

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, MAY 25, 2016**

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

ABSENT: Earl L. Flanagan, Mount Vernon District

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The meeting was called to order at 8:19 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

Commissioner Sargeant announced that the Planning Commission's Schools Committee had met earlier this evening to discuss proposed draft text for the Policy Plan for school facilities utilizing vertical design concepts. He then stated that the Schools Committee's next meeting was scheduled for June 15, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. He added that the meeting was open to the public.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on May 26, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. He added that the meeting was open to the public.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on June 16, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Chairman Murphy stated that, after consultation with staff, additional time was necessary for the decision only on the Fairfax Forward 2016 Process Evaluation to review the feedback provided by the community and the Commissioner; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THE FAIRFAX FORWARD 2016 PROCESS EVALUATION TO AN INDEFINITE DATE AND THAT AN INTERMEDIATE REPORT ON THIS ITEM BE PROVIDED TO THE PLANNING COMMISSION'S LAND USE REVIEW COMMITTEE ON SEPTEMBER 15, 2016.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ 2015-DR-009, GULICK GROUP, INC., TO A DATE CERTAIN OF JUNE 16, 2016.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

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PCA 2002-HM-043-02/CDPA 2002-HM-043/FDPA 2002-HM-043-03 – ARROWBROOK CENTRE, LLC (Dranesville District) (Decisions Only) (The public hearing on these applications was held on May 18, 2016.)

*(Start Verbatim Transcript)*

Commissioner Ulfelder: The second matter is a decision only tonight in the – in a combined PCA 2002 – well, it's the Arrowbrook Center and I'll get into the details. So I have a couple of motions to get that out of the way as well and so that the folks who are here from Arrowbrook would not have to hang around during our executive session. I appreciate that, Mr. Chairman. Would you please ask the applicant to come forward, Mr. Chairman?

Chairman Murphy: Could you please come forward and identify yourself for the record?

Jeffrey Fairfield, Applicant/Title Owner: Good evening, Mr. Chairman and members of the Commission. My name is Jeffrey Fairfield. I'm co-manager of Arrowbrook Center, LLC, the applicant.

Chairman Murphy: Okay, thank you very much. Mr. Ulfelder?

Commissioner Ulfelder: Mr. Fairfield, do you confirm for the record that the proposed Final Development Plan Amendment development conditions dated May 4th, 2016, are acceptable?

Mr. Fairfield: I do. Yes, sir.

Commissioner Ulfelder: Okay. Thank you.

Mr. Fairfield: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman, I move that the Planning Commission recommend that the Board of Supervisors approve – oh, well let me – let me back up for a second. The issue that came up during the public hearing a week ago involved questions about the size of the garages and the ability of people to park vehicles in the garage. During the week, we have revised the proffer involving the garages and the idea is to notify the potential buyers of the townhomes that what the garage sizes are, with the recommendation that they maybe want to check the size – based on what their – the size of the vehicles that they happen to own. And these are for both the single and the two-car garages in the – in that portion of the proposed development. So I believe that the new language would be an – would be adequate notice for people who will be buying these units. And so with that, I'm going to go ahead and move that we move forward with this application. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2002-HM-043-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 23RD, 2016, which you all should've received.

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 the recommend to the Board of Supervisors that it approve PCA 2002-HM-043 [sic], say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE CDPA 2002-HM-043.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve CDPA 2002-HM-043, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2002-HM-043-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 4TH, 2016, AND TO THE BOARD'S APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion? All those in favor of the motion to approve FDPA 2002-HM-043-03, subject to the Board's approval of the CDPA and the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: One more. You all, I think, have received copies of the waivers and modifications listing dated May 25th, 2016. And rather than go through the list of the individual waivers and modifications, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DISCUSSED IN THE STAFF REPORT. A SUMMARY LIST OF THESE MODIFICATIONS AND WAIVERS DATED MAY 25TH, 2016 WAS PROVIDED TO YOU TODAY AND WILL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner de la Fe: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: That's it. Thank you.

Chairman Murphy: Thank you.

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

*(End Verbatim Transcript)*

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION WITH AN ATTORNEY FROM THE COUNTY ATTORNEY'S OFFICE TO DISCUSS SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE, AND SPECIFICALLY RELATING TO HOUSE BILL 883 FROM THE 2016 GENERAL ASSEMBLY SESSION, WHICH AMENDS *VIRGINIA CODE* SECTION 15.2-2232 TO LIMIT THE CIRCUMSTANCES IN WHICH PLANNING COMMISSION REVIEW IS REQUIRED FOR TELECOMMUNICATIONS TOWERS, ALL AS PERMITTED BY *VIRGINIA CODE* SECTION 2.2-3711(7).

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

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Upon returning from closed session, Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

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#### ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2010-PR-014-02 – CH REALTY VI-GREY STAR MF, TYSONS ELAN LLC
2. PA 2016-I-A1 – COMPREHENSIVE PLAN AMENDMENT (HERITAGE MALL)  
(Braddock District)
3. ZONING ORDINANCE AMENDMENT (PDC/PRM INCREASE IN FAR)  
(Countywide)

This order was accepted without objection.

