

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 18, 2015**

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

ABSENT: Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District

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The meeting was called to order at 8:18 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

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Wednesday, June 24, 2015, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. He added that everyone was welcome to attend.

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SE 2015-MV-003 – FIRST YEARS LEARNING CENTER (Decision Only) (The public hearing on this application was held on June 10, 2015.)

(Start Verbatim Transcript)

Commissioner Flanagan: Tonight, we were scheduled to make a decision regarding the Claudia Tramontana special exception childcare application, which was the subject of the public hearing on June 10, 2015 – that – since last week. And the volume of additional testimony and meetings with the applicant's counsel, am not – were not possible to complete within the one week deferral. I THEREFORE move that the deferral – MOVE THE DEFERRAL OF SE 2015-MV-003 TO A DATE CERTAIN OF JULY 8, 2015, WITH THE RECORD REMAINING OPEN ONLY FOR WRITTEN TESTIMONY, AND THE DEFERRAL OF THE BOARD OF SUPERVISORS' PUBLIC HEARING ON JUNE 23, 2015 TO THE EARLIEST DATE THEREAFTER.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there any discussion of the motion? All those in favor of the motion to defer SE 2015-MV-003 to a date certain of July 8th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Lawrence and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT ON ARTICLES 7 AND 19 - ARCHITECTURAL REVIEW BOARD (ARB) PROJECT APPROVAL PROCESS AND VOTING MEMBERSHIP (Decision Only) (The public hearing on this application was held on May 21, 2015.)

(Start Verbatim Transcript)

Commissioner Hedetniemi: Thank you, Mr. Chairman. Thank you Mr. Chairman. We have a Zoning Ordinance Amendment for the Architectural Review Board Project Approval Process and I would ask staff to give us a report on that, please. Mr. Chairman, staff has taken time to review and respond to every concern that was raised and so I think you will see this as a much more thorough and complete document than it was before.

Chairman Murphy: And are we going to have a report? Janyce, are they going to give a report?

Commissioner Hedetniemi: Briefly.

Chairman Murphy: Okay. We're on verbatim. Okay, gentlemen, please.

Anthony S. Robalik, Zoning Administration Division, Department of Planning and Zoning (DPZ): Good evening. I'll refer you to –

Chairman Murphy: Would you identify yourself for the record, please?

Mr. Robalik: I'm sorry. I apologize.

Chairman Murphy: That's okay.

Mr. Robalik: Tony Robalik, Department of Planning and Zoning.

Chairman Murphy: Thank you.

Mr. Robalik: So I will refer you to two documents; one a memo dated June 11th, 2015, which you should have in your packet, and revised amendments to Article 19 for tonight's amendment. So the memo goes through the revisions that we discussed last month at the Planning Commission hearing – public hearing that you would like to see through this proposed amendment. And I'll just go – go through it. It's pretty short. So, one of the things you wanted to see through was with paragraph 1 you wanted it to be very clear of the 11 members to the ARB, only 10 of them are appointed by the Board of Supervisors. The 11th is actually an ex officio member that is appointed by the History Commission. So we try to make that clear, both in paragraph 1 at the top and also at the bottom of par 1 right at the – right above par 2 where the – A through F ends. The second proposed revision that you look at look at the memo: we've removed some redundant language. You may remember that at the top of par 1 and also in par 4, which is a new par we're proposing, we say that members of the ARB must have – they must possess a demonstrated interest, competence, and knowledge of historic preservation. That was stated twice in the sections. We've removed one of those references to make – to remove the redundancy. Now it's only in par 4 at the bottom. We have revised par 1A to give a parallel structure to the remaining subparagraphs so that it reads much more clearly. I think it reads more clear this way. We've also revised 1A to, again, make it clear that more than one of the licensed architects can be certified – can meet the Secretary of the Interior's Professional Qualification Standards. Before, it was unclear. Let's see; paragraph after that. Paragraph 1C, having to do with attorneys or lawyers, we removed the reference – incorrect reference to the non-existent "Virginia Bar," and replaced it with the correct reference to the Virginia State Bar. So I hope that meets your expectations. Par 1F; again, that's been made to be parallel with the remaining subparagraphs. Basically – oh that was the old PowerPoint I apologize. I'm reading through two documents. It's getting kind of confusing. We – in par 2 we added the term "ex officio" to ensure the unambiguity of a historic – History Commission member. He is in fact coming – or she – is coming from the History Commission, not being appointed by the Board of Supervisors. And finally, in par 4, we replaced the word "or" with the word "and," again clarifying that any members to the ARB must possess all of these traits, not just some subset of them. And those are the – the revisions. I hope that they meet your expectations. If you have you any questions, I'd be happy to entertain them.

