

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, SEPTEMBER 17, 2015**

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

ABSENT: Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District

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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

FS-Y15-16 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, 13560 McLearen Road

*(Start Verbatim Transcript)*

Commissioner Litzenberger: Thank you, Mr. Chairman, I have a “feature shown” this evening. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON “FEATURE SHOWN” FS-Y15-16, WHICH IS THE ADDITION OF A PANEL ANTENNA BEHIND A PARAPET WALL ON TOP OF A BUILDING. THE ADDRESS IS 13560 MCLEAREN ROAD IN HERNDON. Thank you.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to concur with the feature – “feature shown” determination FS Y15-16, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

*(End Verbatim Transcript)*

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FD-D14-53 – BC CONSULTANTS FOR THE FALLS CHURCH CITY SCHOOL BOARD AND CITY OF FALLS CHURCH VA (Decision Only) (The public hearing on this application was held on June 24, 2015.)

*(Start Verbatim Transcript)*

Commissioner Ulfelder: This evening we are scheduled to render a decision on the Falls Church City Public Schools Board application to expand and renovate Mount Daniel Elementary School, which happens to be located in Fairfax County. At the public hearing in June, a number of questions and serious concerns about the proposed expansion were raised by the Commissioners and others. As a result, the Planning Commission deferred its decision. During the deferral period, the applicant submitted additional information for the record and we continue to receive letters and comments from the public about the proposal. The applicant has requested that we further defer our decision while they proceed with a detailed traffic analysis to help address the impact of the difficult traffic access and circulation issues involving this particular school site now and into the future, as well as to consider possible alternatives to the proposed expansion plan. While the September 16th written request for a further deferral did not propose or even suggest a specific date for the decision in this matter, the applicant's representative made it clear to me that a new date in early November would be both appropriate and acceptable to the Falls Church City Public School officials. During this further deferral, it is my understanding that the applicant will be considering information provided by the traffic consultant and its impact on their original expansion plan, as well as other key issues and concerns raised during and after the public hearing and their impact on the original expansion as well. It is clear to me that once the applicant has considered the new information and revisions for the original proposal, it will be necessary to provide everyone, including the Fairfax County and Falls Church City residents, with an adequate opportunity to review and comment on the applicant's revised proposal. It may even require a new notice and public hearing before this Commission. I am hopeful that the applicant will use the additional time to further reexamine the original proposal in light of the various questions and concerns raised during this review process and consider all possible options in order to not only meet the needs of their growing school system but to ameliorate potential impacts of any expansion of Mount Daniel Elementary School on their Fairfax County neighbors. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER ITS DECISION ON FS-D14-53, BC CONSULTANTS, FOR THE FALLS CHURCH CITY SCHOOL BOARD IN THE CITY OF FALLS CHURCH, VIRGINIA, TO A DATE CERTAIN OF NOVEMBER 4TH, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Hedetniemi and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer this application further say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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APPROVAL OF MINUTES

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you Mr. Chairman. First, we had the nineteen sets of minutes we were going to approve tonight. I'm going to pull one of them out; the March 25 set. I move that – I MOVE APPROVAL OF THE FOLLOWING SETS OF MINUTES INCORPORATING THE CORRECTIONS SUBMITTED TO DATE BY THE COMMISSION MEMBERS: JANUARY 7, 8, 14, 22, 29; FEBRUARY 4, 11, 12, 25; MARCH 4, 11, 12, 19 AND 26, NOT MARCH 25; APRIL 15, 16, 22 AND 30, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion? All those in favor –

Commissioner Sargeant: Mr. - Mr. Chairman, I'm going to abstain, While I was present at the meetings in January, as you know I took a leave of absence of the months between February and June. I will abstain from approving of these minutes.

Chairman Murphy: Okay, further discussion? All those in favor of the motion to approve the minutes as submitted by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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SE 2014-PR-067 – KONSTANTIN E. PANOV (Decision Only) (The public hearing on this application was held on April 16, 2015.)