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CSP 2010-PR-014-02 – CH REALTY VI-GREY STAR MF, TYSONS ELAN LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2010-PR-014. Located in the S.E. quadrant of the intersection of Tyco Rd. (Rt. 3888) and Boyd Pointe Way, on approx. 1.58 ac. of land zoned PTC, SC, and HC. Tax Map 29-3 ((32)) 2A and 3. PROVIDENCE DISTRICT. PUBLIC HEARING.

Commissioner Lawrence asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. This is a very straightforward example of a Tysons Comprehensive Sign Plan and in the interest of time, I thought I would proceed immediately to the motion tonight. Staff has no issues with this proposal and neither have I. I do need the applicant's representative.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. I'm Elizabeth Baker with Walsh, Colucci representing the applicant.

Commissioner Lawrence: Ms. Baker, will you confirm that your client agrees to the proposed development conditions for this plan?

Ms. Baker: That is correct.

Commissioner Lawrence: Thank you very much.

Ms. Baker: Thank you.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2010-PR-014-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED AND DISTRIBUTED MAY 18TH, 2016.

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 approve CSP 2010-PR-014-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

(The motion carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.)

*(End Verbatim Transcript)*

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PA 2016-I-A1 – COMPREHENSIVE PLAN AMENDMENT  
(HERITAGE MALL) – 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 approx. 11 ac. generally located at 7857 Heritage Drive, Annandale, on the west side of Heritage Drive between Commons Drive and Rectory Lane (Tax Map Parcels: 70-2((1))1D1, 2A and 2C). The area is planned for a neighborhood and community

serving retail center which includes an office component, with an option for mixed use up to 0.70 FAR with retail, office and residential uses. The Amendment will consider the development of the western portion of the site with 68 single-family attached dwellings and associated residential amenities, as well as the development of a community center on the property, improved pedestrian connectivity, and additional enhancements to the shopping center parking lot and plaza areas. Recommendations relating to the transportation network may also be modified.  
BRADDOCK DISTRICT. PUBLIC HEARING.

Michael Van Atta, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of PA 2016-I-A1.

Commissioner Hart stated that the western portion of the subject property could accommodate a townhouse development. He then noted that the transportation section of the staff report indicated that the parking provisions for the existing commercial development on the site was sufficient, but these provisions could be reconfigured in conjunction with a subsequent redevelopment. Commissioner Hart said that he did not object to such a reconfiguration, but pointed out that the proposed Plan text articulated in Option 1 on Pages 13 and 14 of the staff report did not sufficiently outline this process. He then asked whether it was necessary to incorporate this parking reconfiguration into Option 1, expressing concern that a future applicant would not sufficiently address the parking provisions for the site.

Mr. Van Atta explained that staff had coordinated with the community to discuss outstanding parking issues for the existing development on the site, noting this site had been subject to overflow parking from nearby areas. He then indicated that this issue would be addressed during the rezoning phase for a redevelopment of the site, adding that such a development would be required to comply with the parking requirements prescribed by the Zoning Ordinance. A discussion ensued between Commissioner Hart and Leanna O'Donnell, Planning Division, DPZ, regarding the possibility that an applicant would only develop certain portions of the site and not address outstanding parking issues on the overall site wherein Ms. O'Donnell indicated that an applicant would be required to assess the impact of a redevelopment on the entire subject property and there would be opportunities to address these parking issues during the review process.

There being no listed speakers, Chairman Murphy called for speakers from the audience.

Elizabeth Baker, 2200 Clarendon Boulevard, Suite 1300, representing Walsh, Colucci, Lubeley & Walsh, PC, stated that she was speaking on behalf of the current title owner of the subject property and the contract purchaser of the portion of the site that was planned for redevelopment. She stated that her firm had been coordinating with staff, Braddock District Supervisor John Cook, and Commissioner Hurley on this Amendment and indicated that she supported its adoption. Ms. Baker explained that a previously-approved Area Plans Review application from 2006 had amended the Comprehensive Plan to permit an option for a mixed-use development on

the site that included up to 200 multi-family dwelling units, but such a development was determined to be unfeasible. She then indicated that the development recommended in the proposed Plan text, which included a townhouse development on the western portion of the site, was more feasible than the previously-approved option. Ms. Baker addressed Commissioner Hart's concerns regarding outstanding parking issues associated with the existing commercial development on the site, stating that this issue would be addressed during the rezoning process and this process included the evaluation of the parking provisions for the entire site. In addition, she stated that she favored implementing the modifications to the proposed Amendment prescribed by the Braddock District Land Use Committee, adding that Commissioner Hurley had been informed of these modifications.

When Commissioner Hurley asked Ms. Baker whether she had reviewed the proposed modifications depicted in the handout dated May 25, 2016, that had been distributed to the Commission prior to the public hearing, she indicated she had reviewed these modifications. A discussion ensued between Commissioner Hurley and Ms. Baker regarding subsequent changes to the text articulated in this handout wherein Ms. Baker suggested removing the phrase, "to allow for additional residential uses," from the first sentence of the first paragraph because this phrase was unnecessary. (A copy of this handout is in the date file.)

