

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 14, 2015**

PRESENT: Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon 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: Peter F. Murphy, Springfield District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:19 p.m. by Vice Chairman Frank A. de la Fe in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Wednesday, October 21, 2015, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. .

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Commissioner Hart announced that the Commission's Land Use Review Committee had met earlier this evening for a presentation from staff and the County Attorney's Office regarding the Zoning Ordinance on Alternative Lending Institutions which was scheduled for public hearing on Wednesday, October 21, 2015.

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SE 2014-MV-058 – MORNING STAR DAY CARE (Decision Only) (The public hearing on this application was held on October 1, 2015.)

(Start Verbatim Transcript)

Commission Flanagan: Thank you Mr. Chairman. On October 1st of 2015, the Planning Commission held a public hearing to consider a special exception request to recommend approval of a Morning Star Child Care Center for 160 children on a local two lane street in a residential neighborhood that is zoned R2 and 3. After testimony recommending denial by the residential neighborhood, the Mount Vernon District Land Use Committee, the five existing day care centers on Richmond Highway and concerns of many Commissioners, the Commission deferred a decision until tonight. Today the applicant has requested an indefinite deferral in order to respond to the testimony and concerns. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION FOR SE 2014-MV-058 INDEFINITELY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Sargeant and Litzenberger: Second.

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

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

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

(End Verbatim Transcript)

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FS-P15-18 – CELLCO PARTNERSHIP D/B/A VERIZONE WIRELESS, 9121 Lee Highway

(Start Verbatim Transcript)

Commission Hart: With respect to FS-P15-18, Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY CELLCO PARTNERSHIP, DOING BUSINESS AS VERIZON WIRELESS, TO CONSTRUCT A SMALL CELL SITE TO INSTALL ONE PANEL ANTENNA CONCEALED IN AN VENT PIPE, LOCATED AT 9121 LEE HIGHWAY, FAIRFAX, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. THEREFORE, MR. CHAIRMAN, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, FS-P15-18, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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FS-P15-22 – T-MOBILE NORTHEAST, 2251 Pimmit Drive

(Start Verbatim Transcript)

Commission Hart: I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION FS-P15-22, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY T-MOBILE, LOCATED AT 2251 PIMMIT DRIVE, FALLS CHURCH, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A FEATURE SHOWN PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners Hedetniemi and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Sargeant. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. AR 90-D-003-03 – JOAN LEWIS JEWETT AND JEWETT FAMILY CORPORATION, INC.
2. SE 2015-SU-010 – CLAUDIO A. VARGAS
3. SEA 83-V-083 – SEJ ASSET MANAGEMENT AND INVESTMENT COMPANY
4. PCA/CDPA/FDPA 2006-SU-025-02 – REGENCY CENTERS ACQUISITION, LLC
5. RZ/FDP 2015-SU-002/PCA 86-S-071-04 – JLB REALTY, LLC

This agenda was accepted without objection.

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AR 90-D-003-03 - JOAN LEWIS JEWETT AND JEWETT FAMILY CORPORATION, INC. – A&F District Appl. Renewal authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 8700 Lewinsville Rd., McLean, 22102, on approx. 25.19 ac. of land zoned R-1. Please call the Zoning Evaluation Division at 703-324-1290 after October 14, 2015 to obtain the AFDAC and Planning Commission recommendations. Tax Map 29-1 ((1)) 71Z, 72 Z, 73Z, 74Z. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Ulfelder for action on this case.

(Start Verbatim Transcript)

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Vice Chairman de la Fe: I'll close the public hearing and move to your motion, thank you.

Commissioner Ulfelder: This property, this will be I think the fourth time that we are going to be approving this for the Jewett property. It is literally within a stone's throw of Tysons Corner. You could stand on their road frontage and probably hit a couple of large buildings in Tysons Corner. In that sense, it's very unusual to have a property of this size, and in an A&F District, and one that's been in that kind of a district for so long. And people love it and people are happy to see it, and a lot of people drive by it on Lewinsville Road every morning and every evening. With that being said Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 90-D-003-03 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE JEWETT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 30th, 2015, WHICH WERE CONTAINED IN THE STAFF REPORT.