*(Verbatim Transcript Below)*

Commissioner Hart: I have a decision on the Panov case. The Planning Commission has received two letters of support which I would ask be placed in the record. We also received this evening a statement to the Planning Commission, dated September 17<sup>th</sup>, with some attachments and I would ask that also be included in the record. I - I thank the applicant for providing additional information to staff and I thank the speakers that testified at the public hearing. I also want to thank Suzanne Wright for her fine assistance on this case, as well as Mike Wing in Supervisor's Smyth's office. As the Commission will recall, this was a special exception application for a child care center in an existing residence on Blake Lane, originally requesting 25 children, reduced to 20 following the public hearing, and reduced again to 15 children. Staff recommended denial, both in the original staff report and two subsequent addenda evaluating the provisions, and I would adopt the staff's rationale. While I believe that the proposed use is worthwhile, I cannot support this application on this site. I personally visited the property and agreed with staff that this particular lot has a number of characteristics and constraints that make it unsuitable for a use of this intensity. I do not believe the required standards for a special exception have been met in several respects. The site is fairly small to begin with - less than one-half acre. It also is triangular in shape, making provision of the required landscaping buffers very challenging. It is on a very busy street with a fairly short and shallow circular driveway, which presents conflicts for traffic potentially queueing out into the travel lanes of Blake Lane. The onsite configuration also places the pickup and drop-off for the children along the same travel aisle as the cars entering and exiting the site, creating additional potential conflicts. Parking space length is proposed at 16.6 feet, which is the absolute rock bottom in the PFM, and is shorter than many vehicles. While the site constraints obviously affect the area available for parking, this is less than ideal for functional use. The applicant, following the public hearing, at one point suggested a possible off-site parking arrangement at a nearby church, but even if a shared parking arrangement could have been approved, I believe the distance was too great to be functionally workable, especially in inclement weather. Staff was not supportive of off-site parking and the applicant abandoned that alternative. Topographic difficulties in the rear of the site and the location of the existing building further complicate any reconfiguration of the parking and drop-off. Greater extension of the parking area also would tend to conflict with the residential character of the neighborhood and still would need to be buffered from adjacent residences. Adequate stormwater management measures also would need to be accommodated somewhere on this constrained site. In that regard, although the most recent special exception plat depicts a proposed bioretention ditch, it still has not been clearly demonstrated, as pointed out by staff in the second addendum, that the ditch would meet applicable water quality standards and all other stormwater requirements. Moreover, the placement and, potentially, the extent of these facilities would change and become even more difficult if additional pavement was added to the design to address the circulation issues. On a special exception we must make a finding that all the required standards have been met. I agree with staff's conclusions, as set forth in the staff report and addenda that under Section 9-006, General Standards 1, 2, 3, 4 and 7 have not been met. The proposed use is too intense for this relatively small, triangular lot, particularly with its topography, the difficult access point from Blake Lane, and the inability to safely configure the traffic pattern in light of the dwellings placement on the lot. Again, off-site parking is not feasible and it has not been demonstrated to staff's satisfaction that there is room for stormwater management on this small lot if other Ordinance requirements are met. Although we need quality childcare in the community, and this unique program appears to provide a valuable option to local parents, we must find that all the applicable standards have been met on

every application. There may be something less intense which is appropriate here or some other better location for this use, but on this particular site the application falls short. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-PR-067 BE DENIED.

Chairman Murphy: Is there a second to the motion?

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 deny SE 2014-PR-067 say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Sargeant: Mr. Chairman, I abstain, not present.

Chairman Murphy: Motion carries, Mr. Sargeant abstains.

Commissioner Strandlie: Mr. Chairman, I wasn't present for the hearing. I would like to abstain too.

Chairman Murphy: All right, Ms. Strandlie abstains also.

The motion carried by a vote of 8-0-2. Commissioners Sargeant and Strandlie abstained from the vote. Commissioners Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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PA 2013-CW-4CP – (CONSERVATION AREAS AND COMMUNITY NEIGHBORHOOD IMPROVEMENT AREAS) (Decision Only) (The public hearing on this application was held on April 30, 2015.)

*(Start Verbatim Transcript)*

Commissioner Hedetniemi: Thank you, Mr. Chairman. This is in reference to Plan Amendment 2013-CW-4CP, Conservation Areas and Community Improvement Areas. Plan Amendment 2013-CW-4CP proposes to delete references to six expired conservation areas and twenty-six completed community improvement area plans from the Area Plan volumes of the Comprehensive Plan and the Comprehensive Land Use Plan Map. At the public hearing for the plan amendment, held on April 30, 2015, the president of the new Gum Springs Community Association presented testimony indicating their opposition to the removal of references to the Gum Springs Conservation Area, which expired in 2004, from the Comprehensive Plan. The