Jon Clark, 7227 Auburn Street, Annandale, spoke in opposition to the proposed Amendment due to concerns about the impact the recommended development would incur on the surrounding community. He pointed out that the impact of development on this site would disproportionately impact communities in the Mason District due to the location of the subject property and its proximity to I-495. In addition, he said that the density articulated in the Plan did not reflect the character of the development in the surrounding neighborhood. Mr. Clark also asked for additional information about the purpose of the proposed Amendment and the potential by-right development that would be permitted on the site.

Addressing Mr. Clark's concerns, Mr. Van Atta explained that under the existing zoning of the subject property, the only development permitted by-right was commercial. He then echoed remarks from Ms. Baker regarding the unfeasibility of the existing option in the Comprehensive Plan for a mixed-use development, stating that the Plan Amendment was intended to permit a more feasible development. In addition, Commissioner Hurley pointed out that the option for a mixed-use development articulated in the proposed Amendment was at a lower density compared to the existing option depicted in the Plan. A discussion ensued between Commissioner Hurley and Mr. Clark regarding the scope of the proposed Amendment, the manner in which the site could be developed by-right, the ability for an applicant to pursue a mixed-use development under the existing Plan text, and the character of the recommended mixed-use development articulated in the proposed Amendment wherein Commissioner Hurley indicated that a rezoning was required for a mixed-use development on this site.

There being no more speakers, Chairman Murphy called for closing remarks from Mr. Van Atta, who declined. 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 Hurley for action on this case.



*(Start Verbatim Transcript)*

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Chairman Murphy: Public hearing is closed. Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. As we just mentioned, the Amendment would modify the Plan language to reduce to the allowable FAR and reduce from about 200 possible dwelling units to down to only about 68. And these would be single-family attached dwelling units and with the associated residential amenities on the western half of the site, as well as the community center on the property, improved connectivity for pedestrians, and additional enhancements to the shopping center and lot and plaza areas. The language distributed this evening with my motion dated 25, May, 2016 includes changes to the staff recommendation that reflect additional input from the Braddock Land Use and Environment Committee, who unanimously endorsed this Comprehensive Plan Amendment as revised. At the main change – that you'll see is that Option 2, which would have left that 200 unit option, is completely gone now. That was very important to the community. My proposed changes are noted in the bold italics so therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR PA 2016-I-A1, AS SHOWN ON TONIGHT'S HANDOUT DATED 25, MAY, 2016.

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 this Plan Amendment, PA 2016-I-A1, as articulated by Ms. Hurley tonight, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

(The motion carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.)

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT (PDC/PRM INCREASE IN FAR) – To consider proposed revisions to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

(1) In the Planned Development Commercial (PDC) District, delete the maximum Floor Area Ratio (FAR) of 1.5 and the enumerated criteria for increases up to a maximum 2.5 FAR, and establish a maximum 2.5 FAR, except that in the PDC District and

the Planned Residential Mixed Use (PRM) District, OPTION 1 - permit up to a maximum 5.0 FAR when the property is located in a Transit Station Area (TSA), Commercial Revitalization District (CRD) or Community Business Center (CBC) [map of areas included in staff report] when in furtherance of the purpose and intent of the district and the comprehensive plan OR OPTION 2 - permit up to a maximum 5.0 FAR for property located in a TSA and up to a maximum 4.0 FAR for property located in a CRD or CBC, and in both cases when in furtherance of the purpose and intent of the district and the comprehensive plan.

(2) In the PDC and PRM Districts, add commercial recreation restaurants as a secondary use and allow vehicle sales and ancillary service establishments as a secondary use (in addition to vehicle rental, currently permitted), limited to indoor facilities only with no outside display or storage of vehicles and only when shown on an approved final development plan. In the PDC District, delete pre-construction Health Department review of kennels and veterinary hospitals, allow fast food restaurants with no drive-through facilities to locate in a residential building subject to final development plan approval; as an OPTION for consideration, increase the amount of gross floor area (GFA) for all secondary uses other than dwellings from 25% of the principal uses to 50% and eliminate the provision limiting fast food restaurants to 15% of GFA of the structure in which located; and change the references to "housing for the elderly" to independent living facilities and medical care facilities, limited to assisted living facilities and/or nursing facilities. In the PRM District, add kennels and veterinary hospitals as secondary uses, limited to indoor facilities only.

(3) Require the inclusion of cellar space in the calculation of GFA (thus, in the calculation of FAR) for any rezoning to the PDC or PRM Districts approved after the date of this amendment and clarify the exclusions from GFA for cellar space used for loading, storage and other uses that are accessory to the principal use of the building, mechanical equipment and an unmanned datacenter or other similar telecommunications or electronic equipment. In the Planned Development Tysons Corner Urban District (PTC), clarify the exclusion of cellar space used for loading or unmanned telecommunication, mechanical or electronic equipment.

