

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 17, 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 M. Strandlie, Mason District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Karen A. Keys-Gamarra, Sully District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:20 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

Chairman Murphy announced that Marie Travesky, a former Springfield District Supervisor, passed away on November 16, 2016 at the age of 85. Chairman Murphy noted her outstanding service on a number of committees and contributions to the transportation improvements in the County. He expressed condolences to Ms. Travesky's family on behalf of the Planning Commission.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PCA/FDPA 2009-SU-020-02 – PENDER PROFESSIONAL CENTER, LLC (Sully District)
2. RZ/FDP 2014-MA-014 – NOVUS PROPERTY HOLDINGS, LLC (Mason District)

This order was accepted without objection.

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PCA/FDPA 2009-SU-020-02 – PENDER PROFESSIONAL CENTER, LLC – Appls. to amend the proffers, conceptual, and final development plan for RZ 2009-SU-020, previously approved for office and secondary uses to permit additional secondary uses and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. Located on the N. side of Lee Jackson Memorial Hwy., and W. side of Fair Ridge Dr., on approx. 18.07 ac. of land zoned PDC, WS and HC. Comp. Plan Rec: Mixed Use. Tax Map 46-3 ((1)) 15 C and 15 A1. SULLY DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed that he worked for Dominion Virginia Power and indicated that there were ongoing discussions regarding certain facilities that involved this project; therefore, he would recuse himself from the public hearing.

Paul Zhu, Executive Vice President, Pender Professional Center, LLC, reaffirmed the affidavit dated October 13, 2016.

In the absence of Commissioner Keys-Gamarra, Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

(Start Verbatim Transcript)

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

Commissioner Hart: Thank you, Mr. Chairman. This a straightforward application to amend the proffers and final development plan to add some additional uses in existing building. Has staff's favorable recommendation and the Sully District Council does not oppose it. And before we make – make the motion, Mr. Chronis, could you come back to the podium please? Could you confirm for the record that the applicant has read and understands, and agrees to the proposed development conditions now dated November 2, 2016?

Aristotelis A. Chronis, Esquire, Applicant's Attorney, Pender Professional Center, LLC: Yes.

Commissioner Hart: Thank you. Mr. Chairman, I have three motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2009-SU-020-02, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 1, 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, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Second, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2009-SU-020-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 2, 2016, AND TO THE BOARD'S APPROVAL OF THE ASSOCIATED PROFFER CONDITION AMENDMENT.

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 2009-SU-020-02, subject to the Board' approval of PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE LIST OF MODIFICATIONS AND WAIVERS DATED NOVEMBER 16 (sic) – NO, EXCUSE ME – NOVEMBER 17, 2016, WHICH WAS PROVIDED TO YOU EITHER YESTERDAY OR TODAY, AND FURTHER DISCUSSED IN THE STAFF REPORT. THIS LIST 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 the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motions carried by a vote of 8-0. Commissioner Sargeant recused himself from the vote. Commissioners Flanagan, Keys-Gamarra and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

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RZ/FDP 2014-MA-014 - NOVUS PROPERTY HOLDINGS, LLC
– Appls. to rezone from C-3, C-4, HC, SC, and CRD to PDC, CRD, HC, and SC to permit office, multi-family residential, and mixed-use with an overall Floor Area Ratio (FAR) of 1.08 and approval of the conceptual and final development plan. Located in the N.W. quadrant of the intersection of Columbia Pike and Carlin Springs Rd., on approx. 3.68 ac. of land. Comp. Plan Rec: Office/Mixed-Use. Tax Map 62-1 ((1)) 7. MASON DISTRICT. PUBLIC HEARING.

Scott E. Adams, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 31, 2016.

There were no disclosures by the Commission members.

Carmen Bishop, 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 RZ/FDP 2014-MA-014.