Planning Commission voted to defer their decision until tonight and directed staff to meet with the community to try to resolve their issues. Staff from the Department of Housing and Community and the Department of Planning and Zoning has met with the new Gum Springs Community Association four times between the April public hearing and tonight. The community and staff have discussed the purpose and need for a conservation area plan for the Gum Springs area and alternatives to the plan, and the Gum Springs Community Association has presented a draft plan for staff to review. At this time, staff has recommended that work is still needed to complete this process. Because the review remains ongoing, the references to the Comprehensive Plan, in the Comprehensive Plan of the Gum Springs Conservation Area Plan should be retained. In addition, it should be noted that the recent adoption of Plan Amendment 2013-1-B2 Seven Corners Community Business Center Study on July 28, 2015, deleted references to the Willston Conservation Area, one of the six expired conservation areas from the Seven Corners CBC Plan Guidance. Therefore, the staff recommendation to remove the reference to the Conservation Area Plan for the Seven Corners CBC guidance is no longer needed. However, the recommendations to remove the reference from the underlying Community Planning Sector and the Plan Map did not occur as part of the Seven Corners Amendment and will still need to be addressed as part of this amendment. Therefore, Mr. Chairman, if you followed all of that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-CW-4CP, AS SHOWN ON PAGES 5 THROUGH 18 OF THE STAFF REPORT DATED APRIL 16, 2015, WITH THE FOLLOWING EXCEPTIONS: 1) THAT THE REFERENCES TO THE GUM SPRINGS CONSERVATION AREA PLAN PROPOSED TO BE DELETED ON PAGES 6 THROUGH 8 OF THE STAFF REPORT, AS WELL AS THE BOUNDARY SHOWN ON THE CONSERVATION COMPREHENSIVE LAND USE MAP, BE RETAINED, AND 2) THAT THE REFERENCES TO THE WILLSTON CONSERVATION AREA PLAN PROPOSED TO BE DELETED FROM SUBUNIT A2 OF THE SEVEN CORNERS COMMUNITY BUSINESS CENTER RECOMMENDATIONS ON PAGE 6 OF THE STAFF REPORT BE DISREGARDED, AS PLAN AMENDMENT 2013-I-B2 ADOPTED ON JULY 28, 2015, DELETED THE REFERENCE. THE PROPOSED DELETION OF THE REFERENCE TO WILLSTON CONSERVATION AREA PLAN UNDERLYING B1-WILLSTON COMMUNITY PLANNING SECTOR, SHOWN ON PAGE 6 OF THE STAFF REPORT AND THE PROPOSED REMOVAL OF THE BOUNDARY, CURRENTLY SHOWN ON THE COMPREHENSIVE LAND USE PLAN MAP, WILL STILL NEED TO OCCUR AS THE PREVIOUS AMENDMENT DID NOT ADDRESS REFERENCES TO THE EXPIRED CONSERVATION AREA IN THE UNDERLYING PLANNING SECTOR OR THE PLAN MAP. Thank you, Mr. Chairman.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion of Plan Amendment 2013-CW-4CP and the recommendation by the staff of that plan amendment with the exceptions noted by Ms. Hedetniemi be adopted by the Board of Supervisors say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I'm abstaining, not present.

Chairman Murphy: Mr. Sargeant abstains.

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

*(End Verbatim Transcript)*

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PA 2013-I-L1(A) – COMPREHENSIVE PLAN AMENDMENT (LINCOLNIA PLANNING DISTRICT: PHASE 1 EDITORIAL CHANGES)
2. SEA 97-M-016 – EXTRA SPACE STORAGE, INC.
3. SEA 84-M-012-02 – QUAN Q. NGUYEN AND NGAN T. NGUYEN
4. PCA 85-C-088-10/DPA 85-C-088-08/PRCA 85-C-088-03 – BLOCK 4 LLC
5. PCA 2004-PR-044-02/CDPA/FDPA 2004-PR-044 – TYSONS CORNER PROPERTY HOLDINGS LLC, TYSONS CORNER HOLDINGS LLC, TYSONS CORNER RESIDENTIAL I LLC, TYSONS CORNER OFFICE I LLC, AND TYSONS CORNER HOTEL PLAZA LLC

This agenda was accepted without objection.

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PA 2013-I-L1(A) - COMPREHENSIVE PLAN AMENDMENT (LINCOLNIA PLANNING DISTRICT: PHASE 1 EDITORIAL CHANGES) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns the Lincolnia Planning District, approximately 2,000 acres, bounded Lincolnia Road, Old Columbia Pike, Little River Turnpike, Braddock Road, Indian Run Stream Valley, I-395, and the Norfolk Southern Railway/Virginia Railway Express right-of-way. The amendment proposes editorial revisions and changes to reflect existing conditions and more recent planning efforts, such as the Great Parks, Great Communities 2010-2020 Park System Plan. PUBLIC HEARING

**PA 2013-I-L1(A)  
COMPREHENSIVE PLAN AMENDMENT  
LINCOLNIA PLANNING DISTRICT**

**September 17, 2015**

Jennifer Garcia, 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 the proposed revisions to the Comprehensive Plan guidance for the Lincolnia Planning District.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this item.