Commissioner Migliaccio: Second.

Commissioner Ulfelder: Do we need to have them...

Vice Chairman de la Fe: I don't think they're in there.

Commissioner Ulfelder: I don't think we need to. So, if I move that –

Vice Chairman de la Fe: And if there are any, you know, development conditions, those are standards. Okay, Mr. Migliaccio seconded. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SE 2015-SU-010 – CLAUDIO A. VARGAS – Appl. Under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3930 Kernstown Ct., Fairfax, 22033, on approx. 2,370 sq. ft. of land zoned PDH-3, WS, and HC. Tax Map 45-1 ((8)) (16) 21. SULLY DISTRICT. PUBLIC HEARING

Claudio Vargas, Applicant/Title Owner, reaffirmed the affidavit dated March 21, 2015.

Commissioner Litzenberger asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Litzenberger for action on this case.

(Start Verbatim Transcript)

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Commissioner Litzenberger: Thank you, Mr. Chairman. Mr. Vargas, would you please come and confirm on the record, do you agree with the development conditions dated October 14, 2015?

Claudio Vargas, Applicant/Title Owner: Yes, I confirm.

Commissioner Litzenberger: Thank you, you may sit down.

Vice Chairman de la Fe: Thank you.

Commissioner Litzenberger: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISOR APPROVE SE 2015-SU-010, AS

SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED
OCTOBER 14TH, 2015.

Commissioners Flanagan and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioners Flanagan and Hedetniemi. Any
discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SEA 83-V-083 – SEJ ASSET MANAGEMENT AND INVESTMENT
COMPANY – Appl. under Sects. 4-804 and 9-625 of the Zoning Ordinance to
amend SE 83-V-083 previously approved for a service station and quick service
food store to permit modifications to site design and development conditions, and
to permit modifications to minimum yard requirements for certain existing
structures and uses. Located at 9402 Richmond Hwy., Lorton, 22079, on approx.
30,856 sq. ft. of land zoned C-8. Tax Map 107-4 ((1)) 22 and 23. MOUNT
VERNON DISTRICT. PUBLIC HEARING.

Karen L. Cohen, Esquire, Applicant's Agent, Vanderpool, Frostick & Nishanian, P.C.,
reaffirmed the affidavit dated September 4, 2015.

Nick Rogers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ),
presented the staff report, a copy of which is in the date file. He noted that staff recommended
approval of application SEA 83-V-083.

Commissioner Migliaccio noted the South County Federation's concern regarding the applicant
making its current access on Armistead Road a right-in only and asked Mr. Rogers asked if there
were any physical barriers to prevent vehicles, other than the tankers, from accessing the site
from Armistead. Mr. Rogers responded that there would be pavement markings only.
Commissioner Hurley asked Mr. Rogers to elaborate on how customers would access the gas
station. He explained that customers approaching from southbound on Richmond Highway
would use the existing access via a service drive on Richmond Highway. He added that
customers driving northbound on Richmond Highway would turn left onto Armistead Road and
then turn left onto an interparcel entrance shared by the applicant and the neighboring animal

hospital. He added that signage directing customers to the new access would be installed on Armistead Road.

Commissioner Hedetniemi asked Mr. Rogers how the animal hospital might benefit by allowing the interparcel access. Mr. Rogers responded, that while there was no benefit to the hospital, the approved site and special exception plans permitted interparcel access between the two properties.. Commissioner Hedetniemi expressed concern that the proposed access plan was unduly complicated.

Commissioner Ulfelder asked Mr. Rogers if the new curb addition (“curb return”) at the right-in only access was intended to prevent drivers from making right turns out of the site. Mr. Rogers said it was. When Commissioner Ulfelder asked if drivers could turn left into the site from Armistead Road, Mr. Rogers said yes, but deferred to Robert Pikora from the Fairfax County Department of Transportation (FCDOT), for a more detailed response. Mr. Pikora explained that staff had considered a turn diverter, which would limit left turns onto the site; however, the Virginia Department of Transportation (VDOT) wanted to retain the current 30-foot wide access to allow enough space for tanker trucks. He further noted that left turns onto the site via the proposed right-in only access point would likely be limited by vehicles attempting to exit; hence, drivers would enter the site through the animal hospital entrance.

