

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 19, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Karen A. Keys-Gamarra, Sully District

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The meeting was called to order at 8:15 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

RZ 2014-MA-023 – COLUMBIA CROSSROADS L.P.

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you, Mr. Chairman. Tonight, we have a decision only on Columbia Crossroads, LLP RZ 2014-MA-023...

Commissioner Sargeant: Mr. Chairman, if I can...

Chairman Murphy: Mic on or not?

Commissioner Sargeant: If I can – Mr. Chairman, if I can interrupt. I'm going to recuse myself from this application. There is a Dominion facility within the premises of the proposed reapplication – you know – redevelopment area. As a result, I will step out.

Commissioner Strandlie: Thank you.

Chairman Murphy: Go ahead, please.

Commissioner Strandlie: Okay. The hearing on this case occurred on July 13th, 2017. I deferred the decision to make some adjustments to the proffers to address some questions that came up during the hearing. I'm pleased to report that the revised proffers, as summarized in the staff

memo dated July 18th, 2017, addressed our concerns, I believe, and the proffers include an addition two traffic signal preemption devices. The application before us tonight is for a

conceptual development plan. At a future date the applicant will submit a final development plan for approval. While the applicant is looking for a builder for the proposed development, certain parcels will become available for intermittent public use, such as farmers markets, a dog park, festivals, et cetera. I think I can speak for the community in saying we can't wait.

Redevelopment of this area has been in the work – works for over twelve years and we are so happy that this project is moving forward. The first step is for the Planning Commission to recommend approval to the Board of Supervisors, so let's get started with that. The applicant – if you can come forward and reaffirm the proffers dated July 17th, 2017?

Applicant's representative, John McBride, Odin, Feldman & Pittleman, PC: Good evening. I'm John McBride, on behalf of the applicant, I reaffirm that the proffers dated July 17th, were voluntarily proffered by the applicant.

Commissioner Strandlie: Thank you very much. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS RZ 2014-MA-023 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED JULY 17TH, 2017.

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 approve RZ 2014-MA-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder and the Chair abstains not present for the public hearing.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE IN ACCORDANCE WITH THE PFM SECTIONS 7-0104.1.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE USE LIMITATION IN SECTION 6-026(5) OF

THE ORDINANCE, LIMITING SECONDARY USES UP TO FIFTY PERCENT OF GROSS FLOOR AREA OF THE DEVELOPMENT'S PRINCIPAL USES TO BE INCREASED TO SEVENTY PERCENT.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Strandlie: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE APPROVAL OF WAIVERS AND MODIFICATIONS OF THE PDC DISTRICT STANDARDS AND TRANSITIONAL SCREENING REQUIREMENTS IN ACCORDANCE WITH THE CRD STANDARDS, IN FAVOR OF THAT SHOWN ON THE CDP AND CONCERT WITH THE PROFFERED PERFORMANCE STANDARDS.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Strandlie: Thank you. I just want to say a huge thank you to the staff, Sharon Williams, and Kris Abrahamsen and to the applicant and we look forward to great things happening in the south east quadrant.

Chairman Murphy: Okay, thank you.

The motion carried by a vote of 8-0-2. Chairman Murphy and Commissioner Ulfelder abstained not present for the public hearing. Commissioner Sargeant recused himself from the public hearing. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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RZ/FDP 2016-MV-002 – NOVUS PROPERTY HOLDINGS, LLC

(Start Verbatim Transcript)