Chairman Murphy: Ms. Hedetniemi, are there any questions? Yes, Ms. Hurley.

Commissioner Hurley: Just one little one; the ex officio member – is it already written somewhere in the code somewhere of how to impeach or otherwise – you know, you can impeach a Supreme Court member, even though they're appointed for life. I mean, just, since they are not appointed by the Board and they're not elected, is there a way that the public could remove that person if needed?

Mr. Robalik: They're appointed by the Board to History Commission, so I imagine that, like –

Commissioner Hurley: So, the History Commission could remove them? I mean, I'm just – how would – how could that person be removed? Is there – can we get some sort of language in there as –

Mr. Robalik: Well I believe the Board could remove them as a History Commission member, which would de facto remove them from the ARB.

Commissioner Hurley: So the History Commission could remove the person.

Mr. Robalik: Right.

Commissioner Hurley: I'm getting a – a shake of the head back there.

Linda Blank, Planning Division, DPZ: Linda Blank. Yes, because the – all the History Commissioners are appointed by the Board of Supervisors, so if they're – either they're reappointed or they're not reappointed. And then – and then it's incumbent upon the History Commission to select a member that meets the qualifications in the Ordinance – to then appoint them to the ARB. But if they were not reappointed by the Board of Supervisors, they would not continue.

Commissioner Hurley: So there's a way?

Ms. Blank: Yes.

Commissioner Hurley: Okay. Thank you.

Chairman Murphy: All right. Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. If there are no further questions from the Commission –

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: You mentioned that you had these – this revised text in our packets.

Mr. Robalik: Well, I sent it out last week to Jill Cooper.

Commissioner Flanagan: I don't have.

Commissioner Hedetniemi: It was distributed.

Mr. Robalik: I have a copy here if you want to – if you need one.

Commissioner Flanagan: Does anybody have that packet copy?

Commissioner Hart: I got it in email.

Commissioner Hedetniemi: I got an email.

Commissioner Hart: I don't have a copy.

Chairman Murphy: I had – I had it in email too, but I – are there any further questions or comments? Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I move that the planning Commission recommend to the board of supervisors approval of the proposed ZONING ORDINANCE AMENDMENT regarding the ARCHITECTURAL REVIEW BOARD APPROVAL PROCESS AND VOTING MEMBERSHIP as advertised with an effective date of 12:01 on the day following adoption.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there any discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: We don't want to do it as advertised. We want to do the new one.

Commissioner Hedetniemi: Yes, I'm sorry. You're right, as –

Commissioner Hart: So the motion shouldn't be to do what they had in the advertising, it should be with the revisions.

Chairman Murphy: As amended tonight by Ms. Hedetniemi.

Commissioner Hedetniemi: AS AMENDED BY ME.

Chairman Murphy: Mr. Litzenberger, okay? The seconder agrees. Is there any discussion of the motion – in addition to Mr. Hart's question? All those in favor of the motion to recommend to the Board of Supervisors that adopt the zoning ordinance amendment on articles 7 and 19 concerning architectural review board ARB project approval process and voting membership as articulated by Ms. Hedetniemi this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The Chair abstains, I was not present for the public hearing and neither was Mr. Sargeant, he was on sabbatical.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I'm abstaining.

Chairman Murphy: And Mr. Flanagan abstains; he was not on sabbatical.

The motion carried by a vote of 7-0-2. Commissioners Flanagan, Murphy, and Sargeant abstained from the vote. Commissioners Lawrence and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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RZ 2014-SP/015-SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC. (Decision Only) (The public hearing on this application was held on May 13, 2015.)