Commissioner Hart asked Mr. Pikora how traffic conflicts would be avoided if left turns into the site from Armistead Road were still allowed. Mr. Pikora explained there would be signage at the driveway preventing vehicles from exiting onto Armistead Road, as well as signage directing customers to the interparcel connection between the subject site and the animal hospital. He also pointed out that traffic stopped at the light at the intersection of Richmond Highway and Armistead Road might block that entrance and force customers to drive farther to the animal hospital entrance.

Commissioner Hart referenced the adjacent Lot 24, which was currently undeveloped, and asked how future development on it would impact the subject site. Mr. Rogers explained that it was zoned for commercial use and said that its shallow dimensions would likely prevent large-scale development on the lot; therefore, any impacts or stresses to the subject site would be minimal.

Commissioner Sargeant noted the parking spaces in front of the animal hospital, which were located along the proposed interparcel access, and expressed concerned about possible traffic conflicts for drivers backing out into the travel lanes. He asked if the owners of the animal hospital had concurred with the interparcel access, given this potential conflict. Mr. Rogers said he had asked the applicant to contact their neighbors and deferred to the applicant for further comment.

-Commissioner Hedetniemi asked if the interparcel access was proposed simply because it was already in the Comprehensive Plan. Mr. Rogers explained that it was proposed in an effort to not only comply with county access management regulations, but also meet VDOT regulations. Commissioner Hedetniemi stated she was not likely to vote in favor of this application due to her concern over the lack of input from the owners of the animal hospital.

Commissioner Flanagan referred to Figure 3 on page 5 of the staff report and asked Mr. Rogers to explain the proposed interparcel access easement depicted in the picture. Mr. Rogers explained that the figure illustrated the connection of the interparcel access between the subject site Lot 24. In response to questions from Commissioner Flanagan, Mr. Rogers reiterated that there was an existing interparcel access between the subject site and the animal hospital which was used by customers from both properties.

Commissioner Flanagan and Mr. Pikora discussed the future widening of Richmond Highway and how it would affect the applicant's property, wherein Mr. Pikora explained that with the widening of Richmond Highway, the existing service drive in front of the application property would be removed, and the entrance nearest to it would likely be removed as well. The main entrance to the site would then be in front of the existing 7-Eleven. Then, as Parcel 24 developed, an interparcel connection would be made. He added that Lot 24 would be reduced as a result of the road widening and would not allow for a large development. Commissioner Flanagan pointed out that the interparcel access would be beneficial because it would remove traffic from Richmond Highway.

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Commissioner Strandlie echoed the concerns expressed by Commissioners Sargeant and Hedetniemi regarding the parking spaces in front of the animal hospital. She said that the possibility of accidents would increase due to the higher volume of traffic through the application site. Commissioner Strandlie also questioned whether the owners of the animal hospital were aware of the likelihood of increased traffic through their property. Mr. Rogers said that while traffic through the subject site would be incrementally increased due to the addition of fuel pumps, he did not agree that it would be a significant increase. However, he did agree with her in regard to concerns about drivers trying to exit the animal hospital property through the interparcel access and reiterated his earlier explanation regarding the restrictions by VDOT.

Commissioner Hart pointed out that existing customers wishing to exit onto Armistead Road could do so from the applicant's side entrance. He pointed out, however, that if this application were approved, those customers would be required to cross over onto the animal hospital's site and pass those parking spaces, thereby significantly increasing the traffic. Mr. Rogers noted that, if approved, customers would have the option to exit from both Richmond Highway and Armistead Road. Commissioner Hart pointed out that the special exception plat depicted the applicant's entrance to Armistead Road as a right-in only access and asked if that was appropriate since there would be no traffic barrier preventing vehicles from using it in other ways. Mr. Rogers said the applicant would restrict access by using signage, striping, and additional curbing; however, he agreed that it was possible for vehicles to ignore the restrictions and use the entrance in unintended ways. Commissioner Hart questioned if it might cause a conflict during site plan review, since vehicles could ignore the restrictions and continue to access the site.