Mr. Adams launched a video presentation "e-Lofts." After conclusion of the presentation, he noted the following:

- The design plan of the property was intended to transform a long-term vacant office building into 157 loft-style units that could be used as apartments, offices or a combination of both;
- Each unit would be built-out with a common flexible floor plan designed to work well as an office, loft apartment, or live/work space, with tenants providing the furnishings to suit their needs;
- The subject application would make a positive impact on reducing the office buildings vacancy rate in the County, promote small businesses, and help drive the revitalization of the Bailey's Crossroads area;
- The project was anticipated to generate an annual real estate tax revenue to the County in the amount of \$475,000; and
- The transportation improvements would include the removal of on-street parking spaces in front of the building, consolidation of four access points on Carlin Springs Road into one full movement access point, and creation of a new bus shelter and bike lane.

In response to questions from Commissioners Strandlie, Migliaccio and Hurley, Mr. Adams explained the following:

- In consultation with the Fairfax County Economic Development Authority and the Fairfax County Small Business Commission, the applicant had proffered to develop a

marketing program for the property targeted to small business owners and entrepreneurs having a household income that was no more than 120 percent or less of the area median income;

- The recreational amenities would include a publicly accessible open space at the intersection of Columbia Pike and Carlin Springs Road and a courtyard area between the building and the parking garage;
- Most of the construction activities would take place indoor and the hours of construction were stipulated in Proffer 4;
- The applicant would make a contribution to the Fairfax County Public Schools for capital improvements and such contribution would be adjusted on a pro rata basis if the number of units actually built is less than the maximum allowed under this rezoning; and
- The applicant was awaiting to obtain clarification from the Fairfax County Fire and Rescue Department regarding the traffic signal preemption device location, installation cost and project timeline.

Referring to Proffer 8 on Page 5, Commissioner Hart indicated that the word “receptacle” was misspelled. Since a part of the property was located in Arlington County, Commissioner Hart inquired about the regulatory approvals required from this jurisdiction. Mr. Adams responded that two of the four existing curb cuts were located within Arlington County and their closure would require approval; although, Arlington County’s approval of the curb cut closure should not prevent any approval from Fairfax County that was necessary to implement the rezoning.

Addressing Commissioner Hart’s concerns in regards to the flexibility of residential and office uses of the building, Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, explained that if the mixed use ceases to work and becomes a residential use, it would need to be rezoned to an appropriate category.

Responding to Commissioner Ulfelder’s questions, Mr. Adams indicated the following:

- The size of the units would range from 450 to over a 1000 square feet;
- All the units would have one bedroom;
- The different lease terms would be established for office, residential and mixed-concept uses; although, the term of tenancy was twelve months for all the units;
- The co-working space located on the ground floor would be available for all the tenants;
- Approximately seventy visitor parking spaces were planned on the surface parking lot; and

- The calculation of parking spaces was based on the maximum parking generating use if the building was entirely dedicated for offices and represented 2.6 spaces per a thousand square feet. The applicant asked for a ten percent reduction from the above amount to help preserve the open space.

Robert M. Seldin, Applicant, Novus Property Holdings LLC, stated that the tenants would be provided with a flexibility to change the type of lease if they choose to do so.

Commissioner Ulfelder indicated that the subject construction was fifty years old and inquired about the additional expected useful life of the building. Mr. Seldin responded that the only part of the building that would be maintained was the concrete structure which had a one hundred years of functional life.

Answering Commissioner Sargeant's questions, Mr. Adams said that the only compatible uses of the building that had been identified were residential, office or a combination of two. Ms. Abrahamson added that the types of uses that would require permanent installation of professional equipment were not permitted.

Commissioner Sargeant inquired about the timeframe to achieve the trip reduction goals stipulated in the proffers. Mr. Adams responded that a mixed use of the building would allow to achieve the goals fairly quickly once the occupancy of the building was established.

In response to Commissioner Sargeant's question regarding the trip reduction measurement tool described in the proffers, Michael Garcia, Transportation Planning Division, Department of Transportation, explained that the aforementioned tool was used by the Department of Transportation for transportation demand management calculations and its applicability to the subject property would be tested as the actual trip generation data becomes available.

Chairman Murphy inquired if the applicant considered a future conversion of the e-lofts to e-condos. Mr. Adams indicated that such conversion could potentially become an option; although in this case a mixed-use concept would still be utilized.