(4) Clarify that the Board may approve parking reduction and/or parking relocation requests in the PDC and PRM Districts, pursuant to Article 11, as part of a rezoning or special exception application; clarify the current provisions of Article 11 for Board approval of parking reductions based on proximity to alternative means of public transportation, including a mass transit station, a designated TSA, a transportation facility (streetcar, bus rapid transit or express bus service) or a high frequency served bus stop; require that determinations regarding completion timeframe for a

mass transit station or transportation facility include the funding status for the transportation project; clarify the Board's authority to approve a parking reduction in conjunction with a rezoning to the PDC or PRM District in a CRD for mixed use developments that include residential and non-residential uses; allow the Board, in conjunction with a rezoning or special exception, or the Director, in conjunction with a site plan, to approve, with appropriate time limitations, a temporary reduction and/or relocation of the minimum required off-street parking for redevelopment of an existing property that includes the retention of some uses/structures and the elimination of some on-site parking, subject to demonstration by the applicant that adequate measures will be taken to ensure the continuation of safe and adequate utilization of the property; and require that a substantial portion of parking in the PDC District should be in above and/or below grade parking structures.

(5) In the PRM District, modify the Purpose and Intent section to include CBCs, Commercial Revitalization Areas (CRAs) and CRDs as appropriate locations for the district, to encourage the use of Transportation Demand Management (TDM) and to further the implementation of the comprehensive plan and require that not more than half of the minimum required open space shall be permitted above street level, unless modified by the Board.

(6) For commercial recreation restaurants, eliminate the additional standard that requires any person under 18 years of age to be accompanied by a parent or guardian.

(7) Allow the Board to modify the minimum sight distance requirements on a corner lot in conjunction with a rezoning or special exception upon a clear demonstration that such reduction maintains safe and adequate vehicular/pedestrian movements at the intersection.

(8) Allow the Board, in conjunction with a rezoning or special exception, or the Director, in conjunction with a site plan, to modify the transitional screening and barrier requirements along the Dulles International Airport Access Highway and the Dulles Toll Road.

9) In the PDC District, modify the Purpose and Intent section to accommodate high density land uses when consistent with the comprehensive plan, to insure high standards in the mix of uses, to include unique design elements and amenities, to encourage lot consolidation and use of TDM techniques. Revise the minimum district size provisions of the PDC District to add CRAs and TSAs for determining when land may be classified to the PDC District.

(10) Specify that bulk regulations and landscaping and screening provisions of the conventional district that most closely characterizes the particular type of development under consideration shall have general applicability in a PRM and PDC

District that is located in a TSA, CRD, CBC or CRA and only at the periphery of such TSA, CRD, CBC or CRA.

(11) Clarify the provisions regarding reductions of yards in TSAs, CBCs and CRAs to specify that yards and other distances from lot lines may be reduced by the Board in conjunction with a rezoning or special exception or by the Director in conjunction with a site plan, in accordance with the specified yard/distance recommended in the adopted comprehensive plan for the area.

(12) In Article 16, Development Plans, the Board can authorize a “variance” of the strict application of the strict application of specific zoning district regulations, except for maximum density or FAR provisions. The term “variance” is more typically related to an action taken by the Board of Zoning Appeals. To alleviate confusion, the amendment will change the term “variance” to “modification” in multiple locations in Article 16 and will delete the term “exception,” which is superfluous. COUNTYWIDE.  
PUBLIC HEARING.

Commissioner Sargeant announced his intent to defer the decision only to a date certain of May 26, 2016, at the conclusion of the public hearing.

Donna Pesto, Zoning Administration Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the Zoning Ordinance Amendment to increase the floor/area ratio (FAR) of Planned Development Commercial (PDC)/Planned Residential Mixed-use (PRM) Districts in accord with the provisions articulated in Option 1, as depicted in the staff report, and staff’s recommended revisions regarding the provisions for fast food restaurants.

When Commissioner Sargeant asked for additional information on the FAR maximums prescribed by Options 1 and 2 in the proposed Amendment, Ms. Pesto explained the following:

- The provisions for Option 1, as articulated in the proposed Amendment, permitted the Board of Supervisors to approve an increase in FAR up to 5.0 for developments located within a PRM District, a Transit Station Area (TSA), or a Commercial Revitalization District (CRD); and
- The provisions of Option 2, as articulated in the proposed Amendment, permitted the Board of Supervisors to approve an increase in FAR up to 5.0 in TSAs and 4.0 in Community Business Centers (CBC), PDCs, and CRDs.

Commissioner Sargeant pointed out that one of the provisions of the proposed Amendment would modify Paragraph 5 of Section 11-102, General Provisions, of the Zoning Ordinance to utilize the phrase, “reasonable walking distance,” as a standard for requesting a parking reduction. He then asked for additional information regarding the meaning of this phrase. Ms. Pesto explained that this term was utilized to provide greater flexibility for those seeking a parking reduction, citing instances where articulating a specific distance to an area proved restrictive. She added that articulating distances in an area was warranted in certain portions of

the County, such as those located near Metrorail Stations, but staff favored the proposed language because it provided flexibility for areas that utilized various forms of mass transportation.

Commissioner Sargeant pointed out that the adoption of the proposed Amendment would not affect existing requirements prescribed by the Zoning Ordinance, such as stormwater management. Ms. Pesto concurred with his statement, stating that the proposed Amendment did not modify the requirements articulated by the Zoning Ordinance or the Public Facilities Manual.