Commissioner Ulfelder stated that the retention of the site's entrance to accommodate the tanker trucks would also allow its continued use by other vehicles. .

After further discussion with Commissioner Hedetniemi about the possibilities of other trucks using the interparcel access inappropriately, Mr. Rogers acknowledged the Commissioners' concerns over the proposed interparcel access and said he would provide the applicant with any guidance they suggested for changes to the special exception plat.

Ms. Cohen started her presentation by reiterating the VDOT restrictions on the Armistead Road entrance and the applicant's compliance, which resulted in the proposed interparcel access. She noted that the interparcel access lanes between the applicant's property and the animal hospital were currently being used by some customers. Ms. Cohen said the applicant would be willing to block the access if it caused any issues and redirect traffic to the Richmond Highway exit. She also noted that an engineer from Wells and Associates would be conducting a traffic count on Armistead Road on Thursday, October 15, 2015, and said that the applicant might get an exception for an established driveway, which would nullify the need for the interparcel access. In closing, Ms. Cohen said the applicant was committed to working with staff, the Commission, and VDOT to create a safe access point.

Commissioner Hart asked Ms. Cohen if she had spoken to the owners of the animal hospital. He also asked her if they were aware that all of the exiting Armistead Road traffic would be directed in front of those parking spaces. She said the applicant had not made contact with anyone from the animal hospital, except for the required public hearing notifications. In addition, she said that the travel lanes in front of the spaces had been in use since the 1980's and was not aware of any issues. Commissioner Hart said that the existing situation was more desirable, as opposed to the proposed redirection of outgoing traffic through the animal hospital property. He noted his concern that the hospital owners were unaware of the ramifications from increased traffic.

Commissioner Flanagan agreed with Commissioner Hart and cited a similar example in the Mount Vernon District. He noted that the subject application was a local gas station and, since customers had been using the Armistead Road access without restriction for years, they were likely to continue to do so after the new restrictions were imposed. Ms. Cohen said the applicant would agree to a condition stating that if the restrictions were not needed, the Armistead Road entrance would remain unchanged or, if they were required, the applicant would work with the neighbors for an agreeable solution.

Commissioner Hart pointed out that since Wells & Associates would be visiting the site on Friday, the access merited more discussion. Mr. Rogers pointed out that the Board of Supervisors had approved expedited processing of this case and, therefore, the item was on the Board's agenda for its meeting on Tuesday, October 20, 2015.

Commissioner Sargeant echoed Commissioner Hart's earlier comments regarding the increased traffic through the animal hospital, and said that since the application would directly affect that site, the owners should be contacted to make sure that they were aware and determine if they had any concerns regarding the proposed changes.

Commissioner Migliaccio asked Mr. Rogers if there would be a conflict with the county's Sign Ordinance when trying to direct traffic to the proposed interparcel access. He referred to the requirement that specified that signs be on the applicant's property and not on the animal hospital property. Mr. Rogers said he could not answer the question without further review of the Ordinance.

Vice Chairman de la Fe called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Commissioner Flanagan requested that the South County Federation Resolution be made a part of the record and noted their approval, based on the applicant's agreement to address their concerns as outlined. He asked Mr. Rogers if staff agreed with these conditions. Mr. Rogers explained that staff would draft additional development conditions to incorporate their concerns, with the exception of bullet four, Defective Concrete, due to staff's concern over who would determine what "Defective" was and its enforceability. He said he would work with the applicant over the next few days to address and refine the conditions further prior to their next scheduled hearing, noting the applicant's willingness to address all concerns.

Commissioner Hedetniemi asked if the applicant would be willing to meet with representatives from the veterinary hospital for input regarding this application. Ms. Cohen agreed to the request and offered to add development conditions to address different possible scenarios, as stated in her presentation, regarding the interparcel access.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Flanagan for action on this case.

Prior to going on verbatim, Commissioner Flanagan said he would request a deferral so he could contact the owners of the veterinary hospital to discuss issues raised by the Commission.

(Start Verbatim Transcript)

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Commissioner Flanagan: With that I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT FOR SEA 83-V-083, TO A DATE CERTAIN OF OCTOBER 15, 2015.