(Start Verbatim Transcript)

Commissioner Murphy: Thank you, Mr. Chairman. This is a decision only on a special exception and a rezoning application regarding the preservation of the Silas Burke iconic home in Burke, Virginia. And if this were a perfect world, I think everybody would agree that we want to do everything we can to preserve this house on land that is unencumbered; however, as we all know, it is not a perfect world and the owners of the home, the Neals, have owned the home for many years. They have done a remarkable job in preserving it in a great state, but it does need some rehabilitation; and they have decided to change their lifestyle and wanted to sell the home, but making sure that it was preserved. And unfortunately, although we tried – and Supervisor Herrity did everything he could to get funds from the Park Authority and other interests in the county – he was unable to do so. And the only way to actually preserve this home as an iconic historic site in the Springfield District and in Fairfax County was to link it with a rezoning application. And in this case, it turned out to be not only a rezoning application, but a special exception, and the applicant is Sunrise Assisted Living. Because of that, we needed to first do a Plan amendment, and the Plan amendment was authorized by the Board of Supervisors. It went before the Planning Commission public hearing after several community meetings and it was adopted unanimously by the Board of Supervisors after a unanimous recommendation by the Planning Commission. Then we had a public hearing on the rezoning and special exception and, at that time, my fellow commissioners were kind enough to ask a lot of very pointed questions. And as a result of those questions – and no answers were available at the time – I deferred decision until this evening and I asked the staff, who was Leanna Tsai [*sic*], who did a remarkable – Mary Ann Tsai, I'm sorry, and Leanna O'Donnell is here too – to refer the questions for response to Linda Blank, who has been following this – these applications right from the beginning; and she is in charge of historic preservation in the county. As a result of the questions and – that came from the citizens and from the Commission and from me, we came up with a new set of proffers for the rezoning application and they were circulated to the members of the Commission on June 10th, 2015. And it is a really extensive package that dealt with landscaping and screening, paving materials, historic preservation, easements, community access, and the Burke Post Office, which came as an addendum to the site. When the – when the post office was moved into the Braddock District and there was a rezoning in the Braddock District, they no longer wanted the post office on their property, so it will be moved to the Silas Burke property and it will be part of the Silas Burke House preservation. I want to thank everyone that took part in this exercise, especially Mary Ann Tsai and Ms. Blank, because they really put this all together. It may not be a perfect solution, but it's as perfect as we can get it, which guarantees that this home will remain in Burke as a

historic, iconic site; and it will be open to the public, and it will be controlled by Sunrise Development. And I want to thank Sunrise; they were very cooperative in this – all the suggestions made by staff, they turned into the proffers which are before us this evening and which will be part of the motion I will make. I also want to thank, as always, Marlae Schnare from Supervisor Herrity's office, who assists me in all these endeavors, including taking part in the public hearings [*sic*] – the community meetings we had in Burke [*sic*] – in the Springfield office, I should say. I'm sorry. The rezoning is in conformance with the Comprehensive Plan and meets all the standards of this kind of rezoning and the Zoning Ordinance also – meets all the criteria established in the Zoning Ordinance. So, Therefore, Mr. Chairman, first I'd like to have the applicant please, come forward.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. I'm Sara Mariska with Walsh, Colucci, here on behalf of the applicant.

Commissioner Murphy: Yes, would you please confirm that you have read the development conditions in the special exception and that you understand them and agree and will abide by them?

Ms. Mariska: We understand and agree and will abide by the conditions.

Commissioner Murphy: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION recommend to the Board of Supervisors the following: I RECOMMEND THAT THE BOARD APPROVE RZ 2014-SP-015 AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JUNE 8TH, 2015.

Commissioners Hart and Hurley: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hurley. Any discussion? Any questions? Yes, Ms. Hurley.

Commissioner Hurley: I intend to second all of these motions, especially noting as the Chairman mentioned, the relocation of the post office from our part which, I understand, the last Postmaster, who actually worked out of that building, was the great aunt of the current residents – current owners – of the facility. So it's a very small county.

Commissioner Murphy: Okay.

Vice Chairman de la Fe: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Is my new mic working? I guess it is. I did ask a number of questions, specifically on the easements and historic preservation questions for the house, and I heartily support the revised proffers. I think they go a long way to helping give a greater focus to how we're going to proceed to do that with the Silas Burke House and with the post office at this site and protect them and, at the same time, get into a good discussion about an appropriate reuse of the facility for the community in Burke and for the Fairfax community at

large. So I intend to support these and I really appreciate the work and the time that went into helping revise these proffers.