Commissioner Sargeant noted the traffic impact often incurred by high-density development. He then noted that certain areas, such as Tysons Corner, utilized Special Tax Districts to mitigate these traffic impacts, but some areas could not utilize such options. He asked whether applicants were still required to conduct an appropriate traffic impact analysis despite the absence of these options. Ms. Pesto concurred with this statement, adding that such an analysis was required for a rezoning application to demonstrate the existing condition and outline proposed mitigation measures. Referring to pages 7 and 8 of the staff report, which articulated the scenarios under which a parking reduction would be permitted, Commissioner Sargeant asked whether the provisions of the proposed Amendment were sufficient to ensure that an appropriate traffic impact analysis was conducted prior to approving a parking reduction. Fred Selden, Planning Division, DPZ, echoed remarks from Ms. Pesto regarding the requirement for a traffic impact analysis during the review process for a rezoning application, adding that the funding and implementation of necessary traffic mitigation measures varied for different parts of the County. A discussion ensued between Commissioner Sargeant and Mr. Selden regarding the methods that would be utilized by an applicant to mitigate the traffic impact of a development, the process for studying areas of the County that were in need of traffic mitigation measures, and the utility of these traffic impact studies in determining the implementation of future infrastructure improvements wherein Commissioner Sargeant noted the importance of utilizing opportunities to evaluate traffic patterns throughout the County and considering these traffic patterns when evaluating the feasibility of higher-density developments.

Referring to the revised provisions for kennels and veterinary hospitals, as described on pages 10 and 11 of the staff report, Commissioner Hart pointed out that the proposed Amendment would remove an existing provision that stated that veterinary hospitals would be subject to the approval of the Fairfax County Health Department because such a determination was outside the authority of this department. A discussion ensued between Commissioner Hart and Ms. Pesto regarding the need for approval by another agency or department for veterinary hospitals and the possible inclusion of language that would reference this agency or department wherein Ms. Pesto indicated that such facilities were subject to standard procedures for building plan review and if a facility required approval by another agency or department, then such approval would still be required regardless of whether it was referenced in the Zoning Ordinance.

Commissioner Hart indicated that the provisions for kennels and veterinary hospitals in the proposed Amendments required that the facilities be located within an enclosed area. He then expressed concern regarding the possibility that a facility could include an outside area as part of its operation. Ms. Pesto said that such a feature was prohibited under the proposed Amendment. Commissioner Hart suggested modifying the language of the proposed Amendment to clearly articulate this prohibition.

Commissioner Hart noted that the Commission had received numerous letters of opposition for the proposed Amendment prior to the public hearing, but pointed out that approval of this Amendment would not permit a development at a higher density without that development being subject to the necessary review procedures. When he asked whether the proposed Amendment would affect these review procedures, Ms. Pesto indicated that these procedures would remain unchanged.

Commissioner Lawrence echoed Commissioner Hart's concerns regarding the numerous letters of opposition that had been submitted for the proposed Amendment, stating that the scope and impact of this Amendment had not been sufficiently articulated to the public.

Answering questions from Commissioner Lawrence, Ms. Pesto explained the following:

- The purpose for submitting the proposed Amendment was to address the significant modifications that had been incorporated into the Comprehensive Plan for certain areas of the County, such as those located along the Silver Line Metrorail system;
- The existing provisions of the Zoning Ordinance did not permit density up to a 5.0 FAR in any planning district, despite the presence of recommendations within the Comprehensive Plan for development at such densities;
- The modifications to the Comprehensive Plan that had been implemented since the installation of the Silver Line Metrorail system trended towards higher, more concentrated development;
- The installation of higher-density development along the Silver Line Metrorail system would facilitate development within CBCs, TSAs, and CRDs;
- The provisions of the proposed Amendment would be applied to the entire County, but the ability for a district to pursue a development at a density of 5.0 FAR was restricted to the specific zoning districts articulated in the Amendment and the areas in which such density was consistent with the recommendations of the Comprehensive Plan;
- The density that would be permitted in a specific area would be assessed on a case-by-case basis and the higher-density limits articulated in the proposed Amendment would only be permitted if it were determined to be appropriate;
- The approval of the proposed Amendment would not modify the previously-approved density of the existing districts under which the Amendment would impact; and
- The process for approving a Comprehensive Plan Amendment that would permit the rezoning of a property to a district that would be affected by the proposed Amendment would remain unchanged and this process includes public hearings by both the Planning Commission and the Board of Supervisors.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Clyde Miller, 3436 Skyview Terrace, Falls Church, representing the Holmes Run Valley Citizens Association, voiced opposition to the proposed Amendment because permitting development at a higher density would incur negative impacts on existing communities. He then said that such impacts included loss of existing retail outlets, increased traffic congestion, increased cut-through traffic, parking overflow in residential neighborhoods, incompatible landscaping and screening, excessively tall buildings, school overcrowding, and overcrowding of recreational facilities. Mr. Miller also indicated that the proposed Amendment would prioritize higher-density development over the preservation of existing communities. He cited areas in Annandale, Seven Corners, and Bailey's Crossroads as being significantly impacted by such high-density development, stating that the Comprehensive Plan did not contain sufficient provisions to preserve the residential communities around these areas. In addition, Mr. Miller expressed concern that the proposed Amendment would permit the approval of high-density development without sufficient review, adding that the implantation of Fairfax Forward would further modify this review process so that the Comprehensive Plan could be amended more readily. He then stated that these revised review procedures would not sufficiently protect existing communities from high-density development, citing instances in the Mason District where Plan Amendments had not been supported by the surrounding community. He also cited districts located near Holmes Run Valley that would be affected by the proposed Amendment, stating that higher-density development in these districts would negatively impact the community. Mr. Miller stated that the need for the proposed Amendment had not been sufficiently demonstrated and that the scope of the Amendment was not warranted. In addition, Mr. Miller said that the language in the proposed Amendment regarding FAR was not sufficiently clear. He then suggested that the County adopt separate policies for High Density Overlay Districts while retaining the existing policies for PRM and PDC Districts. (A copy of Mr. Miller's statement is in the date file.)

