

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 25, 2014**

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

ABSENT: Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Lawrence announced that the Planning Commission's Tyson's Corner Committee met earlier this evening to continue discussions regarding urban design in the proposed amendment to the Tysons Corner Comprehensive Plan. He said that the Committee would meet again to continue this discussion on Thursday, July 17, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and the public was welcomed to attend.

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Commissioner Hall announced that John W. Cooper, Clark to the Planning Commission, would distribute to the Commissioners the minutes for September and October 2013. She added that she intended to move on these minutes, as well as the minutes for June and July 2013 that had been previously distributed to the Commissioners, at the Planning Commission's meeting on Thursday, July 10, 2014.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, July 10, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss with staff the issues raised at the previous meeting on regarding green building technology Wednesday, June 18, 2014. In addition, he stated that the

Environment Committee would also meet on Wednesday, July 30, 2014, at 7:00 p.m. in the Board Conference Room to receive a presentation from staff regarding the noise ordinance. He added that the public was welcome to attend both meetings.

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Chairman Murphy stated that the Planning Commission would not meet next week in observance of the Fourth of July holiday. On behalf of the Planning Commission, he wished everyone a happy Independence Day and acknowledged the commitments and dedication of American troops deployed worldwide.

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RZ 2013-HM-016 – SEKAS HOMES, LTD. (Decision Only)
(The public hearing on this application was held on June 12, 2014.)

Commissioner de la Fe: The first one – let me see – I’m not Mount Vernon – relates – is RZ 2013-HM-016, in the name of Sekas Homes. We had the public hearing two weeks ago and I deferred decision, primarily because the Hunter Mill Land Use Committee had not had a chance to give a final recommendation on the application, even though they had heard it a number of times and all of the issues seem to have been resolved. But at the meeting prior to the public hearing, unfortunately – the Land Use Committee did not have a quorum, so they could not take formal action. So we did defer it and they have heard – and again – the case and – at their last meeting on the 17th, they recommended unanimously that it be approved. We also had a number of relatively small changes that had to be made relating to stormwater and to issues that were raised here at the Planning Commission. The proffers have been changed. You received those, I believe, by email and there is – so I am ready to move that. As you recall, there were no real major issues on this so, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-HM-016, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 19, 2014.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2013-HM-016, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Abstain. Not present for the hearing.

Chairman Murphy: Mr. Litzenberger abstains, not present for the public hearing.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE REQUESTED MODIFICATIONS, AS LISTED IN THE STAFF REPORT.

Commissioner Hall: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much. And thank you very much to the applicant, the Land Use Committee, and staff for all of their work.

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Each motion carried by a vote of 10-0-1. Commissioner Litzenberger abstained. Commissioner Sargeant was absent from the meeting.

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PCA 85-C-088-09/DPA 85-C-088-07/PRC 85-C-088-03 – BLOCK 4, LLC AND RESTON TOWN CENTER PROPERTY, LLC (Hunter Mill District) (Decisions Only)
(The public hearing on these applications was held on June 11, 2014.)

Commissioner de la Fe: Now moving to my second decision, it was also heard on the 11th and we deferred decision on that because we had a number of speakers that seem to not have heard about it – the planned actions on this case, even though it had appeared – the case had been discussed at the Reston Land Use Planning and Zoning Committee a number of times. And, frankly, I thought all of the issues at that time had been resolved, but – if you will recall – at the public hearing we had a number of speakers, primarily from the condominium known as Stratford House across the street from the site application, that expressed concern about – you know, a number of things, but primarily the fact that some of the – what is called the linear park along Reston Parkway in front of Reston Town Center – and part of Reston Town Center was being encroached upon. As you will recall – and was brought up at the public hearing – the – there is an approved and site planned development for that site that – the site that was under consideration – which actually encroached on that park a lot further than this development that we are now considering. And after much discussion with the County arborist and the applicant, the – actually, the park will probably be much more useful to the folks that are – you know, because they will have amenities. If I recall, correctly, only one major tree that is in good condition will have to be removed for this development, as opposed to a number of other trees that are being – that are in not as good condition – but all of them will be replaced by almost three times as many trees as are being cut down – so that there is tremendous amount of green space that will be preserved and added to. The one other thing that, in effect, surprised me was that many of these folks said that they preferred the existing parking lot to remain rather than see anything built there. And I don't understand how a parking lot in an urban area so close to a

