

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JULY 14, 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  
Earl L. Flanagan, Mount Vernon District  
Karen Keys-Gamarra, Sully District  
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Julie Strandlie, Mason District  
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:22 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

APPROVAL OF MINUTES FOR JANUARY 2016 THROUGH FEBRUARY 2016

*(Start Verbatim Transcript)*

Commissioner Hart: Yes, thank you. Mr. Chairman, first, I MOVE APPROVAL OF THE MINUTES OF JANUARY 13, JANUARY 14, JANUARY 20, JANUARY 21, FEBRUARY 3, FEBRUARY 4, FEBRUARY 17, AND FEBRUARY 25, 2016.

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 the minutes, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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FS-P16-6 – AT&T, 2533 Herrell Ct., Falls Church, VA 22043

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you. Mr. Chairman, also, I have a “feature shown.”

Chairman Murphy: Okay.

Commissioner Hart: I move to – I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION FOR APPLICATION FS-P16-6, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY SMARTLINK, LLC FOR AT&T, LOCATED AT 2533 HERRELL COURT, FALLS CHURCH, VIRGINIA, 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.

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 concur with the “feature shown” determination in FS-P16-6, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Mr. Sargeant abstains.

Commissioner Hart: Thank you, Mr. Chairman.

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

*(End Verbatim Transcript)*

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RZ 2016-SU-003 – CARRHOMES, LLC (Decision Only)  
(The public hearing on this application was held on July 13, 2016.)

*(Start Verbatim Transcript)*

Commissioner Keys-Gamarra: Can I have the applicant come down, please? In Carrhomes.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Good evening. Robert Brant from Walsh Colucci. We represent the applicant, Carrhomes, LLC.

Commissioner Keys-Gamarra: Okay. So, as you know, yesterday there were a number of questions and some changed proffers. Can you explain to the Planning Commission what those changes were?

Mr. Brant: That is correct. Thank you for the opportunity to come back and present these changes. To briefly recap some of the discussion from yesterday evening, the Commission expressed some concerns about the proffer language with respect to the – particularly with respect to the disclosure of interior garage dimensions of the proposed townhomes. To briefly recap, this application proposes to construct 24 townhomes on approximately 2.34 acres of property that is proposed to be rezoned from the R-1 to the R-12 District. The previously-proposed Proffer number 4C proposed to disclose the interior dimensions of the garages associated with these townhomes. Seventeen of the townhomes will be rear-load units facing Elmwood Street and Vernon Street. Seven of the townhomes will be front-load units towards the center of the property. The applicant has agreed to proffer to minimum interior dimension of 20 feet by 20 feet of the rear-load units that are oriented towards the street frontages and a minimum interior dimensions of 18 feet by 20 feet for the rear-load units towards the middle of the property. Based on some of the discussion last night, the applicant worked with staff today to revise Proffer 4C to clarify that the disclosures will not only be made to prospective first-time purchasers of the townhomes, but also subsequent purchasers at the time of resale. And to it, I'd like to just draw the Commission's attention to revised Proffer 4C. Specifically, the language of 4C was revised to clarify that "prospective purchasers shall be advised of these restrictions and the interior dimensions of the garages", to clarify that these are interior dimensions that we're talking about and not exterior wall to exterior wall. And further, the last sentence of Proffer 4C was added to read that there is – "these restrictions and the interior dimensions of the garages shall be included in the marketing materials for the initial sales of units on the application property and in the HOA documents in order to provide notice to prospective purchasers in connection with future re-sales of the units." And once again, the idea behind those revisions was, in response to the Commission's concerns last night, to ensure that not only first-time buyers of the units receive notice of the dimensions, but also subsequent purchasers. Some additional language was added, also, to Proffer 4D to clarify that the driveways of the townhomes will have a minimum width of 18 feet. Previously, the applicant had proffered to minimum length of 20 feet for the driveways, but we felt that this additional language would further lend support to our position that these driveways – which should be wide enough to accommodate two cars. Finally, Proffer 4E was slightly modified to clarify that the garages with the – with a minimum interior dimensions for the parking of vehicles of 20 feet by 20 feet – again, and 18 feet by 20 feet for the front-load units – again, to clarify that the purpose of these disclosures is to ensure that prospective purchasers are on notice. So I think that we successfully worked with staff to address the concerns that were raised at the hearing last night and I hope that the Commission agrees with me.

Commissioner Keys-Gamarra: Okay. I believe Commissioner Flanagan had a question regarding one of the changes.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. The – I'm interested in...

Chairman Murphy: I just want to remind everybody we're on verbatim.

Commissioner Flanagan: We're on verbatim. I just want to understand how the HOA documents will be modified. I take it we're not requiring that be made a part of the covenants, but some sort of general rules within the HOA.