*(Start Verbatim Transcript)*

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

Commissioner Strandlie: Thank you. This is a very straightforward plan amendment and thank you very much to the staff for a great job on it. As the staff indicted the amendment proposes revisions to the Comprehensive Plan guidance to ensure the guidance is updated to current conditions. The recommended revisions reflect existing conditions and more recent planning efforts such as Great Parks, Great Communities, 2010 to 2020 Park Systems Plan. Mr. Chairman, I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-I-L1(A), AS FOUND ON PAGES 5 THROUGH 48 OF THE STAFF REPORT DATED SEPTEMBER 3RD, 2015, WITH ONE MINOR EDITORIAL MODIFICATION TO PAGE 31 OF THE STAFF REPORT, WHICH IS TO CHANGE "GRANT MART PLAZA" TO "GRAND," G-R-A-N-D, "MART PLAZA." Thank you.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-I-L1(A) as amended by Ms. Strandlie say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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SEA 97-M-016 - EXTRA SPACE STORAGE INC. – Appl. under Sects. 4-804 and 9-622 of the Zoning Ordinance to amend SE 97-M-016, previously approved for a mini warehouse establishment, to permit modifications to site and development conditions in a commercial revitalization district. Located at 5821 Seminary Rd., Falls Church, 22041, on approx. 2.09 ac. of land zoned C-8, CRD, HC, and SC. Tax Map 61-2 ((21)) 1. MASON DISTRICT.  
PUBLIC HEARING.

Aubrey Fink, Butz-Wilbern Architects, Ltd., reaffirmed the affidavit dated July 24, 2015.

There were no disclosures by Commission members.

Commissioner Strandlie 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.

Prior to Commissioner Strandlie's motion for action on this case, Chairman Murphy questioned whether Ms. Fink was listed on the affidavit. Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), confirmed that the only affidavit on file was the one shown in the staff report dated September 1, 2015. Cathy Lewis, ZED, DPZ, noted that Jack Wilbern was the only agent listed. After Ms. Fink explained that Mr. Wilbern was out of town and could not attend tonight's public hearing, Chairman Murphy said the public hearing would be deferred.

*(Start Verbatim Transcript)*

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Commissioner Strandlie: Okay, thank you. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THIS WHOLE CASE.

Chairman Murphy: The public hearing, yeah.

Commissioner Strandlie: THE PUBLIC HEARING FOR SEA 97-M-016 TO A DATE CERTAIN OF THURSDAY, SEPTEMBER 24TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to defer the public hearing on this item to a date certain of September 24th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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SEA 84-M-012-02 - QUAN Q. NGUYEN AND NGAN T. NGUYEN – Appl. under Sects. 3-504 and 9-515 of the Zoning Ordinance to amend SE 84-M-012 previously approved for a medical office to permit modifications to site and development conditions. Located at 4217 Evergreen Ln., Annandale, 22003, on approx. 20,620 sq. ft. of land zoned R-5, SC, and HC. Tax Map 71-2 ((2)) 27. MASON DISTRICT. PUBLIC HEARING.

Quan Nguyen, Applicant/Title Owner, reaffirmed the affidavit dated June 25, 2015.

There were no disclosures by Commission members.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SEA 84-M-012-02.

Commissioner Hart referred to the Comprehensive Plan text, page 6 of the staff report, which stated “Commercial development on these lots should not be permitted. However, professional office uses may be permitted in the existing single-family detached residential structures, provided that the structures and their lots retain their single-family residential appearance.” He asked staff how the applicant’s request for a new structure would be in harmony with the Plan and whether a plan amendment was needed. Mr. Lynskey noted that there were no longer any original single family detached structures on the street other than the applicant’s; therefore, using the Comprehensive Plan as a guide staff concluded the intent of the Plan text would still be honored. He said the proposed new structure would blend with the current ones in the neighborhood.

Commissioner Strandlie noted the dwelling unit to the left of the applicant’s property along with the townhouses across the street were commercial. She said all the properties had been made to look residential and questioned staff whether the special exception amendment could be used for other businesses. Mr. Lynskey said the special exception could be transferred to a new owner; however, it would be limited to professional office use businesses.

In response to a question from Commissioner Strandlie, Mr. Lynskey explained that in order to meet the parking tabulation requirements, Page 7 of the staff report, the applicant needed additional parking spaces to the front of the property; therefore, a material made of reinforced

plastic would be used to give the appearance of a normal lawn and allow vehicles to park on it. He noted a bioretention facility was proposed in the front yard for stormwater management.

Following up on Commissioner Hart's earlier questions, a discussion ensued between Commissioner Ulfelder and Mr. Lynskey regarding the Plan text; wherein, Mr. Lynskey explained the following:

- The Annandale Plan was updated in 2005; however, the Plan language was not addressed;
- In 2002, the subject property along with several others were rezoned to a PDH-5 District to permit the construction of single family homes; however, due to unforeseen issues many did not get developed;
- In 2008, on the Board of Supervisors' own motions, the remaining parcels including the subject property, were rezoned to the R-5 District;
- The size of the newer residential structures in the neighborhood range from 4500 – 5000 square feet plus garages; the proposed structure would be 5500 square feet without a garage;
- Staff identified the history of the parcel during their review and made the determination that since there were no other original existing homes on the street it would be in harmony with the intent of the Plan text; and
- The trip generation for the existing office was 45 weekday trips and would increase to 210 weekday trips for the proposed office building.

Commissioner Ulfelder noted that a residence would generate less vehicle trips than a professional office, resulting in a slight additional impact on the neighboring properties who live in the community.