metro station makes much sense. I think the development that is being proposed makes much more sense. It is mixed use. It brings more office space, retail – as well as residential into the last parking lot – surface parking lot at the Reston Urban Core. There were some other changes in the proffers in response to issues that were raised by Commissioners at the public hearing. And so there is a – Proffer 30B was changed to clarify and to – the size of the proposed vegetative roofs so that they would not, under any conditions, totally disappear. Proffer 44 is a new proffer related to bird-friendly design strategies. Proffer 45 is a new proffer related to electric vehicle charging infrastructure. And there is also Proffer 46, relating to recycling of construction and demolition debris waste. Overall, I believe that this is a welcome addition to the Reston Town Center – particularly the urban core. This will probably be the last new development in the urban core. Anything from now on will be redevelopment and I believe that it is in the best interests of everyone concerned to move ahead with this application – or several applications. And I might add that the Reston Planning and Zoning Committee considered this very carefully and recommended approval. And the two negative votes were related to the reduction of the existing green space in the park. And most of the other – or almost all of the other members – acknowledged that there was a reduction. However, the reduction is not as great as what could be built by – in effect, by what had been approved already – and represented a good addition to it. One thing that I did mention, and commended the applicant on, is that this is the first set of applications that follow the new Reston Area Transit Station Guidelines. The applicant and staff and the Commissioner and, let's say, the County differed as to whether the new guidelines were applicable. Fortunately, the applicant agreed with the County that yes, they were applicable. Therefore, we have TDM strategies, we have 16 percent workforce housing, we have a variety of things that, under the old development, we would not be getting. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSIONER RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-C-088-09, DPA 85-C-088-07, AND PRC 85-C-088-03; SUBJECT TO THE PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JUNE 24TH, AND SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN THE APPENDIX 2 OF THE REPORT.

Commissioners Hart and Hedetniemi: Second.

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

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: Yes, I'd like to thank Commissioner de la Fe for including in the proffers – Proffer 46 – about recycling. That is going to be the fourth time an application coming before us will have this proffer language – and the first three having been the – started out with the adapted reuse of the Lorton Prison – the Alexandria Company. And I really think we should – I hope this will become standard operating procedure, actually, in the future, on the part of all of our applications for rezoning or Special Exception. So I'm going to be very pleased to support this motion.

Chairman Murphy: Okay. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve the three applications, as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE LOADING SPACE REQUIREMENTS AND A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE DPA/PRC PLAN.

Commissioners Hart and Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF a waiver – of WAIVER 7067-WPFM-004-1 TO PERMIT UNDERGROUND WATER DETENTION FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL, SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 11 OF THE STAFF REPORT.

Commissioners Hart and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Hart and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion –

Commissioner Hedetniemi: Aye.

Chairman Murphy: - say –

Commissioner Hedetniemi: Sorry.

Chairman Murphy: Let's not get carried away. It's only a motion.

Commissioner de la Fe: You're in a hurry.

Chairman Murphy: Say aye.

Commissioners: Aye.

Chairman Murphy: You sure now? As opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Mr. Chairman. I would like to thank everyone, particularly Ms. Tsai, for working so hard on this application for so long. And I know that she herself is a neighbor of this application site so – but I'm sure that did not, in any way, interfere with her judgment. Thank you.

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

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RZ/FDP 2012-DR-019 – ELM STREET RESIDENTIAL, LLC AND JGB/ELM STREET OFFICE, LLC (Decisions Only)

(The public hearing on these applications was held on June 18, 2014.)

Commissioner Ulfelder: Thank you, Mr. Chairman. We deferred – we held a hearing last week and deferred final action on this – RZ/FDP 2012-DR-019, Elm Street Residential, LLC and JBG/Elm Street Office, LLC. We received a set of revised proffers this evening. There has actually been a lot of work – been going on since the hearing right up to this evening to address some of the issues that were raised during the public hearing, as well as to fill in the blanks that were in the proffers last week. And I think, at this point – I think what would be most helpful is if Mr. Rogers and, perhaps with help from Mr. Winterhalter – could explain or walk through what some of the changes are that in the revised proffers that address some of the issues that were raised.

Chairman Murphy: Who's going to do it?