Mr. Brant: I actually had an opportunity to speak with the applicant this evening about that to confirm. That's the applicant intent to include those dimensions in the actual declaration, which is – which is a recorded document and recorded along with the other covenants. So that's – that's what the applicant intends to do.

Commissioner Flanagan: So there's – we don't know just exactly how they will go about implementing this – whether the buyers – the additional buyers – future drive-byers will be – whether they are advised or not, we won't have any way of knowing.

Mr. Brant: I do know, Commissioner Flanagan, that the HOA is required, as a matter of law, to provide certain disclosures at the time of resale, should the prospective purchasers request them. One of those – one of those required disclosures is, in fact, the record declaration bylaws of the association. And so prospective purchasers will certainly have an opportunity to review those documents.

Commissioner Flanagan: Yeah, we've had many cases of garages being converted, of course, to daycare, unknown to the homeowners association until they make an application for some change in the daycare. So I just – it's a rather shaky process we've set in motion here.

Mr. Brant: To briefly address that concern, Commissioner Flanagan, the applicant had previously proffered to setting forth a covenant in the restrictions indicating that any conversions of garages that would preclude the parking of vehicles and the storage of trash and recycling containers within the garage is prohibited. So the applicant had previously addressed that concern.

Commissioner Flanagan: So it's up to the homeowners association and if they don't care why, then it'll occur.

Mr. Brant: I'm sorry?

Commissioner: Yeah, okay.

Mr. Brant: It will be recorded in the documents.

Chairman Murphy: Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Yes, the last issue that was raised last night was with respect to the reserve trees as well as the electrical pole.

Mr. Brant: Certainly.

Commissioner Keys-Gamarra: I did go out to look at the property today and there was a request from the community that – I believe, two poles along Elmwood were removed, but they seemed to be across the street. There was only one pole, I believe, actually on the property itself.

Mr. Brant: That is correct. The concern that was raised from the member of the community did relate to two utility poles that are across Elmwood Street from the application property and farther south across the intersection of Lindendale Drive. The applicant does not intend to remove or modify those poles that are, again, off-site – off-site poles. But to reference the utility poles that are on the application property, it is the applicant – it is the applicant's intent to remove those poles and to underground the utilities that will ultimately serve the community and the property.

Commissioner Keys-Gamarra: And it's also my understanding there will be significant improvements along Elmwood as well as, I believe, Vernon with attractive colonial-style...

Mr. Brant: That's correct.

Commissioner Keys-Gamarra: ...street lights.

Mr. Brant: That's correct. In addition to the road frontage improvements, lighting improvements are proposed along Vernon Street and Elmwood Street. And I believe a – a detail of the proposed lighting fixtures that are proposed for that area is shown Sheet 4 of the Generalized Development Plan.

Commissioner Keys-Gamarra: All right. Thank you. Mr. Chairman, then I'd like to make my motion now.

Chairman Murphy: Please.

Commissioner Keys-Gamarra: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-SU-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 14<sup>TH</sup>, 2016. I move that the Planning Commission recommend to the Board of – I'm sorry. Should I do that separately? Or is that...

Chairman Murphy: No. Let's do the main motion first.

Commissioner Keys-Gamarra: Okay.

Chairman Murphy: Is there a second to the motion?

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-SU-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: All right. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED JULY 14<sup>TH</sup>, 2016, WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: Thank you.

Chairman Murphy: Thank you. Thank you.

Mr. Brant: Thank you.

Chairman Murphy: By the way, I abstain on both those – Jake, I abstain on both those motions. I was not present for the public hearing.

(Each motion carried by a vote of 9-0-1. Commissioner Murphy abstained. Commissioners Lawrence and Strandlie 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 83-S-008-04 – CAROL C. MATTUSCH AND RICHARD S. MASON
2. PRC C-020/SE 2016-HM-012 – TALL OAKS DEVELOPMENT COMPANY, LLC AND TALL OAKS COMMERCIAL CENTER, LLC

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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AR 83-S-008-04 – CAROL C. MATTUSCH AND RICHARD S. MASON – 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 12301 Fairfax Station Rd., Clifton, 20124, on approx. 31.87 ac. of land zoned R-C, WS. Tax Map 76-3 ((1)) 4Z and 24Z.  
SPRINGFIELD DISTRICT. PUBLIC HEARING.

When Commissioner Murphy asked for clarification about the agricultural district of the area in which the subject property was located, Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, said that the agricultural district was identified as the Pope's Head District.

Commissioner Murphy 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 Murphy action on this case.