Commissioner Flanagan: Yes, thank you Mr. Chairman. Tonight, I have on the agenda a decision only regarding Rezoning 2016-MV-002 and FDP 2016-MV-002, which propose the construction of a planned residential mixed-use multi-family building, with 350 dwelling units on 3.17 of a 5.29 acre – acres in the Kings Crossing Community Business Center, which is at the intersection of Richmond Highway and Fairview Avenue, which also serves as the project's primary access. It's – I'd like to start off by saying that it's – it has been important for me, in reviewing this application, to take into consideration during my review of this proposed development, that this site is within the Richmond Highway Revitalization District, in which the Board of Supervisors has previously not only relaxed some zoning requirements, but also encouraged flexibility to induce the revitalization of older parts of Fairfax County to overcome their unique problems. And as you know, Revitalization Districts also include those in Annandale, Bailey's Crossroads, Seven Corners, McLean, and Springfield. The staff report published on June 27, lists 12 issues for the applicant to resolve. During the public hearing on July 13, staff had reduced the list of 12 to 5, as a result of subsequent negotiations and after publication and a meeting in Supervisor Storck office on July 12. The results of that meeting were incorporated into the amended proffers dated July 12, which were not made available to the Commission until the public hearing last July 13. During the public hearing testimony from the Mount Vernon Council, adjacent Spring Bank Home Owner Association, and the Southeast Fairfax Development Corporation responsible for the revitalization of Richmond Highway, requested overwhelmingly that we approve the rezoning. The community, however, as well as the Commissioners, had not seen the July 12 amended proffers until the public hearing on July 13. As a result a decision was deferred until tonight to permit further review time and written testimony. The associations' letters reaffirming their overwhelming support have now been received and made part of the public hearing record. In addition staff, the applicant, and I have been in daily discussions – and in not quite twenty-four seven, but – to resolve the remaining 5 staff concerns. At this point, I am satisfied with the results of those discussions, although staff is still concerned about 3 of the 5 issues they previously were concerned about. The 3 that are listed in the staff July 18 memo to we Commissioners concern the parks contribution of \$250,000, the outdoor loading spaces, and the timing of the interim sidewalk and bike trail improvements along Richmond Highway. The first item, the interim improvements – as to the interim improvements – in the spirit of flexibility by the Board of Supervisors to encourage projects in our five Revitalization Districts, I am now satisfied that the current sidewalk along Richmond Highway and Fairview Avenue that now serve the Spring Bank community are sufficient to serve the original NOVUS residents during the short time between the first RUP is issued and the completion date. Nor will the bike path be missed since there is no bike path to the south. In addition, the garage will be available for resident use. The – as to the loading spaces issue, I am also satisfied with the applicant's proffer to construct the private road to VDOT standards and their proffer to maintain the road in perpetuity, should VDOT not accept the road with outdoor loading. The applicant has not, as yet, planned the interior of the building so it is not known whether the applicant can provide indoor loading or if VDOT will even require it as an email from VDOT states that inside loading may not be required. It is also not likely that VDOT will accept the proposed road, even if Walmart allowed a connection to their site. As a result, I think it's reasonable for the application – the applicant to have the flexibility provided in their proffer. As to the last item for the park contribution, I am satisfied there, as well, that the increased fair share contribution from nothing to \$250,000 that was acceptable to Supervisor Storck's staff during his July meeting. It will assure the completion of the unique on-site public park, as shown on the final development plan. The applicant's proffer also agrees to increase the \$250,000 with funds not needed for on-site

park facilities. In addition, and attached to the July 18 memo and – that you have and was sent to you yesterday and provided tonight as hard copies – are one, the revised conditions that prompted proffers as staff recommended and two, 5 sheets of the final development plan which respond to Commissioners comments to delete the open garage exterior wall alternative that was shown in the staff report on sheet 6, and reflect proffer 13 text in the Richmond Highway final condition cross section drawings on page L-104. With the changes already noted and overwhelming support from the adjacent and community organizations in writing, since the public hearing and now part of the record, I am prepared to move approval. Therefore, Mr. Chairman, I request that the applicant confirm for the record agreement to the proposed development conditions now dated July 19th.

Applicant's representative, Sara V. Mariska, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. Sara Mariska with the Law Firm of Walsh Colucci here on behalf of the applicant and we are in agreement with the conditions dated July 19th.

Commissioner Flanagan: Thank you. As a result of that, I – it's my pleasure to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF RZ 2016-MV-002 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JULY 18, 2017.

Commissioners Hedetniemi, Sargeant and Migliaccio: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, can I also add my congratulations to Commissioner Flanagan and staff and the applicant for tremendous work to make this application go forward.

Chairman Murphy: And Mr. Migliaccio also seconds the motion. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-MV-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder and Mr. Murphy abstain, not present for the public hearing.

Commissioner Flanagan: My second motion.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I have a second motion as well. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING, AND WHICH ARE DATED JULY 19, 2017, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioners Hedetniemi, Sargeant and Migliaccio: Second.

Chairman Murphy: Second. Same seconds. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same seconds.

Commissioner Flanagan: And my last motion.

Chairman Murphy: Same abstentions, of course, I'm sorry. Thank you.

Commissioner Flanagan: And my last motion is I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN 2016-MV-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 19, 2017.

Commissioners Hedetniemi, Sargeant and Migliaccio: Second.

Chairman Murphy: Same seconds. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2016-MV-002, subject to the Board's approval of the rezoning and conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Flanagan: Mr. Chairman, I just want to because – before Wanda leaves, I want everybody to know what a talented person we have. This has been a very complicated application and it's going to be a model for redevelopment for on this one highway. I hope its top flight – top class project for Richmond Highway. It should be the dominion that gets every – a lot of other developments started I'm sure. And, Mr. Kefirs, in fact, flew in from Portugal just to be with us when we met with the Supervisor's office, so I know very – they consider this project to be one of their main projects in the DC area. Thank you, Wanda.

Wanda Suder, Zoning Evaluation Division, Department of Planning and Zoning: Thank you very much Mr. Flanagan.

Chairman Murphy: Congratulations. Thank you.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: While we're on this case. The packet that we got tonight with more plans do we want to recycle those for use with the Board or...

Commissioner Flanagan: Oh yes, would you like to collect those and recycle them for the Board?

Commissioner Hart: Save a couple trees somewhere.