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning: Why don't I give us a start? Nick Rogers, with the Department of Planning and Zoning – as Commissioner Ulfelder noted, we have been working with the applicant at a pretty furious pace over the past week. And I'm going to give us a good start to fill in and there may be some things that Mr. Winterhalter may want to articulate a little more. Towards the back of your proffers here – particularly Proffers 46 and 47 – the applicant has filled in a couple of those blanks that you saw in your June 13th proffers – affirming up, with some specific dollar amounts, the contributions to off-site sidewalk upgrades, related to the McLean Open Space Design Standards. Those were in response to community feedback from both the McLean Planning Committee and also the McLean Citizens Association. The cost of those estimates equals approximately \$375,000 in total. The applicant has also added some public access language. There was – throughout our review, we were all under the consensus that the number of high-quality open spaces that you saw in your – in your presentation last week were going to be open to the public, encouraging public ingress and egress throughout the site. Based on some additional staff oversight and community feedback, we felt that it was important for the applicant to acknowledge that in the proffers and so Proffer 16 has been updated to acknowledge that commitment. You'll also see a –

the applicant firming – and reaffirming their commitment to the McLean Project for the Arts. The applicant has included a phased proffer over the course of three years that would result in an overall contribution of \$150,000. The applicant has firmed up some numbers, also, related to – contributions related to undergrounding of utilities in the McLean CBC totaling \$250,000. There was some discussion at the Planning Commission last week about electric vehicle charging stations. The applicant has included some proffer language in that regard and there have some – been a few other editorial revisions to the proffers. Mr. Chair.

Chairman Murphy: Okay.

Commissioner Ulfelder: Yes. I think that the – I'm going to move that we go forward tonight with this and I have a somewhat complicated motion that's going to – because we're also going to be adding or revising one of the sheets in the CDP/FDP.

Chairman Murphy: Okay, before we do that – Mr. Winterhalter, do you want to come down just for the record and reaffirm your support and agreement with the proffers–

Commissioners Ulfelder: Yes, I was going to do that

Chairman Murphy: -changes.

Brian Winterhalter, Esquire, Agents Applicant, Cooley, LLP: Thank you, Mr. Chairman. I will support and reaffirm the commitment to the proffers, as they are dated today – June 25th, 2014. We've been working very hard with Mr. Rogers and others in the community and Commissioner Ulfelder on these proffers. And we're very pleased to be here with numbers filled in in the blanks and making the commitments that we are for off-site sidewalk trail improvements, undergrounding, and supporting the arts and other things in the McLean community. Thanks.

Chairman Murphy: I know you're a prominent land use attorney, but would you mind identifying yourself for the record so we could put your name with it?

Mr. Winterhalter: I would be happy to – Brian Winterhalter with Cooley. Thank you.

Chairman Murphy: Thank you very much. Mr. Ulfelder.

Commissioner Ulfelder: Yes. And do we have the sheet – the sheet we can put up? I understand there have been revisions made today to Sheet S3 of the CDP/FDP that further clarify the applicant's proffered commitments to off-site construction on two additional property frontages. So could you just point out the areas that are being – additional – that would be – and it's part of this new S3.

Mr. Rogers: I'll point those two areas right now, Commissioner Ulfelder. The first one I'll – the first one we'll point out is along the – I believe it's the Ashview frontage?

Mr. Winterhalter: Yes.

Mr. Rogers: Yes – which will be along this area here and which is along Beverly Road – and also here on Fleetwood Road as well. The applicant has also included this inset image here that my pen is pointing to, just providing a graphic representation to the off-site sidewalk commitments being provided to the adjacent Pornaris property, as well. Once again, as Commissioner Ulfelder noted – and as we noted in our presentation last week – these were proffered commitments that were in your June 13th proffers that continue to be enumerated in the June 25th proffers that are in front of you now. The applicant is simply adding a graphical tool in aiding with the implementation of those proffers.

Commissioner Ulfelder: With the motion tonight, I'm going to direct – directing the applicant to include these additions to the last sheet of the CDP/FDP. And therefore, I'm going to move that the – first of all, I guess the applicant has to confirm, for the record, their agreement to the proposed FDP conditions dated June 5th, 2014.

Mr. Winterhalter: On behalf of the applicant, we agree with those conditions. Thank you.

Commissioner Ulfelder: So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-DR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS DATED JUNE 25TH, 2014. That's the first motion.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-DR-019, with the agreements of the proffers as enumerated tonight, say aye.

Commissioners: Aye.

Commissioner Flanagan: Abstain.

Chairman Murphy: Opposed? Motion carries. Mr. Flanagan abstains.

Commissioner de la Fe: And I abstain, not present for the public hearing.