Mr. Nguyen said he was a doctor who had served this community for almost forty years. He said his clientele had grown significantly and the current building no longer had enough space for the equipment and offices; therefore, he requested a special exception to build a larger facility. Mr. Nguyen noted that his original building was the only one left in the neighborhood and was no longer compatible with the newer structures. He said his office had not caused any issues with the community and upon his retirement his son-in-law would continue the business at this location.

In response to a question from Commissioner Litzenberger, Mr. Nguyen said many of his clients were from the Evergreen House, an elderly living facility, which was located near his property. Commissioner Litzenberger stated that even though the language and the Plan may be outdated this application would better serve the community.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary.

Staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this case.

Prior to Commissioner Strandlie's motion, she thanked the other Commissioner's for their comments and noted she would defer the decision to allow time to check the Plan language. A short discussion ensued between the Commissioners regarding a possible deferral after which Commissioner Strandlie was again recognized for action on this case.

Mr. Nguyen agreed to the proposed development conditions in the staff report.

*(Start Verbatim Transcript)*

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Chairman Murphy: Ms. Strandlie, go ahead.

Commissioner Strandlie: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 84-M-012-02 SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT WHICH ARE DATED SEPTEMBER 2ND, 2015, AND I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS LISTED IN THE STAFF REPORT WHICH ARE ALSO, WHICH HAVE ALSO BEEN DISTRIBUTED TO YOU ON A SHEET DATED SEPTEMBER 17TH, 2015.

Commissioner Litzenberger: Second.

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

Commissioner Ulfelder: Oh, there it is. I wasn't saying that it had a traffic impact on the local streets. I was saying that it acts differently than a normal residential building does in terms of the amount of cars that are going in and out. And there will be a residential building next to it and therefore, it has some impact. That's what I was, the point I was trying to make about the difference in the number of vehicle trips. I struggle with this because of the plan language therefore, I'm going to plan to abstain on this.

Chairman Murphy: Further discussion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. We have tension between creeping commercial and older residential neighborhoods in many areas and the-the pitch is made to us sometimes that the plan is obsolete or that the way things have kind of been transitioning it would be appropriate to allow commercial or non-residential uses at the edges of residential areas. Maybe the first lot

or the second lot and sometimes we see, when we saw plan amendments, we would see amendments for a lot or two lots to do that sort of thing. There are places in the county where I think the citizens would hope that we would tread very carefully when there is planned text that says absolutely not and then we have an application that seems attractive and reasonable. It seems like a very worthwhile use, a positive for the community as Mr. Litzenberger has talked about, with an attractive building. But I think we would draw the line at a lot of places and say yeah, it's a good use we'll support a plan amendment and when we amend the plan then come in and it's in conformance with the plan. I can't, I can't conclude this is in conformance with the plan. It's an- it's an attractive use, it's a good case but it's not what the plan calls for and we ought not to be casually rationalizing, disregarding plan text when we know there are other places throughout the county where there are these problems at the edges and it's so easy to be pushed over. Now the Board can do that, maybe the Board will do that but I don't- I don't believe, I can't support staff's conclusion on that and I think we need to go very carefully. I'll point out one other unique thing about this application. If I understand what's proposed and Commissioner Litzenberger touched on this a little bit, the new building is almost five times the size of the existing building. The plan text talks about the office use being allowed in the existing building. The new building will generate vehicle trips between four, a multiple of four and five times of what is currently there and I think if you are on the task force setting the plan language you might looking at things like that. You might not be looking at so much the age of the building but the size of the building and the number of trips that would be generated or other impacts generated from people coming and going and car doors slamming at whatever hours. Or the amount of parking that now is going to be required for a larger building with more employees and more patients and everything else. Those types of changes ought not be taken lightly when we're disregarding the Comprehensive Plan. I don't mean to be filibustering this. This is- this is a very difficult situation but we ought not just be laughing it off and I think for the same reason that Commissioner Ulfelder's articulated I can't support doing it this way and just disregarding the plan text. Thank you.

Chairman Murphy: We're on verbatim. Further discussion? Mr. Litzenberger.

Commissioner Litzenberger: Well, I think that Mr. Ulfelder and Mr. Hart missed my point. It's already been done on that street a number of times, staff pointed that out. This is the last house that this has not been done to. So why would we hold up this benefit to the community over some outdated language in the plan.

Commissioner Ulfelder: Because the other houses that are being replaced are being used for residential use, which is an allowed use under the plan language. This one is going to be used as a professional office replacing the existing building that's a professional office, that's different.

Commissioner Litzenberger: I have to disagree because of the office across the street is a commercial enterprise, they said so right in the staff report.