Vice Chairman de la Fe: Okay, thank you. Anything else? Hearing and seeing none all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Sargeant: Mr. Chairman? Abstain; not present for the hearing.

Vice Chairman de la Fe: Yes, Mr. Sargeant abstains, and I assume he will abstain for all of them.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-060, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 29TH, 2015.

Commissioners Hurley and Hart: Second.

Vice Chairman de la Fe: Seconded by Ms. Hurley and Mr. Hart. All those in favor – Any further discussion? Hearing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I also move the next three items: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE:

- A MODIFICATION OF PARAGRAPH 5 OF SECTION 9-308 OF THE ZONING ORDINANCE TO PERMIT A MEDICAL CARE FACILITY TO BE LOCATED 28 FEET FROM THE NORTHERN PROPERTY LINE AND 75 FEET FROM THE EASTERN PROPERTY LINE, IN LIEU OF THE REQUIRED 100-FOOT SETBACK;
- A MODIFICATION OF PARAGRAPH 6 OF SECTION 9-308 OF THE ZONING ORDINANCE TO PERMIT A MEDICAL CARE FACILITY TO BE LOCATED ON A LOT CONTAINING 4.96 ACRES OF LAND, IN LIEU OF THE REQUIRED 5 ACRES; and approval of
- A MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE ON THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL BOUNDARIES

OF THE PROPERTY TO show – THAT SHOWN ON THE
GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION
PLAT.

Commissioners Hart and Hurley: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hurley. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Each motion carried by a vote of 9-0-1. Commissioner Sargeant abstained from the vote. Commissioners Lawrence and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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Chairman Murphy resumed the chair.

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ORDER OF THE AGENDA

On behalf of Secretary Hart, Chairman Murphy established the following order of the agenda:

1. RZ/FDP 2013-DR-017/PCA 79-C-037-07 – JLB DULLES TECH, LLC
PCA 2002-HM-043/FDPA 2002-HM-043-02/SEA 85-C-119/SEA 2002-HM-046-02 –
JLB DULLES TECH, LLC & FAIRFAX COUNTY PARK AUTHORITY

This agenda was accepted without objection.

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RZ/FDP 2013-DR-017 – JLB DULLES TECH, LLC – Appls. to rezone from I-4 to PRM to permit residential use with an overall Floor Area Ratio (FAR) of 0.99, inclusive of any bonus associated with the provision of ADUs or WDUs, and approval of the conceptual and final development plans. Located on the S. side of Dulles Technology Dr., approx. 450 ft. E. of its intersection with River Birch Road, on approx. 11.60 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 16-3 ((1)) 4M. (Concurrent with PCA 79-C-037-07, PCA 2002-HM-043/FDPA 2002-HM-043-2, SEA 85-C-119, and SEA 2002-HM-046-02.) DRANESVILLE DISTRICT.

PCA 79-C-037-07 – JLB DULLES TECH, LLC – Appl. to amend the proffers for RZ 79-C-037, previously approved for office to permit deletion of land area and associated modifications to proffers and site design to permit residential use with an overall Floor Area Ratio (FAR) of 0.99, inclusive of any bonus associated with ADU's or WDU's. Located on the S. side of Dulles Technology Dr., approx. 450 ft. E. of its intersection with River Birch Road, on approx. 11.60 ac. of land zoned I-4. Comp. Plan Rec: Mixed Used. Tax Map 16-3 ((1)) 4M. (Concurrent with RZ/FDP 2013-DR-017, PCA 2002-HM-043, FDPA 2002-HM-043-2, SEA 85-C-119, and SEA 2002-HM-046-02.) DRANESVILLE DISTRICT.