Chairman Murphy: Mr. de la Fe abstains, not present for the public hearing. Okay, Mr. Ulfelder.

Commissioner Ulfelder: Yes, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2012-DR-019, TO BE RE-DATED JUNE 24TH, 2014, TO INCLUDE THE NEW sheet – the S3 SHEET – SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 5TH, 2014, with the date of the FDP to be updated to June 24th, 2014, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2012-DR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence.

Commissioner Ulfelder: Everybody understand the motion?

Commissioner Lawrence: Could you repeat that please?

Chairman Murphy: Don't ask me. All those in favor of the motion as beautifully articulated by Mr. Ulfelder on FDP 2012-DR-019, subject to approval – subject to the approval of the rezoning by the Board of Supervisors, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Abstain, not present.

Commissioners de la Fe: Abstain.

Chairman Murphy: And same abstentions. Okay?

Commissioner Ulfelder: One more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DATED JUNE 25TH, 2014, WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

Commissioner Flanagan: Same abstention.

Commissioner Ulfelder: A couple of comments. One, I'm happy that we have a number for the undergrounding. It's not quite the number I think may be appropriate and I'm hopeful that the applicant will continue to work with folks before the Board of Supervisors public hearing to take a hard look at the – at that particular proffer and that particular amount. And I think that's important to the community. It's been – and it's important, I think, to the future success of the McLean CBC so I would urge them to do that. I want to say thank you to a lot of people who've worked very hard. Mr. Rogers, Aaron Klibaner, Jeff Herman, Megan Van Dam, and others in the staff, as well as Bailey Hopple Brian Winterhalter – I think this has been a long tough road, but I think we're at a good place and I think it's going to make a huge difference for McLean as McLean tries to move forward with redevelopment, hopefully in concert with the nearby Tysons

Corner. So I want to thank everyone for all their hard work, in particularly this last week – really putting the shoulder to the wheel to try to get to the point where we are tonight.

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Each motion carried by a vote of 9-0-2. Commissioners de la Fe and Flanagan abstained. Commissioner Sargeant was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2013-MV-023 – HOPKINS HOUSE, A CENTER FOR CHILDREN AND THEIR FAMILIES
2. PCA/FDPA 2003-SU-035-02 AND SE 2013-SU-017 – DD SOUTH RETAIL, LC

This order was accepted without objection.

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SE 2013-MV-023 – HOPKINS HOUSE, A CENTER FOR CHILDREN AND THEIR FAMILIES – Appl. under Sects. 3-204, 4-804, and 9-309 of the Zoning Ordinance to permit a child care center with a total enrollment of 124 children. Located at 8543 Forest Pl., Alexandria, 22309, on approx. 1.68 ac. of land zoned R-2, C-8 and HC. Tax Map 101-3 ((9)) (1) C1, 5, and 501. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Harry Hart, Esquire, Applicants Agent, Hart, Calley, Gibbs & Karp, PC, reaffirmed the affidavit dated April 9, 2014.

There were no disclosures by Commission members.

Commissioner Flanagan 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 Flanagan for action on these cases.

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Chairman Murphy: All right, public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. Well Mr. Hart has good reason to smile. He's a very welcome member of our community and he provides a valuable service to a great

deal of the underprivileged children. And immediately surrounding a beautiful facility, which is actually – it's the second one in Fairfax County – there is also a facility in Reston that they operate as well and the City of Alexandria. So it's – I'M VERY PLEASED TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2013-MV-023, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 11, 2014.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2013-MV-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

Commissioner Flanagan: I also have two – I also have two follow-up motions.

Chairman Murphy: Okay.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF PART 8 OF SECTION 11-102 OF THE ZONING ORDINANCE TO THAT SHOWN ON THE SE PLAT, IN LIEU OF THE 10-FOOT PARKING SETBACK REQUIREMENT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. Thank you, Mr. Hart.

Commissioner Flanagan: Well I move-

Commissioner de la Fe: He has another.

Commissioner Hall: He has one more.

Chairman Murphy: One more?

Commissioner Flanagan: One more motion, yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF PART 2 OF SECTION 13-203 OF THE ZONING ORDINANCE TO THAT SHOWN ON THE SE PLAT, IN LIEU OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor, say aye. Opposed? Motion carries. You sure? Okay. Thank very much. Mr. Hart, in the audience – Mr. Van Atta, thank you.