Commissioners Litzenberger and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioner Litzenberger and Commissioner Sargeant. All those in *inaudible*— all those in favor please signify by saying aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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PCA/CDPA/FDPA 2006-SU-025-02 - REGENCY CENTERS ACQUISITION, LLC – Appls. to amend the proffers, conceptual and final development plans for RZ 2006-SU-025 approved for a mixed-use development to permit approx. 186,000 sq. ft. of retail/commercial uses and associated modifications to proffer and site design with an overall Floor Area Ratio (FAR) of 0.20. Located on the N.E. quadrant of the intersection of Newbrook Dr., Park Meadow Dr., and Westfields Blvd., approx. 1,250 ft. E. of Sully Rd., on approx. 20.97 ac. of land zoned PDC, WS. Comp. Plan Rec: Mixed-Use. Tax Map 44-1 ((1)) 6pt. SULLY DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, Applicant's Agent, Hunton and Williams LLP, reaffirmed the affidavit dated September 10, 2015.

There were no disclosures by Commission members.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA/CDPA/FDPA 2006-SU-025-02.

Commissioner Hedetniemi asked Mr. Gorney to elaborate on the pedestrian pathways. He explained that there would be two major pedestrian pathways that would go north to south through the parking lot to get from the larger building with the grocery establishment over to the cluster of five smaller plaza buildings. Mr. Gorney said another smaller pathway going east to west was created for pedestrians to safely navigate through the parking lots between the five buildings. He added that there would be a pedestrian pathway around the periphery of the site. In addition, Mr. Gorney noted that the applicant had committed to amenities that required plantings, curb stops, and landscaping along those pathways.

Commissioner Hurley asked if the pedestrian pathways could also be used by motorists or would they be blocked from vehicle access. Mr. Gorney said vehicles could only access the paths at designated areas marked as crosswalks for the pedestrians.

Mr. McDermott started his presentation by stating that the subject property was rezoned in 1985 but had never been developed. He referred to a recent adoption of Plan Amendment 2015-III-DS1 by the Board on September 22, 2015, which encouraged a well-designed retail development

with a restaurant and grocery to create a more vibrant mix of uses for the area. He added that Regency Centers had 321 centers throughout the country with a 95.7 percent lease rate and referred to an economic benefit analysis that the applicant had done, which showed a possible \$3.5 million in taxes generated per year for the county after completion of this development. He noted that the Fairfax County Department of Transportation (FCDOT) had no objections to this application. In closing, Mr. McDermott stated that this type of mixed use development would meet the purpose and intent of the Comprehensive Plan and the Planned Development Commercial (PDC) District.

In response to questions from Commissioner Litzenberger, Mr. McDermott said the proposed road improvements would cost about \$5 million and improve traffic conditions in the immediate area, based on their Transportation Impact Analysis (TIA) report. Beth Iannetta, FCDOT, agreed that with the completion of this development, along with other recently approved applications nearby, traffic would be improved.

Commissioner Litzenberger made note of the applicant's effort to meet with several groups in the Sully District area regarding this application. Mr. McDermott concurred and stated that during the review process they had met several times with the Western Fairfax Community Association, Sully District Council, Supervisor Frey, and county staff.

Commissioner Hart asked Mr. McDermott to explain the applicant's TIA report. He explained that the Comprehensive Plan recommends 750 trips generated for a grocery store use and the applicant's report showed 768 trips generated; however, they further analyzed those vehicles that would already be on the road for other reasons and also stop by the grocery store which was 670 out of the 768 trips. He noted this was done during the peak evening traffic hour.

In response to a question from Commissioner Hart, Mr. McDermott agreed to address the issue of payday and car title loan businesses with the applicant and consider adding them to the prohibited uses in the proffer conditions prior to the Board hearing.

During a discussion between Commissioner Hart, Mr. McDermott and Mr. Gorney regarding the purpose of the language used in Exhibit A, Grocery Store Green Building Element Checklist, Number 11, the following items were explained to the Commission:

- The language used was prepared by DPZ staff to assure the applicant that the reports given to them would be used solely for analysis of green building elements; and
- Staff was aware of similar commitments from one other grocery store application and would determine whether that store was currently being monitored for green building benefits by DPZ staff.