*(Start Verbatim Transcript)*

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Vice Chairman de la Fe: If there are no questions from the Commission, I close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you very much, Mr. Chairman. This is a straightforward application to renew this agricultural district – 31.87 acres at 12301 Fairfax Station Road in Clifton. So, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 83-S-008-04 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE POPES HEAD LOCAL AGRICULTURAL AND FORESTAL DISTRICT WITH AN ADDITIONAL EIGHT-YEAR TERM, SUBJECT TO THE ORDINANCE PROVISIONS CONSISTENT WITH THOSE DATED JUNE 29<sup>TH</sup>, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. 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.

Commissioner Murphy: Thank you very much.

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

*(End Verbatim Transcript)*

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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PRC C-020 – TALL OAKS DEVELOPMENT COMPANY, LLC AND TALL OAKS COMMERCIAL CENTER, LLC – Appl. to approve a PRC plan associated with RZ –C-020 to permit mixed-use development at a density of 19.43 dwelling units per acre (du/ac) and Floor Area Ratio (FAR) of 0.06. Located E. of Wiehle Ave., N. and W. of North Shore Dr., on approx. 7.46 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 18-1 ((5)) 8 A1 and 8 A2. (Concurrent with SE 2016-HM-012.) HUNTER MILL DISTRICT.

SE 2016-HM-012 – TALL OAKS DEVELOPMENT COMPANY, LLC AND TALL OAKS COMMERCIAL CENTER, LLC – Appl. under Sect. 6-304 of the Zoning Ordinance to permit a fast food restaurant and quick-service food store uses. Located at 12000 and 12054 North Shore Dr., Reston, 20190, on approx. 7.46 ac. of land zoned PRC. Tax Map 18-1 ((5)) 8 A1 and 8 A2. (Concurrent with PRC –C-020.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Mark Looney, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated July 5, 2016.

There were no disclosures by Commission members.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of PRC C-020 and SE 2016-HM-012, but added that concerns had been raised regarding the methodology of the applicant's transportation operational analysis and lack of a school contribution within the proffers.

Addressing staff's concerns regarding the applicant's lack of a contribution to the local school system, Commissioner de la Fe stated that when the subject property was initially rezoned to a Residential Planned Community District in 1969, there were no proffers included within this application. However, he also pointed out that a school site located near the subject had been contributed to the Fairfax County School Board (FCSB) as part of the Reston Plan. Ms. Tsai

concurred with this statement. Commissioner de la Fe added that this site had been returned to the applicant because FCSB concluded that such a site was not necessary.

Referring to the Development Conditions for PRC C-020 dated June 30, 2016, as shown in Appendix 1 of the Staff Report, Commissioner Hart said he supported the language in Development Condition Number 7, Parking Garages, which specified the minimum interior width of the garages for the dwelling units within the proposed development. However, he expressed concern that the depictions of these garages, as shown in Sheets 13 and 14 of the Generalized Development Plan, were not consistent with the dimensions articulated in Development Condition Number 7, stating that the garages in the dwelling units that were 20 feet in width would be insufficient to accommodate two vehicles. A discussion ensued between Commissioner Hart and Ms. Tsai regarding the manner in which these dwelling units with garages of 20 feet in width would contribute to the overall parking provisions for the proposed development and the extent to which this issue would impact the applicant's compliance with Development Condition Number 7.

Answering questions from Commissioner Sargeant, Ms. Tsai said the following:

- The proposed development would generate approximately 57 additional students for the local school district, but this impact would not result in the surrounding school facilities exceeding their prescribed capacity;
- The analysis conducted by staff on the proposed development concluded that a school contribution was warranted, despite the determination that the local school system would not be subject to overcapacity by the development's expected impact;
- The requested waiver for the 200 square-foot privacy yard requirement was warranted due to the availability of significant open space throughout the proposed development;
- The definition of RADRB, which identified the Reston Association Design and Review Board (RADRB), was sufficiently defined in the Development Conditions for PRC C-020;
- The square-footage for the quick-service food station within the proposed development was determined to be sufficient by staff; and
- The applicant had provided sufficient analysis to conclude that a quick-service food station would be viable within the proposed development.

When Commissioner Sargeant asked about the existing bus service at the subject property, Ms. Tsai indicated that the site was served by the Fairfax Connector bus service and this service included stops at the Wiehle-Reston Metrorail Station. A discussion ensued between Commissioner Sargeant and Ms. Tsai, with input from Commissioner de la Fe and Elizabeth Iannetta, Transportation Planning Division, Fairfax County Department of Transportation, regarding the travel time of a trip to the Wiehle-Reston Metrorail Station by bus service from the

site, the other bus services that served the site, and the expected modifications to bus service in the area due to the impact of the Metrorail Station.

A discussion ensued between Commissioner Flanagan and Ms. Tsai regarding a discrepancy between the application number of the concurrent special exception application on the staff report compared to the number that had been advertised wherein Ms. Tsai explained that the application number on the staff report was an error, the correct number was SE 2016-HM-012, and the correct number was utilized in the advertisement.

