identified, Ms. O'Donnell said that this lot was located within the City of Falls Church.

Commissioner Lawrence stated that the Commission's action on this proposal was limited to approving the 2232 and the additional documents that helped activate the development would be included in the record to document the coordination between Fairfax County and the City of Falls Church. In addition, he stated that he had received an email from a neighboring development that indicated the owner would make a contribution to the proposed development. Commissioner Lawrence did not object to Mr. Welsh's suggestion for a public/private partnership to provide parking, but he said that such a partnership would be difficult to coordinate until the proposed development was constructed. He then stated that approval of the subject application would not preclude the establishment of such a partnership.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY THE FAIRFAX COUNTY FACILITIES MANAGEMENT DEPARTMENT TO ESTABLISH THE TINNER HILL HISTORIC SITE FOR PUBLIC PARK USE AT 106 AND 108 TINNER HILL ROAD IN FALLS CHURCH, sorry, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN *VIRGINIA CODE* 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried by a vote of 11-0. Commissioner Sargeant recused himself.

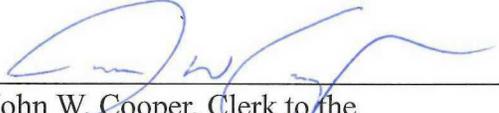
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The meeting was adjourned at 10:46 p.m.  
Peter F. Murphy, Chairman  
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: September 18, 2014



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