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

Laura Koschny, 5704 Robinwood Lane, Falls Church, expressed concerns regarding the future parking availability on Robinwood Lane. Mr. Koschny welcomed the concept of adult living and noted that increased student population might be a source of additional noise which could be disruptive. She further indicated that the project would make the community more upscale. She further asked about the preemption device that was mentioned during the discussion with staff.

In response to Ms. Koschny's question, Commissioner Migliaccio explained that the traffic signal preemption device allowed the normal operation of traffic lights to be preempted to permit the emergency vehicles right-of-way through the intersection.

Commissioner Strandlie said that she previously toured the Novus Property Holdings LLC e-loft building located in Alexandria and it gave her a perception that the units were planned as small one-bedroom apartments. She alleviated Ms. Koschny's concerns regarding potential future

increase of student population in the area by saying that the envisioned population of the building would include single individuals or couples. Commissioner Strandlie concluded by saying that future reconstruction of the building received positive feedback from the community and the Mason District Land Use Committee had unanimously recommended the approval of the project.

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

(Start Verbatim Transcript)

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

Commissioner Strandlie: Thank you, Mr. Chairman. We have spent a lot of time on – on the case, and they have made a lot of adjustments pursuant to these – the meetings that we have had. There are still some things that I'd like to see fine-tuned and normally I would say, you know, "we're going to do this now before it goes to the Board." We have a very tight timeframe because the Board has had so few meetings this year and there is only one left before the end of the year and this is a critical timeframe. So, I'm going to go ahead and make the motion to approve tonight but I would like to work with you to get some fine-tuning in on the topics that were mentioned tonight to Supervisor Gross before this goes to the Board on December 6, assuming that – that this is approved tonight. Is that agreeable?

Scott E. Adams, Applicant's Agent, McGuireWoods LLP: Yes, we're happy to work with you on – on the fine-tuning.

Commissioner Strandlie: Okay. Great.

Mr. Adams: Thanks.

Commissioner Strandlie: And – let me see – do we need to affirm the conditions and the – on the record, please?

Mr. Adams: Yes, we – we affirm the – the conditions. We are in agreement with them.

Commissioner Strandlie: And the proffers?

Mr. Adams: Yes.

Commissioner Strandlie: Thank you. Okay. Mr. Chairman – I require – I've already did that. I move that the Planning Commission recommend – I'll just say this again and put the date on it. Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed

final development conditions dated November 2. I'm a lawyer, so we're going to put that date in there to make sure we have the right one.

Mr. Adams: We agree.

Commissioner Strandlie: Thank you. Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-MA-014 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 4TH, 2016. But as – as we agreed, we're going to work to refine those before they get to the Supervisors. I move that the planning Commission approve FDP 2014-MA...

Chairman Murphy: Let's do these one at a time.

Commissioner Strandlie: I'm sorry.

Commissioner Murphy: Okay. Is there a second to the motion?

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of the motion? All those in favor of the motion to recommend to the Board of...

Commissioner Migliaccio: Just on that. I'm supporting this tonight. I know we have one more Planning Commission day but I do hope that the applicant can find some agreement with – work with Commissioner Strandlie on the preemption device because I do think that is – it is a critical element of the traffic flow in this area with the Fire and Rescue. Thank you.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-MA-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Strandlie.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-MA-014, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 2, 2016, AND THE BOARD OF SUPERVISOR'S APPROVAL OF RZ 2014-MA-014 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Sargeant (sic).

Commissioner de la Fe: Ms. Hedetniemi.

Chairman Murphy: Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2014-MA-014, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED NOVEMBER 17, 2016, WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(End Verbatim Transcript)

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The meeting was adjourned at 9:30 p.m.

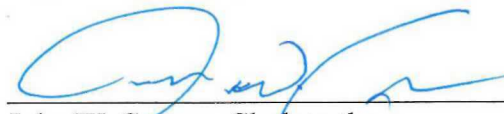
Peter F. Murphy, Chairman

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: Inna Kangarloo

Approved on: May 4, 2017



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