Mr. Looney gave a presentation on the proposal wherein he explained the following:

- The existing development on the subject property included a village center that had been constructed in 1974 and was one of the first of its kind in the Reston area;
- The viability of the commercial retail development in the existing village center had declined due to subsequent competition throughout the area and in 2007, the grocery store that had been the anchor of this village center vacated the site;
- The existing village center had been unable to secure another tenant to anchor this site and at the time of the public hearing for these subject applications, the overall occupancy of the commercial development was approximately 13 percent;
- The applicant intended to relocate the tenants in the existing development as part of the redevelopment of the subject property;
- The results of the lack of occupancy of the existing village center on the site included lower tax revenue and negative impacts on the character of the surrounding community;
- The viability of retail development on the subject property was negatively impacted by the poor visibility of the site due to its orientation to Wiehle Avenue, limited traffic counts along North Shore Drive, and limited points of ingress/egress;
- The applicant conducted a study at the County's request to analyze the commercial viability of the existing village center and subsequently concluded that due to its inability to secure another grocery store to anchor the site, the existing commercial retail development on the site was not viable;
- The Zoning Administrator determined that the existing village center on the site could be redeveloped under the current zoning with residential uses at a medium density of approximately 20 dwelling units per acre;
- The applicant coordinated with the surrounding community to finalize a redevelopment plan for the subject property and while there had been disagreement regarding the amount of retail development that would be included compared to the amount of residential development, a viable plan had been surmised;

- The proposed redevelopment plan for the subject property had been subject to multiple revisions and in the process of these revisions, the applicant had purchased the existing office building on the site to incorporate into the plan;
- The final iteration of the redevelopment plan for the subject property incorporated additional open space after the subsequent purchase of the office building;
- The purchase of the existing office building on the site resulted in a significant cost being incurred by the applicant and this building would require subsequent re-leasing under the proposed development, but this purchase permitted the inclusion of the additional open space that had been requested by the surrounding community; and
- The open space that would be installed under the proposed redevelopment included features such as an amphitheater, a fountain, and a hardscape/softscape play area.

Commissioner Sargeant stated that he favored including outdoor dining features within the open space of the proposed development. Mr. Looney said he did not object to such features, stating that they were permitted within a village center development. He added that a concurrent special exception was necessary with the proposal to permit a fast food restaurant or a quick service food store within the proposed development and this application had been included to expand the kinds of retail uses that could be permitted. In addition, Mr. Looney indicated that approximately 8,600 square feet of retail space within the proposed development was sufficient to support a quick service food store. Commissioner Sargeant acknowledged the difficulty of attracting retail tenants within the proposed development, but stated that the inclusion of outdoor dining features would improve the character of the overall development. Mr. Looney also said that the surrounding community supported such features.

When Commissioner Hedetniemi asked whether the inclusion of a quick service food store would adequately serve the residents of the neighboring assisted living facility to the east of the site, Mr. Looney stated that this issue had been discussed with the operators of this facility and the applicant intended for this retail area to serve both the residents of the proposed development and the residents of this facility. He added that some features of the open space, such as the outdoor exercise equipment, would be designed to accommodate the residents of this facility. Commissioner Hedetniemi expressed support for these provisions, noting the importance of ensuring that the development complemented the operation of the assisted living facility.

When Commissioner Ulfelder asked for additional information as to why the applicant objected to the inclusion of a school contribution within the proposal, Mr. Looney explained the following:

- The original development for the subject application included a school site that had been subsequently rejected by the FCSB;

- The subject applications did not incur a significant impact on the school system in the area compared to other applications that were part of the Reston plan;
- The proposal would not rezone the subject property and absent a rezoning or a proffered condition amendment, a school contribution was not required;
- The existing zoning of the site permitted the residential uses within the proposed development without a school contribution; and
- The applicant had incurred a significant cost when the existing office building on the site was purchased and there was not sufficient capital with which to make a contribution.

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

Kate Fulkerson, 12001 Sunrise Valley Drive, Reston, representing the Reston Association (RA), spoke in opposition to the proposal because the public open space did not contain sufficient active leisure time recreation facilities. She noted the importance of this public open space and the various methods in which it could be utilized, stating that such areas were a significant component of the overall character of Reston. Ms. Fulkerson also said that the RA had requested that the applicant assist with improvements to the neighboring Tall Oaks Pool facility, such as reconfiguration of the wading pool and deck area, upgrading the bath houses to ensure compliance with the Americans with Disabilities Act, and improvements to the parking lot and existing pedestrian paths. However, she indicated that the applicant had not agreed to assist with such improvements. Ms. Fulkerson stated that the amenities provided by the subject applications was limited to provisions that accommodated younger children and older adults, adding that assisting with improvements to the Tall Oaks Pool facility would ensure amenities for a broader range of residents. In addition, she indicated that while the dues paid by residents to the RA provided for the maintenance of active recreational facilities, like the Tall Oaks Pool, these dues did not fund significant improvements to these facilities. She then noted the importance of ensuring adequate active recreation facilities within the Reston community. (A copy of Ms. Fulkerson's statement is in the date file.)