Following up on Commissioner Hart's discussion, Commissioner Ulfelder also questioned the reason for the use of that language and why it was structured accordingly. Mr. McDermott noted that the Regency Center Vice President of LEED Certification and a Wegman's LEED Specialist had thoroughly examined the document and given their approval.

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

(Start Verbatim Transcript)

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Vice Chairman de la Fe: The public hearing is closed. This is in the Sully District. Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Mr. McDermott, Ms. Yantis, Ms. Abrahamson, and Mr. Gorney for their fine staff work on this project. It was a complicated one and we're under a bit of a time constraint with the end of the year approaching rapidly so, therefore Mr. Chairman, I move the planning commission recommend to the board of supervisors the following – oh and first, I forgot Mr. Chairman I request the applicant to confirm for the record their agreement to development conditions dated September 30, 2015 and the proffers dated October 5th, 2015.

Francis McDermott, Applicant's Agent, Hunton & Williams LLP: We do.

Commissioner Litzenberger: Thank you. Mr. Chairman I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING:

- APPROVAL OF PCA 2006-SU-025-02, SUBJECT TO THE EXECUTION OF THE PROFFERS, CONSISTENT WITH THOSE DATED OCTOBER 5TH, 2015;
- APPROVAL OF CDPA 2006-SU-025; AND
- APPROVAL OF A DEVIATION TO THE TREE PRESERVATION TARGET, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none for these three motions, all those in favor please signify your vote in favor.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Litzenberger: One more motion: I FURTHER MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2006-SU-025-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 30TH, 2015, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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RZ/FDP 2015-SU-002 - JLB REALTY, LLC – Appls. to rezone from PDC, HC, WS, and SC to PRM, HC, WS, and SC to permit residential use with an overall density of 50.1 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located N. of Lee Hwy., on the S. side of Trinity Pkwy., on approx. 7.08 ac. of land. Comp. Plan Rec: Mixed-Use. Tax Map 54-4 ((15)) 12A. Also, under the Board's Consideration will be the applicant's Water Quality Impact Assessment Request # 7265-WQ-001-1 and a Resource Protection Area Encroachment Exception Request # 7265-WRPA-002-1 under Section 118-6-9 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit encroachment within a Resource Protection Area (RPA) for the purpose of constructing publically accessible amenities. (Concurrent with PCA 86-S-071-04.) SULLY DISTRICT.

PCA 86-S-071-04 - JLB REALTY, LLC – Appl. to amend the proffers for RZ 86-S-071 previously approved for Mixed-Use development to permit deletion of 7.08 ac. of land area to be included in the concurrent RZ/FDP 2015-SU-002. Located N. of Lee Hwy., on the S. side of Trinity Pkwy., on approx. 7.08 ac. of land zoned PDC, SC, WS, and HC. Comp. Plan Rec: Mixed-Use. Tax Map 54-4 ((15)) 12A. (Concurrent with RZ/FDP 2015-SU-002.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Mark Looney, Esquire, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated September 10, 2015.

There were no disclosures by Commission members.

Michael Lynskey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2015-SU-002 and PCA 86-S-071-04.

During a brief discussion between Commissioner Litzenberger, Mr. Lynskey, and Kris Abrahamson, ZED, DPZ, it was revealed that:

- Some outstanding improvements remained to be made on Trinity Parkway as a result of the original developer having defaulted on its loans prior to completion.
- The original total cost for the roadway was approximately \$1.1 million; there was now \$800,000 remaining in the bond fund to complete the road to Virginia Department of Transportation (VDOT) standards.
- The applicant had proffered \$250,000 for transportation improvements and was responsible only for those areas for which it was responsible. The county would provide the remaining funding.

Commissioners Hedetniemi asked staff how the Affordable Dwelling Units (ADUs) and Workforce Dwelling Units (WDUs) would be distributed throughout the development. Ms. Abrahamson explained that because the proposed development consisted of one large building they would all be located within and deferred to Mr. Looney for further elaboration.