Addressing Mr. Miller's concerns regarding the proposed Amendment's impact on existing communities and the review process for this Amendment, Commissioner Sargeant pointed out that this review process included opportunities to identify the areas that would be affected by the Amendment. He cited an instance where a Zoning Ordinance Amendments had not been adopted because of concerns raised by citizens over the impact this Amendment would incur in certain areas. He then indicated that this process would ensure that the impact of high-density development on existing communities was considered prior to approving such a development. Mr. Miller acknowledged the scope and intent of the review process for high-density development, but indicated that this process had not been sufficient in preserving existing communities, citing the redevelopment of Seven Corners as an instance where the traffic studies in the review process had not met the necessary criteria to warrant the requested density. He then reiterated that the provisions articulated in the proposed Amendment did not sufficiently protect existing communities, pointing out that the provisions permitting a parking reduction would impact the parking capacity in residential neighborhoods.

Suzanne Wells, 3058 Shadeland Drive, Falls Church, representing Sleepy Hollow Manor Citizens Association, spoke in opposition to the proposed Amendment. She briefly described the Sleepy Hollow Manor community, noting its proximity to the Seven Corners CBC. She then pointed out the extent to which the community had participated in the process for revising the

Comprehensive Plan's recommendations for the Seven Corners area and stated that she favored retaining these recommendations, expressing concern that the adoption of the proposed Amendment would undermine these recommendations. Ms. Wells then explained her concerns as follows:

- The need to permit higher-density development was warranted for certain areas of the County, such as TSAs, but the scope of the Amendment was excessively broad and could potentially affect the Seven Corners CBC;
- The provisions in the proposed Amendment for preventing excessively high FAR from being granted were not sufficient;
- The language of the proposed Amendment did not sufficiently distinguish the areas served by Metrorail Stations from those that were not served and could not accommodate higher-density development;
- The provisions articulated in the proposed Amendment for permitting a parking reduction would negatively impact residential communities located near PRM and PDC Districts, such as those located near Seven Corners;
- The provisions articulated in the proposed Amendment for permitting up to 50 percent of the required open space to be established above ground level would make amenities less accessible to the surrounding community, which were incompatible with certain recommendations for the Seven Corners area;
- The provisions articulated in the proposed Amendment for permitting a reduction in landscaping and screening requirements would undermine the recommendations and expectations that Seven Corners community agreed upon for the revitalization of this area;
- The adoption of the proposed Amendment would negatively impact the process for reviewing Comprehensive Plan Amendments and rezoning applications by the public;
- The term "reasonable walking distance," which was utilized as a criterion to permit a parking reduction, was overly ambiguous;
- The overall criteria for permitting a parking reduction, as articulated in the proposed Amendment, did not sufficiently articulate the standards for determining whether bus services for a particular area met these criteria; and
- The possibility for permitting parking reductions would incur a negative impact on the existing residential communities located near Seven Corners.

Ms. Wells also stated that the proposed Amendment did not provide sufficient information about the criteria for permitting an increase in FAR for TSAs and other areas in which the Comprehensive Plan recommended a greater density than currently permitted. She expressed



concern about the scope of the proposed Amendment, stating that applying these provisions to the entire County was not necessary and could be utilized to permit higher-density development in other areas of the County, such as Seven Corners. (A copy of Ms. Wells' statement is in the date file.)

Frank McDermott, 1751 Pinnacle Drive, Suite 1700, McLean, representing Hunton and Williams, spoke in support of the proposed Amendment. He added that he was speaking on behalf of multiple clients. Mr. McDermott stated that the proposed Amendment would address an outstanding issue in PDC Districts regarding fast food establishments. Mr. McDermott indicated that current policies relating to fast food restaurants were not consistent with ongoing trends in the industry, citing a previously-approved development in the Sully District referenced in his statement as an example. He briefly described the design and character of the eating establishments in this development, noting the range of sizes between established classified as "fast food" and those classified as "fast casual." Mr. McDermott stated that the proposed Amendment would incorporate provisions that accommodated both types of establishments, pointing out that the current provisions of the Zoning Ordinance did not distinguish between the two. In addition, he described the differences in traffic patterns generated by fast food and fast casual eating establishments, pointing out that the trip-generation of fast casual was less than that of fast food. Mr. McDermott added that some of the features associated with fast casual establishments cannot be adequately provided under the existing provisions of the Zoning Ordinance and the proposed Amendment would ensure the necessary flexibility to provide these features. He also indicated that he favored pursuing a separate Zoning Ordinance Amendment to further distinguish fast food and fast casual eating establishments, but stated that the proposed Amendment would address outstanding issues at specific sites within the County. Addressing the letters of opposition that had been submitted regarding the proposed Amendment, Mr. McDermott said that the flexibility provided by this Amendment was necessary to accommodate the ongoing trends in development throughout the County. He also aligned himself with the comments articulated in the letter of support for the proposed Amendment submitted to the Commission by John Thillman prior to the public hearing. (A copy of Mr. McDermott's statement and Mr. Thillman's statement is in the date file.)