Commissioner Ulfelder: Commercially zoned, we're talking about the east side.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. The problem is that we have a case before us and situation that if we go back and look at correcting the base of this argument we might be months into the process and I think that does a disservice to the applicant and to the intent of the staff in trying to address this for us and bring it to our attention. But I think Mr. Hart and Mr. Ulfelder are very right in terms of the need to correct the Comprehensive Plan language. I just don't think this is the place for us to be arguing it out.

Chairman Murphy: If not here, where? And if not here, when? I mean I've never quite seen one like this before. It's definitely- this language, in my opinion, is not subject to interpretation. It flatly states the obvious. And because it states the obvious this application unfortunately, take all the goodness, the medical practice aside, it's not in conformance with the Comprehensive Plan. Flatly not in conformance, bottom line, with the Comprehensive Plan. All those in favor of the motion to recommend to the Board of Supervisor...

Commissioner Strandlie: If -actually...

Chairman Murphy: Do you have something?

Commissioner Strandlie: Can I take that motion off the table. I'd like to just defer it as I originally decided.

Chairman Murphy: All right, we have an alternate motion to defer the application. Do you want to state it, please?

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 84-M-012-02 TO A DATE CERTAIN OF THURSDAY, SEPTEMBER 24TH.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SEA 84-M-012-02 to a date certain of September 24th with the record remaining open for comments say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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PCA 85-C-088-10 - BLOCK 4 LLC – Appl. to amend the proffers for RZ 85-C-088 previously approved for a mixed use development to permit modifications to proffers, site design, and development plan. Located S. of New Dominion Pkwy., W. of Reston Pkwy., N. of Market St. and Freedom Dr., E. of Fountain Dr., on approx. 4.52 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-1 ((16)) 1 and 4. (Concurrent with PRCA 85-C-088-03 and DPA 85-C-088-08.) HUNTER MILL DISTRICT.

DPA 85-C-088-08 - BLOCK 4 LLC – Appl. to permit the 8TH amendment of the Development Plan for RZ 85-C-088 to permit a mixed use development with an overall Floor Area Ratio (FAR) of 3.2 and associated modifications to proffers, site design, and development plan. Located S. of New Dominion Pkwy., W. of Reston Pkwy., N. of Market St. and Freedom Dr., E. of Fountain Dr., on approx. 4.52 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-1 ((16)) 1 and 4. (Concurrent with PCA 85-C-088-10 and PRCA 85-C-088-03.) HUNTER MILL DISTRICT.

PRCA 85-C-088-03 - BLOCK 4 LLC – Appl. to approve an amendment of the Planned Residential Community Plan associated with RZ 85-C-088 previously approved for a mixed use development to permit modifications to proffers, site design, and development plan. Located S. of New Dominion Pkwy., W. of Reston Pkwy., N. of Market St. and Freedom Dr., E. of Fountain Dr., on approx. 4.52 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-1 ((16)) 1 and 4. (Concurrent with PCA 85-C-088-10 and DPA 85-C-088-08.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Brian Winterhalter, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated August 6, 2015.

There were no disclosures by Commission members.

Mary Ann Tsai, 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 85-C-088-10, DPA 85-C-088-08 and PRCA 85-C-088-03.

Mr. Winterhalter said the application requested an amendment to a previously approved plan. He explained that during the final design and architecture work for this project it became apparent that a number of modifications would significantly enhance the design and functionality of the buildings. Mr. Winterhalter said several minor modifications were approved administratively; however, the modifications to the West Residential Tower Block 4 were not

within the scope of what could be approved by staff. He noted the support of the Town Center Design Review Board and the Reston Planning and Zoning Committee.

Chairman Murphy called for speakers, but received no response.

Commissioner de la Fe said the original application had generated a lot of interest and noted that the applicant had been willing to change the plans after comments received from various agencies which eventually resulted in an approval. He said that the application before the Commission tonight was for minor changes only.

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 de la Fe for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I might note that we tend to defer things here regularly, I-I noticed that this one actually was moved up two weeks from when it was originally scheduled and I'm glad that it did indeed turn out to be a simple case. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-C-088-10, DPA 85-C-088-08 AND PRCA 85-C-088-03 SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 24, 2015 AND SUBJECT TO THE PRC CONDITIONS DATED SEPTEMBER 3RD, 2015.

Commissioner Litzenberger: Second.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 85-C-088-10, DPA 85-C-088-08 and PRCA 85-C-088-03 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 THE MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE LOADING SPACE REQUIREMENTS TO THAT SHOWN ON THE DPA/PRCA PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by 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 lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO THAT SHOWN ON THE DPA/PRCA PLAN.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion was carried by a vote of 9-0. Commissioner Strandlie was not present for the vote. Commissioners Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

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PCA 2004-PR-044-02 - TYSONS CORNER PROPERTY HOLDINGS LLC, TYSONS CORNER HOLDINGS LLC, TYSONS CORNER RESIDENTIAL I LLC, TYSONS CORNER OFFICE I LLC, AND TYSONS CORNER HOTEL PLAZA LLC  
– Appl. to amend the proffers for RZ 2004-PR-044 previously approved for an urban, mixed use development at Tysons Corner Metrorail Station to permit associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.77. Located E. of International Dr., S. of Chain Bridge Rd., W. of Interstate 495, N. of Towers Crescent Dr. and Leesburg Pike, on approx. 77.66 ac. of land zoned PDC, SC, and HC. Comp. Plan Rec: Retail Mixed Use and Open Space. Tax Map 29-4 ((1)) 35A,

35C, 35D, 35E, and 35F; and 39-2 ((1)) 2, 4, and 5. (Concurrent with CDPA/FDPA 2004-PR-044.) PROVIDENCE DISTRICT.