In reply to questions from Commissioner de la Fe, Ms. Fulkerson confirmed that the residents of the proposed development would be members of the RA and these additional residents would contribute to the RA's overall funds.

Replying to questions from Commissioner Flanagan, Ms. Fulkerson indicated that the RA allocated a portion of its dues from residents for the purpose of recreational facility improvements. She also said that the dues from residents of the proposed development would be included in this fund, but noted the age of the existing Tall Oaks Pool facility and the need for improving this facility.

Joan Wain, 12021 North Shore Drive, Reston, representing the Lake Ann Nursery Kindergarten (LANK), spoke in support of subject applications, acknowledging the limited viability of the existing commercial development on the site. She pointed out that LANK was located near the

subject property and noted the negative impact that vacant commercial property incurred on the surrounding community. Ms. Wain said that the proposed residential community and redesigned retail areas would improve the character of the site and the community, adding that such improvements would complement the operation of LANK. In addition, she suggested further coordination among the applicant, staff, and the RA to improve the pedestrian paths and crosswalks around the subject property. Ms. Wain also noted the need for sufficient parking provisions at LANK during events and requested that the applicant coordinate with LANK to accommodate such provisions.

Susan Beffel, 1511 Farsta Court, Reston, spoke in opposition to the proposal because of its impact on surrounding traffic, existing bus routes, and existing environmental features. She noted the existing traffic congestion along Wiehle Avenue during peak-hour traffic periods, which subsequently impacted North Shore Drive. She then said that she favored conducting a traffic study to sufficiently assess the proposal's traffic impact on Wiehle Avenue. Ms. Beffel also expressed concern regarding the circulation of buses on the site, noting the constraints of the proposed development and the limited ability for buses to turn around within the site. In addition, she stated that she supported maintaining the existing buffer of trees on the site, limiting the amount of impervious surface, and increasing the amount of tree cover to improve the environmental features of the proposed development, adding that such features would decrease the amount of stormwater runoff into nearby streams.

Julie Bitzer, 2020 Peppermint Court, Reston, voiced opposition to the proposal. She described the overall character of the Reston community and the character of a village center. She then stated that the proposed development was not consistent with this character. Ms. Bitzer acknowledged the limited viability of the existing commercial development of the site, but stated that the applicant had not sufficiently assessed the needs of the surrounding community with these applications. She said that the amenities of the proposed development, such as the open space, would not sufficiently benefit residents outside the residents of this development. Ms. Bitzer suggested that the proposed development utilize features that were consistent with urban design to ensure that the character of the development was consistent with that of a village center in Reston. In addition, she aligned herself with remarks from Ms. Beffel regarding the preservation of buffer and landscaping features on the site. She also echoed remarks from Ms. Wain regarding the need for improvements to the pedestrian paths and crosswalks around the subject property, noting that such improvements were necessary to encourage the use of bicycles and other forms of transportation.

Lynne Mulston, 11472 Links Drive, Reston, representing Reston Citizens Association (RCA), aligned herself with previous speakers regarding the following issues:

- The proposed development's compatibility with the overall character of Reston;
- The preservation of existing buffer and mature trees on the site; and
- The study of existing traffic patterns around the subject property and the implementation of improvements to mitigate the impact of the proposed development.

In addition, Ms. Mulston commended the applicant for the design of the proposed development, but expressed concern that the development did not preserve the viability of the retail uses on the site. She also expressed support for Ms. Fulkerson's request that the applicant assist the RA in funding improvements to the Tall Oaks Pool facility.

A discussion ensued between Commissioner Flanagan and Ms. Mulston regarding the difference between the RCA and the RA wherein Ms. Mulston indicated that the RCA was a volunteer organization that did not collect dues.

Referring to PRC C-020 Development Condition Number 21, Transportation Operational Analysis, Commissioner Ulfelder pointed out that the provisions of this condition required that the applicant conduct a transportation operational analysis at the time of site plan approval. He then indicated that this provision had been included because staff had concluded that the previous analysis conducted by the applicant was insufficient. Ms. Iannetta concurred with this remark, explaining that staff had concerns about the trip-generation figures that had been utilized by the applicant and additional analysis was necessary to determine the necessary modifications to the existing roads around the subject property. She added that staff had requested that the applicant coordinate with the Virginia Department of Transportation (VDOT) at the time of site plan review to conduct such an analysis and render appropriate determinations on such modifications. A discussion ensued between Commissioner Ulfelder and Ms. Iannetta regarding the concerns staff had raised on the applicant's previous traffic analysis of the surrounding area and the information that staff required when making determinations about transportation improvements wherein Ms. Iannetta described the circumstances in which the applicant's previous traffic analysis had been conducted and noted the existing traffic patterns along North Shore Drive, adding that further analysis of traffic data would assist staff in finalizing the appropriate modifications.