PCA 2002-HM-043/FDPA 2002-HM-043-2 – JLB DULLES TECH LLC/FAIRFAX COUNTY PARK AUTHORITY – Appls. to amend the proffers, conceptual, and final development plans for RZ 2002-HM-043, previously approved for a stormwater management facility to permit site modifications and associated modifications to proffers and site design for the construction of a public road. Located in the S.W. quadrant of the intersection of Sunrise Valley Dr. and Centreville Road, on approx. 10.87 ac. of land zoned PDC. Comp. Plan Rec: Public Parks. Tax Map 16-3 ((1)) 5D. (Concurrent with RZ/FDP 2013-DR-017, PCA 79-C-037-07, SEA 85-C-119, and SEA 2002-HM-046-02.) DRANESVILLE DISTRICT.

SEA 2002-HM-046-02 – JLB DULLES TECH LLC/FAIRFAX COUNTY PARK AUTHORITY – Appl. under Sect. 2-904 of the Zoning Ordinance to amend SE 2002-HM-046, previously approved for uses in a floodplain, to permit the deletion of land area and associated modifications to site design and development conditions for the construction of a public road. Located in the S.W. quadrant of the intersection of Sunrise Valley Dr. and Centreville Road, approx. 450 ft. E. of its intersection with River Birch Road, on approx. 8.10 ac. of land zoned PDC. Tax Map 16-3 ((1)) 5D. (Concurrent with RZ/FDP 2013-DR-017, PCA 79-C-037-07, PCA 2002-HM-043, FDPA 2002-HM-043-02, and SEA 85-C-119.) DRANESVILLE DISTRICT.

SEA 85-C-119 – JLB DULLES TECH LLC/FAIRFAX COUNTY PARK AUTHORITY – Appl. under Sect. 2-904 of the Zoning Ordinance to amend SE 85-C-119, previously approved for a storm water management facility in floodplain, to permit uses in floodplain and associated modifications to site design and development conditions. Located on the S. side of Dulles

Technology Dr., approx. 450 ft. E. of its intersection with River Birch Road, on approx. 14.38 ac. of land zoned I-4 and PDC. Tax Map 16-3 ((1)) 4M and 5D. (Concurrent with RZ/FDP 2013-DR-017, PCA 79-C-037-07, PCA 2002-HM-043, FDPA 2002-HM-043-02, and SEA 2002-HM-046-02.) DRANESVILLE DISTRICT.
JOINT PUBLIC HEARING.

Mark Looney, Esquire, Applicant's Agent, Cooley LLP, reaffirmed the affidavits dated June 8, 2015.

There were no disclosures by Commission members.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2013-DR-017, PCA 79-C-037-07, PCA 2002-HM-043, FDPA 2002-HM-043-02, SEA 85-C-119, and SEA 2002-HM-046-02.

Commissioner Ulfelder asked Mr. Gorney how critical the McNair Farms Drive connection from Centreville Road was. Mr. Gorney said it was very critical, noting that it would not only provide an internal connection but also an alternate route to Centreville Road. Commissioner Ulfelder asked how the change from an I-4 industrial district to a residential district would impact peak hour traffic in the area. Elizabeth Iannetta, Fairfax County Department of Transportation (FCDOT), explained that the office use under the current I-4 district typically generated more traffic volume than residential, adding that the site's proximity to a Metrorail station would also help to reduce the amount of traffic in the area. In addition, Ms. Iannetta pointed out that over time, McNair Farms Drive would be further extended to provide connectivity to other roads.

Commissioner Hart referenced Proffer Number 21, Courtyard Areas, of the revised set dated June 17, 2015, and asked for confirmation that the dog park was located within the proposed fire lane. Mr. Gorney said that it was, adding that while he was unsure of dog parks specifically being located in fire lanes in the past, he was aware of other proposed uses in previous cases. When Commissioner Hart asked what specifically would be subject to the approval of the fire marshal, Mr. Gorney explained that any plans proposed within the fire lane were subject for approval. Commissioner Hart asked whether the courtyard areas were private or under the purview of the Fairfax County Park Authority (FCPA), to which Mr. Gorney replied they were private areas and would be maintained by the residents. When Commissioner Hart asked if the maintenance of those areas had been specified anywhere in the staff report, Kris Abrahamson, ZED, DPZ, explained that because no public access easement was proposed in the area, the residents' responsibility was implicit and therefore did not need to be specified.