A discussion ensued between Chairman Murphy and Mr. McDermott regarding the modifications by staff to the proposed Amendment's provisions for fast food establishments, the existing provisions in the Zoning Ordinance pertaining to fast food establishments, and the features of fast casual establishments that would be permitted under this Amendment wherein Mr. McDermott indicated that he supported staff's revisions.

Commissioner Hurley concurred with Mr. McDermott's statement regarding the distinctions between fast food and fast casual eating establishments. She then pointed out the provision in the proposed Amendment that precluded the installation of drive-throughs for facilities located in buildings that included residential uses. A discussion ensued between Commissioner Hurley and Mr. McDermott regarding the possibility that an eating establishment in a mixed-use development could utilize a drive-through and the instances in the County where such a feature was utilized wherein Mr. McDermott stated that he supported the provision prohibiting drive-throughs in mixed-use developments.

Scott Adams, 1750 Tysons Boulevard, Suite 1800, McLean, representing Commercial Real Estate Development Association (NAIOP), voiced support for the proposed Amendment. He said that he had coordinated with staff on this amendment and echoed remarks from Ms. Pesto regarding the need for the Amendment to support the recommended development prescribed by the Comprehensive Plan for certain areas, such as those located along the Silver Line Metrorail system. Mr. Adams noted the extent of the review process for the development in these areas, adding that the higher density that would be permitted by the proposed Amendment was warranted. He also pointed out that the process for rezoning certain areas to accommodate higher density would still be subject to significant review. Mr. Adams said that he supported the provisions articulated in the proposed Amendment that outlined the criteria for permitting a parking reduction, citing community revitalization areas in certain portions of the County that were in need of such provisions. In addition, he stated that he supported staff's revised language for the proposed Amendment's provisions regarding fast food establishments, echoing remarks from Mr. McDermott regarding the trends in the fast food industry and the need to revise existing policies pertaining to these establishments.

When Commissioner Hart asked whether NAIOP favored Option 1 or Option 2 of the proposed Amendment, Mr. Adams indicated that NAIOP favored Option 1.

Maya Huber, 6655 Chilton Court, McLean, representing McLean Planning Committee, voiced opposition to the proposed Amendment. She explained that the density of a recommended development was a significant consideration in revising the Comprehensive Plan, noting that lower density was favored for areas that did not have sufficient access to Metrorail Stations. She indicated that the proposed Amendment would permit higher-density development in areas that could not accommodate such density, citing the McLean Central Business District as one such area. Ms. Huber pointed out that the recommendations of the Comprehensive Plan had been subject to frequent revisions to accommodate certain developments, citing one such development in McLean. She then explained that the proposed Amendment would limit the ability for communities to negotiate for additional features for high-density developments, stating that the Amendment would facilitate high-density development in a manner that would not adequately address the impact of such a development on the surrounding community. Ms. Huber said she favored further revisions to the Comprehensive Plan for areas like the McLean Central Business District prior to approving policies that permitted higher-density developments and expanding existing policies, such as those pertaining to Transit-Oriented Development, instead of revising the Zoning Ordinance. (A copy of Ms. Huber's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Carol Turner, 2332 Sargent Drive, Falls Church, spoke in opposition to the proposed Amendment because it would affect the review process for higher-density development in a manner that did not allow sufficient time for community input. She pointed out that there had been instances where citizens were not sufficiently informed and did not have sufficient opportunity to voice opposition to a development. Ms. Turner expressed concern that facilitating the review process for higher-density development would limit the public's ability to provide input on a development. She added that such a process would negatively impact older existing residential communities, stating that the higher-density development would undermine the character of these communities. In conclusion, Ms. Turner reiterated her concern that the proposed

Amendment would encourage high-density development in areas where existing residential communities did not support such development.

Debbie Smith, 3127 Juniper Lane, Falls Church, spoke in opposition to the proposed Amendment. She said she was speaking on behalf of the Mason District Council (MDC) and indicated that the MDC supported the resolution passed by the McLean Citizens Association (MCA), which opposed the proposed Amendment. In addition, Ms. Smith stated that the proposed Amendment would encourage higher-density development and due to recent legislation from the Virginia General Assembly regarding proffers, the ability for the County and community to mitigate the impact of such developments would be limited. She added that these impacts would be more significant in CBCs and CRDs that were not located near Silver Line Metrorail stations, noting that the existing infrastructure around these areas could not support higher density and such density would negatively impact the quality of life in the surrounding residential communities. Ms. Smith also said that the recent proffer legislation could hinder the implementation of infrastructure improvements that would support high-density development. In conclusion, she suggested that staff and the Commission consider the impact of the proposed Amendment in conjunction with the impact of the recent proffer legislation prior to rendering a decision. (A copy of the MCA's statement is in the date file.)