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

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PCA/FDPA 2003-SU-035-02 – DD SOUTH RETAIL, LC – Appls. to amend the proffers, conceptual and final development plans for PCA 2003-SU-035 previously approved for mixed-use development to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.09. Located between Air & Space Museum Pkwy. and Historic Sully Way, E. of Rt. 28 on approx. 6.36 ac. of land zoned PDC, HD, and WS. Comp. Plan Rec Mixed Use; Alternative Uses. Tax Map 34-2 ((1)) 1B. (Concurrent with SE 2013-SU-017.) SULLY DISTRICT.

SE 2013-SU-017 – DD SOUTH RETAIL, LC – Appl. under Sect. 6-205 of the Zoning Ordinance to permit fast-food restaurant with drive-through. Located between Air & Space Museum Pkwy. and Historic Sully Way, E. of Rt. 28 on approx. 1.7 ac. of land zoned PDC, HD, and WS. Sully District. Tax Map 34-2 ((1)) 1B pt. (Concurrent with PCA 2003-SU-035-02 and FDPA 2003-SU-035-02.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Francis McDermott, Esquire, Applicants Agent, Hunton & Williams, LLP, reaffirmed the affidavits for PCA/FDPA 2003-SU-035-02 and SE 2013-SU-017 dated June 10, 2014.

There were no disclosures by Commission members.

Commissioner Litzenberger pointed out that the subject property was located along the entranceway to the Historic Overlay District (HOD) for the Sully Plantation historic site and indicated that he had reviewed the proposal with Sully District Supervisor Michael Frey. He requested that Commissioners focus on efforts to improve the appearance of the entranceway along Historic Sully Way, adding that he would meet again with Supervisor Frey to discuss the issues raised at this public hearing.

Kristen Abrahamson, 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 approval of applications PCA/FDPA 2003-SU-035-02 and SE 2013-SU-017.

Commissioner Hart pointed out that an elevation for the proposed financial institution on the subject property had not been included on Sheet Number 12 of the Conceptual Development Plan, which was not consistent with the requirement in Proffer Number 10, Architectural Elevations. Ms. Abrahamson explained since a tenant had not been secured for the proposed financial institution, the applicant did not provide an elevation, noting that this would ensure greater flexibility for prospective tenants. She added staff had been provided with illustrations depicting the architecture and materials for the building, but the architecture could vary depending on the tenant.

Referring to the figures depicted on Page 2 of the staff report, Commissioner Hart pointed out the boundary of the HOD, which covered a significant portion of the subject property. He then encouraged the applicant to maintain a similar architecture for the proposed buildings on the site. In addition, he acknowledged the unique circumstances of the proposed development due to its close proximity to Sully Plantation, noting how the buildings in other developments often had less consistent architecture.

Referring to the memorandum detailing staff's Heritage Resources in Appendix 14 of the staff report, Commissioner Hart indicated that the Architectural Review Board's (ARB) recommendation for the proposal was tentative. He noted that the ARB supported the location and schematic footprint of the buildings, but had expressed concern regarding the scale and mass. Commissioner Hart then asked about the possible recourse for the applicant if the ARB were to suggest a modification to the proposed child care facility, noting that there were no provisions that required these modifications to be reviewed by the Planning Commission or the Board of Supervisors to ensure that the quality of the architecture for every building on the site was sufficient. Ms. Abrahamson indicated that the staff did not object to adding a development condition that would require coordination between the applicant and the ARB to ensure sufficient architectural quality. A discussion between Commissioner Hart and Ms. Abrahamson regarding the extent to which the ARB had reviewed the proposal since January 2014, the scope of the ARB's review, the sequence in which the buildings on the site would be constructed, and the tenants that would occupy the buildings.

A discussion ensued between Commissioner Hart and Ms. Abrahamson regarding the possibility of requiring the applicant to submit and Architectural Review to the Planning Commission once it has been finalized wherein Ms. Abrahamson indicated that including such a requirement was possible if the applicant were willing, but noted that the Planning Commission would need to

provide sufficient guidance to ensure that the necessary concerns were addressed. In addition, Ms. Abrahamson stated that staff had emphasized the quality and consistency of the materials and architecture of the proposed building, as well as the buffer and berm along Historic Sully Way.

When Commissioner Hart indicated that higher standards for materials and architecture were applied to the proposed development because it was located within close proximity of a historic site, Ms. Abrahamson concurred.