CDPA/FDPA 2004-PR-044 - TYSONS CORNER PROPERTY HOLDINGS, LLC AND TYSONS CORNER HOLDINGS, LLC –  
Appls. to amend the conceptual and final development plans for RZ 2004-PR-044 to permit mixed use development and associated changes to development conditions. Located E. of International Dr., S. of Chain Bridge Rd., W. of Interstate 495, N. of Towers Crescent Dr. and Leesburg Pike, on approx. 10.09 ac. of land zoned PDC, SC, and HC. Tax Map 29-4 ((1)) 35A pt.; 39-2 ((1)) 2 pt., 4 pt., and 5 pt. (Concurrent with PCA 2004-PR-044-02.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Antonio Calabrese, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated August 14, 2015.

Commissioner Hart disclosed that the law firm of Hart and Horan, P.C. had an attorney-client relationship over two years ago with RTKL Associates, an architectural firm listed on the affidavit, and indicated that it would not affect his ability to participate in this hearing.

Suzanne Wright, 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 CDPA/FDPA 2004-PR-044 and PCA 2004-PR-044-02.

Commissioner Hart and Ms. Wright discussed some of the recent changes made to the proffers by the applicant, wherein Ms. Wright explained the following:

- Staff was satisfied with the commitment for products rather than a specific tenant regarding the grocery store;
- Staff wanted a commitment made by the applicant that the possible pedestrian bridge across International Drive would have a landing spot and not interfere with the current streetscape; and
- The applicant refined proffered conditions language under which a drive -n bank would be permitted; however, staff wanted it shown on the Final Development Plan for approval by the Planning Commission to show how it would impact circulation within the parking garage.

Referencing the right-of-way along Leesburg Pike, Commissioner Hart asked staff to clarify the difference between the 1.5 additional feet requested by the Fairfax County Department of Transportation (FCDOT) and the 5 additional feet requested by Virginia Department of Transportation (VDOT). Gregory Fuller, FCDOT, explained that FCDOT requested 1.5 feet per the Comprehensive Plan to accommodate the future widening of Route 7 to eight lanes. Mr. Fuller added that VDOT's request was for the applicant to provide 5 feet of right of way in the

interim period before the expansion of Route 7 for liability purposes. When Commissioner Hart asked if the proposed 1.5 feet would fully accommodate the right of way necessary for the future expansion, Mr. Fuller said yes.

Mr. Calabrese started his presentation by remarking on the successful completion of Phase I of the Tysons Corner project. He said that it had generated approximately \$50 million a year in retail sales which resulted in substantial taxes in four areas: Real Estate Property Tax, Commercial and Industrial (C&I) Tax District, Phase I Metrorail Tax District, and Tysons Service Tax District. He noted the positive impact of the Metro Silver Line which had doubled retail sales and brought in additional shoppers to Tysons Corner. He summarized the completion of Phase 1 Plaza, which was a 1.5 acre elevated plaza connected to metro via a covered walkway consisting of retail, restaurants, and outdoor activities.

Mr. Calabrese discussed the proposed changes before the Commission tonight to Phase 3 and 4, as depicted on page 4 of the staff report, noting the removal of one office building, the change of another office building to a residential use, and reallocation of the square footage associated with these phases. Mr. Calabrese addressed several issues, wherein he explained the following:

- The applicant would clarify the language in the proffers regarding the Leesburg Pike right-of-way dedication to make sure it was correct and was committed to providing the extra 1.5 feet requested by FCDOT;
- A more definitive commitment to the International Drive pedestrian bridge connection could not be made because the applicant was as yet unsure whether one was necessary, what it might cost, or when or if the surrounding area might be developed-. He noted the proffers committed the applicant to work in good faith with surrounding owners and DPZ to identify a potential landing site;
- The child care was proffered with Phase 2, for which development had been delayed until after Phase 3 and 4 were complete, as the applicant believed it would be the most feasible location to provide the required outdoor space. They agreed to meet market demand and provide for a maximum of 150 children total;
- There were a total of five existing and proposed grocery stores in the Tysons area; therefore, the applicant proffered that goods and services would be provided, along with household items;
- The applicant did not want to change the original proffer on the Affordably Priced Rental Units (APRUs) which required 9 percent of the total residential units to be APRUs. Mr. Calabrese cited the outcome during Phase 1, which resulted in all the units being rented, and noted that while the applicant was exempt from the Affordable Dwelling Unit Ordinance, it was important to offer the APRUs to the community;

- The police facilities had expanded from space for 3 officers to 11, including facilities for cleaning, furnishings, parking, and use of the County Community Room; and
- Regarding the possible Route 123 Superstreet contribution, Mr. Calabrese stated that the applicant, VDOT, and County staff were satisfied with the proffer commitment to road improvements in the Tysons area; therefore, he felt that no changes were necessary. He noted that the applicant would continue to coordinate with FCDOT on this matter as it progressed.