When Commissioner Flanagan asked staff whether the applicant was aware of the concerns raised by RA and RCA, Ms. Tsai indicated that staff was aware of these concerns. A discussion ensued between Commissioner Flanagan and Ms. Tsai regarding the extent to which the applicant could address these concerns, the specific improvements that representatives of these organizations had requested, and the timeframe in which these concerns had been raised during the compilation of the staff report wherein Ms. Tsai stated that such concerns had been forwarded to the applicant.

Chairman Murphy called for speakers from the audience.

Tammie Petrine, 2503 Foxcroft Way, Reston, stated that she was the co-chair of Reston 2020, which was a citizen organization that monitored the implementation of the Reston Master Plan. She spoke in opposition to the subject applications because the proposed development was not consistent with the provisions of the Comprehensive Plan or the Reston Master Plan. Ms. Petrine stated that the applicant had not committed to maintaining the viability of the existing commercial development on the site and the proposed development was not consistent with the character of surrounding community. She noted the importance of commercial and retail

development to the surrounding community, adding that North Shore Drive was the only road through which residents could exit onto Wiehle Avenue and this road was subject to frequent congestion during peak-hour traffic periods. She then said that the amount of residential development within the proposal was excessive and the impact of such development would increase the traffic congestion along North Shore Drive. Ms. Petrine also said that the applicant's provisions for retail development in the proposal were insufficient and the amount of retail on the site outlined in the proposed development would be unable to adequately serve the surrounding community. In addition, she indicated that the parking provisions for the proposed retail development on the site were insufficient.

When Commissioner Keys-Gamarra asked for additional information about the size of the Reston 2020 organization, Ms. Petrine stated that this organization included over 100 listed members.

Responding to questions from Commissioner Hedetniemi, Ms. Tsai and Ms. Iannetta explained the following:

- The applicant had conducted a transportation operational analysis for the proposed development, but a traffic impact analysis had not been conducted because the development did not meet the necessary thresholds, as prescribed by the State of Virginia;
- The applicant's transportation operational analysis included an analysis of multiple intersections located near the site;
- The level of services ranking at these intersections during peak-hour traffic periods was low;
- The applicant had reviewed the existing traffic patterns around the subject property with staff and while the Comprehensive Plan included recommendations for a grid of streets in this area to alleviate congestion, the proposed development could not contribute to these improvements;
- The existing traffic congestion at the intersection between Wiehle Avenue and North Shore Drive could be alleviated through more efficient utilization of the traffic signal at this intersection; and
- The proposed development included multiple transportation improvements, such as the installation of bicycle lanes, but improvements pertaining to the implementation of a grid of streets in the area would be addressed by other applicants.

When Commissioner Hart asked for additional information about the level of service at the intersection of Wiehle Avenue and North Shore Drive, Ms. Iannetta indicated that the level of service at this intersection was rated at Level F during peak-hour traffic periods. Commissioner Hart then expressed concern that the traffic impact of the proposed development would be significantly greater than the impact generated by the existing commercial development, which

was primarily vacant. A discussion ensued between Commissioner Hart and Ms. Iannetta regarding the conclusions of the applicant's transportation operational analysis and the parameters of this study wherein Ms. Iannetta indicated that the applicant was required to utilize appropriate parameters when assessing the impact of the existing commercial development on the site.

Commissioner Sargeant asked why the installation of a traffic pre-emption device, as requested by the Fairfax County Department of Fire and Rescue (FCFR), had not been subject to further discussion between staff and the applicant, echoing concerns from Commissioner Hart regarding the level of service during peak-hour traffic periods at the intersections located near this property. Ms. Tsai said that staff supported a contribution for such a feature, but the applicant declined to make such a contribution.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Looney, who stated the following:

- The applicant's transportation operational analysis utilized appropriate parameters for determining trip-generation data, which incorporated data that accounted for the vacancy of the existing commercial development on the site;
- The type of viable retail that could be accommodated within the existing commercial development on the site was not consistent with the character of surrounding community;
- The applicant's transportation operational analysis concluded that proposed development would generate fewer peak-hour trips and fewer overall trips compared to a fully-utilized commercial development on the site;
- The level of service at the intersection of Wiehle Avenue and North Shore Drive was at Level E or greater, but intersections located farther south near the Wiehle-Reston Avenue Metrorail Station operated at a lower level of service;
- The applicant's transportation improvements would improve the level of service at Wiehle Avenue and North Shore Drive by providing bicycle lanes, optimizing the use of the traffic signal at the intersection, installing a bus shelter within the proposed development, and re-striping the intersection to facilitate left turns during peak-hour traffic periods;
- The proposed development was consistent with the character of Reston and this conclusion was supported by the Reston Planning and Zoning Committee and the Reston Association Design and Review Board;
- The applicant would provide the necessary trail connections to the existing trail network within Reston;