Commissioner Hedetniemi expressed concern about the amount of impervious surface included in the proposed development and asked whether it would be feasible to reduce the number of buildings on the site to make it more consistent with the surrounding area. Ms. Abrahamson explained that while the Sully Plantation was located within close proximity to the site, there was significant commercial development throughout the surrounding area and the proposed project was consistent with these developments. She added that the previously-approved project for the subject property included a more consolidated development and noted the difficulty of achieving similar consolidation for the proposed development due to the vehicle-oriented design of these uses. Ms. Abrahamson also said that staff had coordinated with the applicant to ensure efficient vehicular circulation on the subject property, adding that the density and expected trip-generation of the proposal was consistent with the Comprehensive Plan. In addition, she said that staff had concluded that the applicant's proposed buffering for the site was sufficient.

When Commissioner Lawrence asked staff to clarify the location of the Sully Plantation site, Ms. Abrahamson pointed out the location of this site in relation to the subject property.

Answering questions from Commissioner Lawrence, Ms. Abrahamson explained that the Sully Plantation could only be accessed by Historic Sully Way, noting that a previous access along Route 28 had been closed, and described the route visitors would take to reach the site. She also indicated that the applicant reserved the right to submit a Comprehensive Sign Plan Amendment for the subject property, but this was not included in the proposal.

Commissioner Lawrence noted the importance of including signage to promote the businesses located at the site while maintaining the integrity of the HOD. He also suggested obtaining input from the ARB on this issue.

Commissioner Migliaccio asked whether staff had given any consideration to bus circulation on the site. Ms. Abrahamson deferred to the applicant for more information on this issue. She added that staff had assessed whether the proposal would meet the needs of the surrounding uses, noting the difficulty of determining the primary source of visitors for the site, and indicated that bus service had not been an emphasis when reviewing the applications. In addition, she said that the site could accommodate buses. A discussion ensued between Commissioner Migliaccio and Ms. Abrahamson regarding the parking restrictions for buses on the subject property.

A discussion between Commissioner Flanagan and Ms. Abrahamson ensued regarding possible revisions that the ARB might request during its review of the proposal wherein Ms. Abrahamson

noted that the ARB would primarily focus on the proposed child care center on the site, which was located within the HOD.

Commissioner Flanagan described a previous case in the Mount Vernon District wherein the Planning Commission approved the architecture of a proposed retirement community through an administrative review process, but the ARB had made additional recommendations that were not supported by the community. Ms. Abrahamson stated that the ARB did have the final authority regarding the architecture of buildings located within an HOD, but noted that the ARB would still be subject to the proffers of the subject applications, including those specifying architecture and building materials. She also deferred to the applicant regarding the possible need for an administrative review of the architecture.

In response to questions from Commissioner Ulfelder, Ms. Abrahamson confirmed that the Sully Plantation site was within walking distance of the subject property. She also pointed out that the Fairfax County Park Authority (FCPA) managed the parking for the Sully Plantation. In addition, Ms. Abrahamson stated that the applicant had committed to providing information regarding the Sully Plantation, such as signage and historic displays within the buildings.

When Commissioner Hedetniemi asked for clarification regarding who the proposed development was intended to serve, Ms. Abrahamson said that the development would primarily serve the employees of the surrounding Planned Development Commercial (PDC) District. However, she noted that it could also attract traffic from other nearby developments, such as the Air and Space Museum and the nearby residential communities. In addition, she stated that the proposed development had been designed to accommodate vehicular traffic because of the parking restrictions for certain nearby commercial developments.

Mr. McDermott stated that the applicant had met with the Sully Foundation and cited a quote from Roberta Jefferies, Chairman of the Sully Foundation, which expressed support for the proposal because it would help attract visitors to the Sully Plantation. He indicated that the Sully Plantation generated approximately 30,000 trips per year, but noted that most of these trips occurred during certain events. He stated that the proposed development included signage recognizing the historic significance of Sully Plantation.