Commissioner Sargeant asked how the business traffic was separated from the residential to determine the peak hour measurements. Ms. Iannetta explained that the proposed Transportation Demand Management (TDM) program aimed at measuring the trips a specific site generated; thus, the residential trips would be measured separately from those coming from the office site. As a result, the desired trip reductions would be site specific and would provide more precise

measurements for the type of traffic in the area. Commissioner Sargeant asked whether the surrounding traffic of a proposed site provided an accurate measure for TDM measurements. Ms. Iannetta said yes, adding that the traffic reduction calculations and related development conditions/proffers were often developed to align with surrounding uses to provide a TDM program that will fit into the entire area. Referencing Proffer Number 37, Transportation Demand Management, Commissioner Sargeant asked what remedies would be employed in the event the TDM goals were not met. Ms. Iannetta said the proposed TDM strategy was flexible to allow for and adapt to any changes in technology. She added that the applicant would pay into a remedy fund and the county would work with them to achieve the TDM goals. When Commissioner Sargeant commended the flexibility of the program but questioned whether the language in the proffers would be an issue. Ms. Iannetta pointed out that paragraph E. Process of Implementation; iv, TDM Remedy Fund, addressed these issues and how to resolve them, but noted that the program's flexibility was its greatest asset in achieving the TDM goals. Commissioner Sargeant asked if there was a timeframe for the applicant to resolve issues. Ms. Iannetta said yes, noting that it was specified in the reporting section of the proffer.

Commissioner Hurley noted that synthetic turf would be used in the dog park and asked if there other such dog parks and, if so, how were they maintained. Gail Cooper, Fairfax County Park Authority (FCPA), explained that with the increasing number of urban dog parks, the FCPA had begun to request synthetic turf, since natural turf tended to become muddy and unpleasant. She added that water service would be a required feature in the maintenance of these parks.

During a brief discussion between Commissioner Flanagan and Mr. Gorney, it was noted that the current proposed stormwater detention calculations met county water quality and detention requirements. Mr. Gorney explained that the applicant was required to mitigate any impacts resulting from the development; therefore, bioretention facilities were proposed at the rear of the buildings. Commissioner Flanagan and Mr. Gorney briefly discussed the existing water detention at the site and surrounding area, after which Mr. Gorney noted that he was not unsure how the applicant would specifically irrigate the onsite landscaping. Commissioner Flanagan noted that the applicant had proposed to use the first inch of water for local irrigation in place of potable water on previous applications in the Mount Vernon District to reduce the amount of runoff and suggested they do the same in this case.

Addressing Commissioner Flanagan's questions on stormwater detention, Mr. Looney explained that the current floodplain area immediately south of the subject site had been identified in the 1980s as the receiving source for stormwater runoff for the Dulles Technology Drive Industrial Park. He added that as the properties within Dulles Technology Drive developed, that pond developed in accordance with the approvals from the 1980s. He further added that the proposed site was the only one of those bordering the pond that had never been developed pursuant to the approvals; hence, that particular section of the pond was missing, which caused leakage/runoff throughout the site. He stated that the applicant, through the requested RPA exemptions, would fill in the missing portion of the pond. In addition, they would also construct bioretention facilities and other elements to try to capture the runoff from the new buildings onsite and more evenly regulate the water flow into the detention pond. Mr. Looney then provided a brief history of the application site, noting that a third access route would be added via an east-west

connection via McNair Farms Drive from Centreville Road to Dulles Technology Drive. He stated that while this new connection would benefit the surrounding area, the realignment of the road network resulted in a shift of the proposed buildings to the south and closer to the existing detention pond on the Fairfax County Park Authority (FCPA) property. He pointed out, however, that disturbance of the land owned by the FCPA during construction of the extension would occur only once, as the roadway would be constructed as a four-lane facility across the FCPA property at the onset. He added that the road would be striped for less than four lanes until the site was fully developed and all of the lanes would be needed. He said that an existing weir wall would be shifted 100 feet north to allow for a connection at McNair Farms Drive. In addition, he said that a culvert would be installed to allow water through to Merribrook Run. Mr. Looney noted that the present trail connections would be reestablished and said the applicant would mitigate any onsite invasive species. He said that the proposed development would generate approximately 17 percent of the morning peak hour trips and 13 percent of the evening trips, noting that while the need for the road might not be driven by the proposed development, this was a necessary route for the road to pass through.