- The applicant had coordinated with the surrounding community regarding improvements to the Tall Oaks Pool facility, but a contribution to such improvements could not be allocated due to the cost of acquiring the existing office building on the site into the proposed development;
- The applicant would continue coordinating with the RA to address concerns regarding the condition of the Tall Oaks Pool facility; and
- The residents of the proposed development would contribute additional funds to the RA through regular dues and these funds could be utilized for improving recreational facilities in the surrounding community.

Answering question from Commissioner Hurley, Mr. Looney said the following:

- The dwelling units within the residential portion of the proposed development would not contain rental units;
- The layouts and designs for the dwelling units located within the two multi-family residential buildings had not been finalized;
- The applicant would, at the time of site plan review, incorporate appropriate modifications to the garages of the townhome units to comply with the provisions of Development Condition Number 7;
- The proposed development would include 385 parking spaces, which was greater than the 357 prescribed by the Zoning Ordinance;
- The single-family attached dwelling units in the development would consist of 114 parking spaces, the multi-family residential building would consist of 196 parking spaces, and the surface parking that supplemented the single-family attached units would consist of 17 parking space;

Commissioner Migliaccio echoed concerns from Commissioner Sargeant regarding the need for the pre-emption signal requested by FCFR, stating that he supported a contribution to this feature due to the site's proximity to an existing assisted living facility. Mr. Looney said that he did not object to additional coordination between the applicant and FCFR to address this issue.

Referring to the memorandum from VDOT in Appendix 10 of the staff report, Commissioner Hart pointed out that this memo recommended that the applicant's transportation operational analysis be re-administered due to concerns about the methodology utilized in the previous analysis. He then asked whether the concerns expressed in this memorandum had been addressed. Mr. Looney stated that the methodology utilized by the applicant for the initial analysis was consistent with the necessary standards, adding that a response to this memorandum had been submitted to VDOT to address these concerns. In addition, Mr. Looney noted that an updated analysis would be conducted at the time of site plan review, which would provide an

additional opportunity to address such concerns. A discussion ensued among Commissioner Hart, Ms. Tsai, and Mr. Looney regarding the applicant's response to VDOT's memorandum wherein Mr. Looney reiterated that the applicant intended to submit an updated analysis on the traffic patterns around the subject property at the time of site plan review.

Commissioner Hart asked whether staff concurred with the data within the applicant's transportation operational analysis. Ms. Iannetta indicated that staff favored further review of this data to address concerns regarding the methodology of the initial analysis, adding that such a review would be subject to additional coordination between staff and the applicant. When Commissioner Hart asked why staff was recommending approval of the subject applications, Ms. Iannetta explained that this recommendation was determined by the Fairfax County Department of Transportation's (FCDOT) conclusion that the proposed development would generate fewer trips than a fully-occupied commercial shopping center, as articulated in the memorandum included within Appendix 11 of the staff report. However, she added that staff still favored additional review of traffic data at the time of site plan review to adequately determine the impact of the proposed development.

When Commissioner Hart asked where the trash cans for the single-family attached dwelling units in the proposed development would be stored, Mr. Looney stated that the trash cans would be stored in the garages of these units. He added that the documents for the homeowners association for the proposed development would include provisions requiring that trash cans be stored within the garages.

Commissioner Keys-Gamarra echoed concerns from staff regarding the methodology utilized in the applicant's transportation operational analysis and the level of service at the intersections located near the proposed development. She then asked for additional information about the provisions the applicant would utilize to address these concerns. Mr. Looney explained the following:

- The applicant would implement transportation improvements such as re-striping North Shore Drive, installing bicycle lanes, and improving operation of the traffic signal at Wiehle Avenue and North Shore Drive;
- The proposed development would generate fewer trips, which would improve the traffic congestion in the area;
- The applicant would implement improvements to pedestrian paths and trails to facilitate pedestrian and bicycle traffic;
- The applicant was unable to incorporate road improvements that would contribute to a grid of streets in the surrounding area; and
- The applicant would coordinate with FCDOT and VDOT at the time of site plan review to address concerns about the transportation operational analysis and additional

transportation improvements would be determined based on the conclusions of this analysis.

Commissioner Sargeant reiterated his support for the installation of a pre-emption device, as requested by FCFR, noting the importance of such devices for the public safety and the character of development as the density of such development throughout the County increased.