Addressing remarks from Commissioner Hedetniemi, Mr. McDermott explained that the employees of the neighboring commercial development would be the primary customers for the proposed daycare center on the site. He stated that the applicant expected the daycare center to be the first tenant to occupy the proposed development, but noted that this could change because the architecture for this building would be subject to approval from the ARB. Mr. McDermott described how the proposed fast food restaurant and gas station would serve the employees of the surrounding commercial development. He also addressed Commissioner Migliaccio's concerns regarding buses, pointing out that a bus stop was located near the site along Air and Space Museum Parkway. Mr. McDermott said that the proposal had the support of the surrounding communities and the Sully District Council. He also stated that the applicant had originally planned to develop the subject property with a hotel, but the surrounding commercial development indicated that they favored retail development. In addition, he pointed out that the proposed development would be more compatible with the surrounding area than the previously-

approved application for the subject property, which permitted a two-story office building and 69,000 square feet of retail space. Mr. McDermott delivered a PowerPoint presentation and highlighted the following:

- The subject property was located in close proximity to the Dulles Discovery North development, the Air and Space Museum, and Route 28;
- The interchange at Route 28 provided access to Air and Space Museum Parkway, which was primarily utilized to access to the Air and Space Museum;
- The subject property, as well as the surrounding commercial developments, was accessed primarily by vehicles traveling along Route 28;
- There were two residential communities located within close proximity of the subject property and the PDC District;
- The applicant had coordinated with the FCPA to reserve an additional parcel of land south of the subject property to enhance the buffer for the Sully Plantation;
- The Sully Plantation was located along Route 28 and could only be accessed by Historic Sully Way, which ran adjacent to the subject property;
- The buildings on the neighboring commercial development were occupied and were significantly taller than the buildings for the proposed development;
- The buildings located near the HOD were subject to height limitations;
- The entrance for Historic Sully Way was accessed from Air and Space Museum Parkway;
- The Sully Plantation was accessed by a private road that was located at the terminus of Historic Sully Way;
- The proposal included significant landscaping along both sides of Historic Sully Way;
- The proposed daycare center included open space, which would be utilized for recreation;
- The applicant had constructed stone pediments that contained signage associated with the Sully Plantation, which would be visible to visitors to the subject property;
- The applicant would maintain buffering around the perimeter of the subject property, placing emphasis on the areas along Historic Sully Way;
- The berms along Historic Sully Way would be approximately five to eight feet in height and were intended to protect the visual aesthetic of the entrance to the Sully Plantation;

- The proposed development was more compatible with the surrounding areas than the previously-approved commercial development for the site;
- The parking provisions for the proposed buildings were at the minimum amount permitted by the Zoning Ordinance to minimizing the amount of impervious surface on the site, but the proposed daycare center and gas station required additional parking to be functional;
- The proposed daycare center was the only building on the site that would be located within the HOD;
- The buildings for the proposed development and the signage for the Sully Plantation would utilize brick and stone materials consistent with the historic architecture of the area;
- The proposed daycare center would include porch elements to improve the frontage of the facility, as suggested by the ARB;
- The ARB had not expressed concerns about the proposed materials for the daycare center and were primarily concerned with the massing of the building and its roofline, which the applicant had subsequently modified;
- The applicant was required to obtain the ARB's approval for the final design of the proposed buildings on the site, but the ARB had not expressed significant concern with the primary design of these buildings and the applicant did not expect significant requests for revisions; and
- The applicant had coordinated with the tenants of the proposed development to ensure that the architecture and design of the proposed buildings was consistent with the surrounding area and the expectations of the ARB.

(A copy of Mr. McDermott's presentation is in the date file.)

In reply to questions from Commissioner Lawrence, Mr. McDermott described the traffic flow leading from the proposed development to Sully Plantation and confirmed that vehicles heading towards Sully Plantation would pass along the frontage of the proposed development. A discussion ensued between Commissioner Lawrence and Mr. McDermott regarding the possible installation of additional wayfinding signage, the visibility of the proposed gas station from Route 28, and the impact of signage on the character of the HOD, wherein Mr. McDermott indicated that the proposal would limit the signage on the site to one freestanding sign that would identify each tenant on the site. In addition, Mr. McDermott stated that the applicant intended to limit the amount of signage near the Sully Plantation.

Replying to questions from Commissioner Flanagan, Mr. McDermott confirmed that vehicles traveling north along Route 28 would access the site by exiting onto Air and Space Museum

Parkway and turning onto Historic Sully Way. He also confirmed that vehicles traveling west along Historic Sully Way could enter the gas station through a right-in only access point, but vehicles were required to exit through the main access point located on the southern portion of the site.

Referring to Proffer Number 12, Exhibit A, Item 21, in Appendix 1 of the staff report, which stated that the applicant would hire a waste removal company to process all construction waste at a recycling center, Commissioner Flanagan asked for more information on the applicant's waste disposal procedures. Mr. McDermott said that all waste and construction debris from the construction of the proposed development would be transported to a recycling center and the materials that could not be recycled would be transported to a landfill, noting that not all the materials could be recycled.