Cate Fulkerson, 12001 Sunrise Valley Drive, Reston, representing Reston Association (RA), spoke in opposition to the proposed Amendment. She pointed out the location of areas along the Dulles Toll Road that were intended to be rezoned as PDC and PRM Districts. She then said that while the RA acknowledged the need for such rezonings, there were existing concerns regarding the impact of permitting parking reductions, which could be granted under the proposed Amendment. Ms. Fulkerson stated that the language outlining the criteria for permitting a parking reduction did not sufficiently articulate provisions that would ensure that appropriate traffic mitigation measures were implemented in conjunction with such a reduction, citing the Hampton Meadow Cluster Association as a community that had been subject to overflow parking due to the development around the Wiehle Avenue Metrorail Station. In addition, she noted the prevalence of overflow parking throughout the Reston area and indicated that permitting a higher-density development would compound this issue. Ms. Fulkerson said that the maximum FAR permitted by the proposed Amendment was excessive, pointing out that the Comprehensive Plan did not include developments consistent with this FAR outside the Tysons area. She then expressed concern that the proposed Amendment would establish precedents for permitting developments with a higher FAR in more areas of the County. (A copy of Ms. Fulkerson's statement is in the date file.)

A discussion ensued between Commissioner de la Fe and Ms. Fulkerson regarding the recommended modifications to the proposed Amendment articulated in the RA's statement that had been distributed to the Commission prior to the public hearing.

Commissioner Sargeant asked Ms. Fulkerson to provide additional information about her concerns regarding the provisions in the proposed Amendment that would permit required landscaping requirements to be located above the ground level of a development. Ms. Fulkerson explained that she opposed this provision because permitting such features above the ground level of a development would limit the availability of these features to the surrounding community.

A discussion ensued between Commissioner Ulfelder and Ms. Fulkerson regarding the source of overflow parking in the communities located near the Wiehle Avenue Metrorail Station, the extent to which further development in this area would impact this issue, and the existing parking issues in the area.

Jon Clark, 7227 Auburn Street, Annandale, voiced opposition to the proposed Amendment. He expressed concern that the process for permitting development at higher densities would not provide sufficient opportunities for the community to provide input. He also stated that the language of the proposed Amendment did not sufficiently outline the procedures for permitting the community to coordinate with applicants on high-density developments. In addition, Mr. Clark indicated that permitting high-density development was not consistent with the character of the majority of the communities in the County.

Joanna Donohue, 5902 Colfax Avenue, Alexandria, spoke in opposition to the proposed Amendment. She echoed remarks from previous speakers regarding the proposed Amendment's impact on the process for reviewing applications for high-density developments. In addition, she stated that she did not support the 5.0 FAR maximum articulated in the proposed Amendment, noting that this limit was not consistent with existing or planned development throughout the County. Ms. Donohue also expressed concern regarding the proposed Amendment's impact on PDCs and PRMs that were not located near Metrorail Stations, such as Bailey's Crossroads. She then said she favored revising the proposed Amendment to provide additional provisions to ensure sufficient community input for higher-density developments.

Robert Whitfield, 1582 Inlet Court, Reston, voiced opposition to the proposed Amendment, echoing remarks from previous speakers regarding the Amendment's impact on the review process for high-density developments. He added that the proposed Amendment would encourage development with excessively high densities and the FAR levels permitted in this Amendment were not consistent with the planned development for the County, as articulated in the Comprehensive Plan. In addition, Mr. Whitfield noted the demand for office space in the County was not sufficient to warrant permitting high-density development. He also recommended that staff and the Commission provide additional information to the community about the areas that the proposed Amendment would impact and the associated impact on these communities from higher-density development.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Pesto, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on this item.

*(Start Verbatim Transcript)*

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Chairman Murphy: Public hearing is closed. Recognize Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Certainly – very much appreciate the testimony – the sincerity of the passion expressed by our folks who testified this evening. I very much appreciate the work staff has put into this to this date and we will continue looking at that. We're going to, as I've mentioned, consider a decision only tomorrow so this gives us some time to consider and review the comments we have received this evening. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING ARTICLES 2, 6, 9, 11, 13, AND APPENDIX 7, PLANNED DEVELOPMENT COMMERCIAL, PLANNED RESIDENTIAL MIXED USE DISTRICTS AND OTHER ASSOCIATED PROVISIONS, AS SET FORTH IN THE STAFF REPORT DATED APRIL 26, 2016, UNTIL THURSDAY, MAY 26, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer decision only on this proposed Zoning Ordinance to a date certain of May 26, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.)

*(End Verbatim Transcript)*

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The meeting was adjourned at 11:13 p.m.

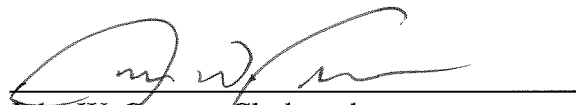
Peter F. Murphy, Chairman

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: Jacob Caporaletti

Approved on: October 6, 2016

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