Commissioner Ulfelder asked Mr. Looney if he would agree to add language regarding the installation of a crosswalk at the intersection of McNair Farms Drive and Centreville Road, in addition to pedestrian signalization. Mr. Looney agreed.

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

Karlis Strauchs, 13505 Dulles Technology Drive, Herndon, requested that all construction on the proposed development be stopped until the impacts on the adjacent building could be determined. He noted that the proposed new road would cause additional noise that would negatively impact his building; therefore, he requested that a sound barrier or wall be installed. He added that lights meant for safety would instead be reflected into the windows of the tenants. Additionally, he pointed out that a photograph used for the applicant's proposal did not show his building and thus requested that an accurate photograph with his building be submitted to illustrate the proximity of the development. He expressed concern about noise pollution and wondered if special filters might be necessary in the buildings. He questioned the traffic impact on the area, given the number of residents that the development might generate. He also requested that the developer meet with the tenants from his building, as they had been given approximately one month's notice regarding the application.

Commissioner Ulfelder asked Mr. Strauchs to indicate where he lived in relation to the subject site, which Mr. Strauchs did, using a Fairfax County tax map provided by county staff.

Venkata R. Mulpura, 13505 Dulles Technology Drive, Herndon, echoed many of Mr. Strauchs' concerns, adding that parking was a serious issue and would only get worse with the new development.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Looney, who noted that his understanding of the properties adjacent to the subject site was that

they were office condominiums and, therefore, buffering against those commercial entities would automatically be provided as part of the residential development.

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 Ulfelder for action on this case.

(Start Verbatim Transcript)

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

Commissioner Ulfelder: Thank you, Mr. Chairman. There's been a lot of time, effort, and work put into this application and it has shifted significantly in certain regards and I think in most cases it has – it has been improved over time and has met some key objectives of the Comprehensive Plan for this area. We have scheduled a Board date of June 23rd; and therefore, I'm going to move the action this evening by the Planning Commission. And if you'll bear with me, this is going to take about a half hour to go through the series of motions that we're going to make, and I think I'll do them one by each so that we can be clear on exactly what we're going to be recommending to Board for their consideration. And I'll also do this with the understanding that a couple of the issues that came up this evening that we discussed will be addressed in the – in the proffer language or development conditions between now and the Board, between staff and the applicant. So, Mr. Chairman, I'm going to MOVE THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING: first: APPROVAL OF PCA 79-C-037-07, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 17TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 79-C-037-07, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: I'm going to recommend – I recommend that the Board – THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2013-DR-017, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 17TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-DR-017, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder – THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE THE FOLLOWING:

- MODIFICATION OF THE TREE PLANTING WIDTH FROM EIGHT FEET TO SIX FEET ALONG THE PUBLIC ROADWAY FRONTAGE AND PRIVATE DRIVEWAY IN FAVOR OF STRUCTURAL PLANTING CELLS OR OTHER METHODS, AS COORDINATED WITH THE URBAN FORESTRY MANAGEMENT DIVISION, WHEN NECESSARY DUE TO THE PLACEMENT OF UTILITIES;
- MODIFICATION OF THE INTERIOR PARKING LOT LANDSCAPING IN FAVOR OF THE ALTERNATIVES, AS SHOWN ON THE CDP/FDP AND AS CONDITIONED; AND
- MODIFICATION OF THE NUMBER OF LOADING SPACES FROM SIX TO TWO, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE CDP/FDP AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2002-HM-043, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 15TH, 2015. [*Sic*]

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mrs. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2002-HM-043, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Further, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 2002-HM-046-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 17TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2002-HM-046-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I further recommend that the – I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 85-C-119, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 17TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mrs. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 85-C-119, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I also MOVE THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING, and I'll read both of them –

- FDP 2013-DR-017, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 17TH, 2015; and
- FDPA 2002-HM-043-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 17TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mrs. Hedetniemi. Is there a discussion? All those in favor of the motion to approve FDP 2013-DR-017 and FDPA 2002-HM-043-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Lawrence and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 9:47 p.m.
Peter F. Murphy, Chairman
James R. Hart, 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: Jeanette Nord

Approved on: October 21, 2015



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