Mr. Looney provided a brief history of Trinity Park, noting that the original rezoning was in 1987 and the parkway was built shortly thereafter; however, it was never accepted by VDOT into the state maintained road system because it failed to meet the required standards. He added that the maintenance of Trinity Parkway had fallen under the homeowners' association responsibility, which had performed minor repairs over the years. He said that because VDOT's standards had since changed and the parkway had suffered from wear and tear, many upgrades were needed to meet the current standards. He also noted that after several meetings with staff members from the Fairfax County Department of Public Works and Environmental Services, Department of Transportation, and VDOT, it was agreed that the applicant should pay for their share of the road improvements and stormwater management, which was determined to be 14 percent of the total cost which would amount to \$250,000. Mr. Looney explained that because this development was expected to be a rental project the applicant was requesting the flexibility to not designate specific units as ADUs or WDUs but be able to move qualified renters into any available unit that would suit their needs; therefore, the units would be scattered throughout the building. In closing, Mr. Looney stated that repurposing the office building for residential use would provide a better mix to the area.

Referencing Proffer Number 31, Centreville Historic District Contribution, of the Revised Proffers dated October 14, 2015, Commissioner Litzenberger noted that prior to the plan amendment for this area, the contribution had been \$50,000, and asked why it was reduced to

\$20,000. Mr. Looney explained that while he was at the meetings attended by Commissioner Litzenberger and Supervisor Frey where the Historic district contributions were discussed, he did not recall a specific contribution commitment amount. He added that he would gladly meet with them prior to the Board of Supervisors' hearing to discuss it further. (A copy of the Proffer Statement is in the date file.)

Commissioner Migliaccio commended the applicant's five year proffer commitment to the WDUs and asked how they had decided upon this proposal. Mr. Looney said the applicant had previously worked with Commissioner Ulfelder regarding a similar project in Herndon and subsequently decided to apply the same commitment to this development.

Commissioner Hart referenced Proffer Number 31 and said that the language was vague with regard to where the contribution funds would go. Ms. Abrahamson said staff would work with the District Supervisor to determine who it would go to. Additionally, she said the language would be clarified. Referencing Proffer 32, Trinity Parkway Contribution, Commissioner Hart asked Mr. Looney for clarification. Mr. Looney explained that the proffer had been added this morning and, while some county staff members had the opportunity to review the language, DPWES staff had not. He said that DPWES would review it tomorrow and any changes requested by them would be included in the final report prior to the Board of Supervisors hearing.

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

(Start Verbatim Transcript)

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Vice Chairman de la Fe: The public hearing is closed. This is in the Sully District. Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Mr. McDermott, Ms. Yantis, Ms. Abrahamson, and Mr. Gorney for their fine staff work on this project. It was a complicated one and we're under a bit of a time constraint with the end of the year approaching rapidly so, therefore Mr. Chairman, I move the planning commission recommend to the board of supervisors the following – oh and first, I forgot Mr. Chairman I request the applicant to confirm for the record their agreement to development conditions dated September 30, 2015 and the proffers dated October 5th, 2015.

Francis McDermott, Applicant's Agent, Hunton & Williams LLP: We do.

Commissioner Litzenberger: Thank you. Mr. Chairman I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING:

- APPROVAL OF PCA 2006-SU-025-02, SUBJECT TO THE EXECUTION OF THE PROFFERS, CONSISTENT WITH THOSE DATED OCTOBER 5TH, 2015;
- APPROVAL OF CDPA 2006-SU-025; AND
- APPROVAL OF A DEVIATION TO THE TREE PRESERVATION TARGET, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none for these three motions, all those in favor please signify your vote in favor.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Litzenberger: One more motion: I FURTHER MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2006-SU-025-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED SEPTEMBER 30TH, 2015, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Flanagan: Second.

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

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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The meeting was adjourned at 10:30 p.m.

Peter F Murphy, Chairman

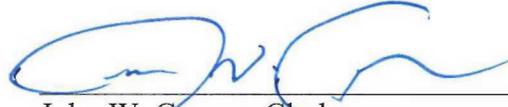
James R. Hart, Secretary

CLOSING

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