Commissioner Hart asked Mr. Calabrese to explain the drive-in bank issue. Mr. Calabrese said that the drive-in bank had not yet been fully designed, adding that there was no tenant. He added that the applicant tried to address staff's concerns about its potential impact by noting in the proffers that the bank would be internalized inside the parking garage and would not interrupt traffic.

Commissioner Hart discussed with Mr. Calabrese the location of the child care facility and play areas, which were scheduled to be constructed during the last phase of development, Phase 2. Mr. Calabrese noted that there was open space available in Phase 3 and a deck area in Phase 4; however, neither location would be feasible for a fenced-in play area. He noted the child care center had been proffered since 2007 and that the Phase 2 area would be the most appropriate location to place it.

Commissioner Hart announced he was going to defer the decision on this application for one week to allow staff to work out some of the language.

After comments from Commissioner Litzenberger, Mr. Calabrese agreed to discuss signage improvements and implementation for the High Occupancy Toll lanes with VDOT.

Commissioner Hedetniemi asked Mr. Calabrese to explain the method of mix regarding the APRUs. He noted that because affordable dwelling units were not required, the applicant had received many comments regarding the amount of rental units and percentage of Area Median Income (AMI). He added that after discussions with then-Chairman Connolly, Supervisor Smyth, and Supervisor Hudgins, along with County staff, it was decided that the right balance for that location would be 9 percent APRUs at 70 percent AMI.

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

Mark Zetts, 6640 Kirby Court, Falls Church, Virginia, representing McLean Citizens Association, spoke in support of the application, as depicted in the McLean Citizens Association Resolution, dated September 9, 2015, under the following conditions:

- Regarding the child care center, reinstate the minimum number of 100 children from the 2007 original proffer, which was removed for this application, and provide it prior to

Phase 3. If that could not be accommodated, then provide an interim place for the center until a final facility is built;

- Restore the original proffer language requiring a neighborhood serving grocery store;
- Noting that the crime rate had risen when the Metro was constructed, he said that the applicant should make a monetary contribution or provide temporary space for Fairfax County to establish an interim police facility in Tysons prior to the provision of the satellite police station; and
- Should the Route 123 Super Street Concept be approved by VDOT, the applicant should make a contribution toward the design and/or reconstruction of Route 123 along the segment adjacent to the Tyson Corner Center's main entrance.

When Chairman Murphy asked Mr. Zetts about the nature of the crime he had earlier mentioned, Mr. Zetts said there were reports of assault, burglary, destruction, stolen/recovered vehicles, and vehicle tampering. He pointed out that reports of vehicle tampering rose 90 percent. There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Calabrese, who stated that the establishment of the child care facility could be accelerated if there became a need for it earlier than planned provided a location could be identified. He stated that the applicant was attuned to the needs of its customers; therefore, if a grocery store became necessary it could also be provided.

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 Hart for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: Public hearing is closed; recognize Mr. Sargeant, please. I mean – I'm sorry, Mr. Hart.

Commissioner Hart: It's a good try, I guess.

Chairman Murphy: Did you see that? Wake up.

Commissioner Hart: Thank you Mr. Chairman. We need – we need a little more time on this. We are continuing to work with the County Attorney's Office on some of the wordsmithing and, therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 2004-PR-044-02 AND FDPA 2004-PR-044 TO A DATE

CERTAIN OF SEPTEMBER 24, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision on these applications to a date certain of September 24th 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 Flanagan and Lawrence were absent from the meeting.

*(End Verbatim Transcript)*

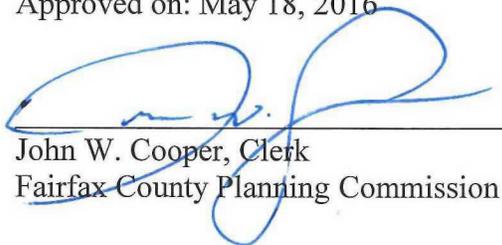
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The meeting was adjourned at 10:19 p.m.  
Peter F. Murphy, Chairman  
James R. Hart, Secretary

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: Teresa M. Wang

Approved on: May 18, 2016



John W. Cooper, Clerk  
Fairfax County Planning Commission