Referring to Proffer Number 10, Commissioner Hart pointed out that the language did not specify the use of stone and masonry for the proposed buildings. He then expressed concern that the use of these materials was not sufficiently articulated and suggested that the proffer be revised accordingly. In addition, Commissioner Hart compared the differences in architecture between the proposed daycare center and the structures at the Sully Plantation, saying that efforts to ensure compatibility with these buildings could affect the building materials if they were not sufficiently articulated. Mr. McDermott pointed out that the building materials were articulated on Sheet Number 12.

When Commissioner Migliaccio reiterated his concerns regarding bus services on the subject property and asked whether there would be restrictions for buses accessing the site, Mr. McDermott indicated that there had not been significant discussions regarding bus services at the subject property. A discussion ensued between Commissioner Migliaccio and Mr. McDermott regarding the possibility that buses might need to access the site, the site's ability to accommodate buses, and the possibility of including signage to prohibit buses from accessing the site wherein Mr. McDermott stated that the applicant did not anticipate significant bus traffic and had not designed the site to accommodate buses, but pointed out that buses could park in certain areas during off-peak hours.

Addressing Commissioner Migliaccio's concerns regarding bus traffic at the site, Commissioner Flanagan described how similar sites accommodated buses and indicated that the proposed development could accommodate buses.

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 Litzenberger for action on these cases.

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Chairman Murphy: If not, the public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Murphy. First, I want to-

Chairman Murphy: We thought we'd never hear from you again.

Commissioner Litzenberger: -staff – Joe Gorney and Mr. McDermott answered all my questions about a month ago. First, I want to thank all my fellow commissioners for your very constructive suggestions. I got one-and-half pages of hand-written notes, which I will go over with Supervisor Frey tomorrow, and we'll see where it goes from there. Also, I want to commend Mr. Joe Gorney because we worked him to death to the point where he had to take a mandatory vacation. That's where he is tonight. And I'm sorry he missed this exchange so –

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: He's probably watching.

Commissioner Litzenberger: Lastly, I really want to thank Mr. McDermott and the applicant – Peterson Companies. They met seven different times with over 200 folks in the community, both of Land Use Committees and Homeowners Associations and with the Sully Foundation out there. And they were very appreciative of all the time and effort both staff and the applicant put into letting them have their – all their concerns addressed. So that, Mr. Chairman, I shall move on here. Are you ready Earl? I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2003-SU-035-02, SUBJECT TO THE PROFFERS DATED JUNE 18TH, 2014.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION APPROVE FDPA 2003-SU-035-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 10TH, 2014.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2013-SU-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 10TH, 2014.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS:

- WAIVER OF THE BARRIER REQUIREMENT BETWEEN THE FINANCIAL INSTITUTION AND THE CHILD CARE CENTER, PURSUANT TO PARAGRAPH 1 OF SECTION 13-0 – correction, 13-305 OF THE ZONING ORDINANCE;
- A WAIVER OF PARAGRAPH 7.A. OF SECTION 6-2006 [sic] OF THE ZONING ORDINANCE, TO PERMIT A SERVICE STATION TO BE LOCATED WITHIN A COMMERCIAL CENTER CONSISTING OF FEWER THAN THREE COMMERCIAL ESTABLISHMENTS, SUCH COMMERCIAL ESTABLISHMENTS TO BE OTHER THAN AUTOMOBILE ORIENTED; AND LASTLY
- A WAIVER OF PARAGRAPH 6 OF SECTION 11-203 OF THE ZONING ORDINANCE, WHICH REQUIRES ONE LOADING SPACE FOR THE FINANCIAL INSTITUTION.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion?

Commissioner de la Fe: Mr. Chairman, I don't think it matters because we all know what he meant. But it's not 6-2006. It's 206.

Commissioner Litzenberger: Section 6-206.

Commissioner de la Fe: You added a thousand in there for each of them.

Commissioner Litzenberger: Okay.

Chairman Murphy: All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman. And thank you, fellow commissioners.

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

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The meeting was adjourned at 10:13 p.m.

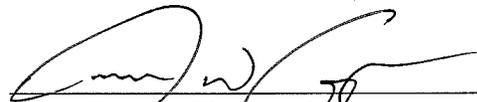
Peter F. Murphy, Chairman

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: November 20, 2014



John Cooper, Clerk to the
Fairfax County Planning Commission