Referring to Sheet 37 of the Generalized Development Plan in the staff report, which depicted the Pedestrian Circulation Plan for the proposal, Commissioner Ulfelder expressed concern that this plan did not include sufficient pedestrian connections from the single-family attached dwelling units to the sidewalks around the perimeter of the subject property. Mr. Looney explained that the orientation of certain units, such as those along North Shore Drive, were rear-loaded units that fronted along the sidewalks, but noted that these rear-loading areas had limited space for additional connections to these sidewalks. He added that the applicant had coordinated with the RADRB to determine an appropriate orientation for these units and the necessary pedestrian connections would be accommodated wherever feasible, but indicated that the limited space in the rear-loading areas might preclude such connections. In addition, Mr. Looney stated that this issue would be assessed through further coordination with the RADRB at the time of site plan review. A discussion ensued between Commissioner Ulfelder and Mr. Looney regarding the potential safety issues for children within this proposed development if the pedestrian connections were not sufficient.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the applicant's lack of contributions to the off-site amenities requested by the RA, the applicant's coordination with the RA throughout the review process, and the applicant's reasons for not including such contributions wherein Mr. Looney said the following:

- The applicant incurred a significant cost in acquiring the existing office building on the site and the availability of funds for such contributions was limited;
- The residents of the proposed development would be incorporated into the RA and contribute dues accordingly, which could be allocated for such improvements; and
- The applicant would continue coordinating with the RA on efforts to improve the amenities in the surrounding area;

Commissioner Flanagan expressed support for the applicant's commitment to coordinate with the FCFR on the installation of a pre-emption signal. A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the impact of such a signal, the funds that would be necessary to install this signal, and the location of this signal wherein Mr. Looney confirmed that the pre-emption signal requested by the FCFR would be located near Reston Fire and Rescue Station 25.

In response to questions from Commissioner Flanagan, Mr. Looney stated that the proposed development would include approximately 8,600 square feet of retail space, which was greater

than the 7,500 square feet recommended by a market study. He then indicated that the number of retail establishments that would occupy this space would vary, depending on the type of establishment. A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the possible retail establishments that the proposed development could accommodate.

Commissioner Hart echoed concerns from Commissioner Ulfelder regarding the lack of pedestrian connections to the sidewalks within the proposed development. He then asked for clarification on the applicant's intent to obtain a waiver for 5-foot sidewalks, as prescribed by the Public Facilities Manual, to permit the installation of 4-foot sidewalks to facilitate such connections. Mr. Looney indicated that a waiver for such sidewalks could not be granted by the Planning Commission and was granted by the Director of the Department of Public Works and Environmental Services at the time of site plan review. Ms. Tsai concurred with this statement.

Commissioner Hurley expressed concern about the internal circulation of buses within the proposed development and asked for additional information on this issue. Mr. Looney described the routes that buses would utilize within the development and pointed out that the bus shelter would be located near children's play area within the open space. When Commissioner Hurley asked for additional information about the buses serving the nearby assisted living facility, he indicated that these buses would utilize a different route. A discussion ensued between Commissioner Hurley and Mr. Looney, with input from Commissioner de la Fe, regarding the routes utilized by buses serving the nearby assisted living facility and the ability for these buses to circulate within the proposed development wherein Commissioner de la Fe pointed out that this facility utilized shuttles that were not associated with County bus services.

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

*(Start Verbatim Transcript)*

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Chairman Murphy: If not, public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I'd like to – I'm going to defer decision on this for one week so that the applicant can – and staff can work on tweaking the development conditions to deal with, you know, like the fire prevention devices – the issue of the garages, if that needs to be further developed. Perhaps, the – although I – this may not be necessary to do before the decision, but, you know, continuation with RA on, you know, assistance to the Tall Oaks Pool. And so if we could, you know, address those issues, I would like to defer the decision until next Thursday if that's all right with the applicant and staff. It does have a decision date of – a Board of Supervisors date of July 26th and, on a personal note, this is the village center that both Supervisor Hudgins and I call "our Village Center" so we're very familiar with it. And – so we would like to revitalize it and, you know, make sure that it's more than just an empty parking lot with a couple of drive-throughs or, you know, drive-out facilities, not drive-through. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE

DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS,  
FOR PRC C-020 AND SE 2016-HM-012 TO A DATE CERTAIN OF JULY 21ST, 2016.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision only on these applications to a date certain of July 21st, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioner Lawrence and Strandlie were absent from the meeting.)

*(End Verbatim Transcript)*

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The meeting was adjourned at 10:38 p.m.

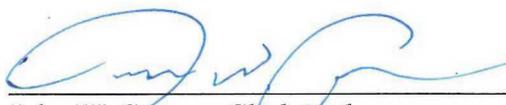
Peter F. Murphy, Chairman

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: January 12, 2017



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