Chairman Murphy: On Richmond Highway.

Commissioner Hart: Well too late for that.

The motion carried by a vote of 9-0-2. Chairman Murphy and Commissioner Ulfelder abstained not present for the public hearing. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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SE 2017-LE-006 DVA TELEGRAPH – 7710, LLC.

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I'll make – the first one is an announcement about the Land Use Process Committee that will be meeting tomorrow night at 7:00 p.m. in the Board conference room. It is open to the public and the agenda will be minor site plan provisions, parking provisions, and miscellaneous PFM amendments. I also have a few motions to make once we have very one seated again. I had a public hearing this evening for a Dunkin Donuts on Telegraph Road, but – due to some affidavit issues – I need to make a deferral. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2017-LE-006 TO A DATE CERTAIN OF JULY 27, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion to defer SE 2017-LE-006 to a date certain of July 27th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, also on that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING TO A DATE AFTER THE PLANNING COMMISSION MAKES A RECOMMENDATION ON THIS APPLICATION.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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FS-L17-9 – T-MOBILE, 6500 Frontier Drive, Springfield, VA 22150

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you Mr. Chairman, I have a few – I have one feature shown for this evening. I MOVE THAT THE PLANNING COMMISSION FIND FS-L17-9, A TELECOMMUNICATIONS FACILITY LOCATED ON THE PARKING GARAGE AT 6500 FRONTIER DRIVE, SPRINGFIELD, VIRGINIA, TO BE CONSIDERED A FEATURE SHOWN, PURSUANT TO VIRGINIA CODE 15.2-2232, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Commissioner Hart. Is there discussion? All those in favor of the motion to concur with the feature shown determination in FS L17-9, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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2232-L17-24 – T-MOBILE, 6550 Loisdale Court, Springfield, VA 22150

(Start Verbatim Transcript)

Commissioner Migliaccio: I have one other feature shown. I just noticed. I MOVE THAT THE PLANNING COMMISSION FIND 2232-L17-24, LOCATED AT 6550 LOISDALE COURT, SPRINGFIELD, VIRGINIA, TO BE CONSIDERED A FEATURE SHOWN, PURSUANT TO VIRGINIA CODE 15.2-2232, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there discussion? All those in favor of the motion to concur with the feature shown determination in 2232 L17-24, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you Mr. Chairman.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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Commissioner Hart stated the Planning Commission received minutes for various hearings in March and April of 2017 and that he intended to move on those minutes at the July 27, 2017 public hearing.

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Commissioner Hart announced that the Zoning Administration Division at the Department of Planning and Zoning would be held on July 26, 2017. The Zoning Ordinance amendments regarding the Airbnb would be the topic of discussion.

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Chairman Murphy announced that Thursday, July 27, 2017 would be the last meeting of the Planning Commission before the August recess, and the public hearings would resume the week after Labor Day.

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Commissioner Ulfelder reminded the Commission members to review the revised development conditions for SE 2017-DR-003, Sun Trust Bank, scheduled for decision only on July 20, 2017, that had been distributed electronically.

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. CSPA 86-W-001-02 – FAIRFAX COUNTY BOARD OF SUPERVISORS
2. FDPA 2003-LE-025-09 – JAMES RYAN OSTRYE AND RACHEL OSTRYE

3. SE 2016-MA-023/RZ 2016-MA-029 – ARCLAND PROPERTY COMPANY, LLC
4. SEA 2014-PR-032/2232A-P14-4-1 – VIRGINIA ELECTRIC & POWER COMPANY, D/B/A DOMINION VIRGINIA POWER
5. RZ/FDP 2017 – JLB DULLES TECH, LLC

This order was accepted without objection.

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CSPA 86-W-001-02 – FAIRFAX COUNTY BOARD OF SUPERVISORS – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with CSP 86-W-001 to permit sign modifications. Located on the E. and W. side of Government Center Pkwy. and S. side of Monument Dr. on approx. 110.06 ac. of land zoned PDC. Tax Map 56-1 ((15)) 6, 7, 8 and 14. BRADDOCK DISTRICT. PUBLIC HEARING.

Commissioner Hurley 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 the public hearing and recognized Commissioner Hurley for action on this application.

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(Start Verbatim Transcript)

Commissioner Hurley: Thank you Mr. Chairman. This is a very simple sign plan change. It's for right outside here for the new police and fire department headquarters. I guess that's why nobody's objecting to it. And, however, before I move on this application, I request that the applicant confirm for the record to the proposed comprehensive sign plan amendment development conditions published in the staff report and dated 5 July, 2017.

Applicant's Representative, Eileen Gasteiger, Building Design and Construction Division, Department of Public Works and Environment Services: I'm Eileen Gasteiger, DPWES, on behalf of the applicant we have reviewed the proposed development conditions and we agree with them.

Chairman Murphy: Thank you very much. Ms. Hurley.

Commissioner Hurley: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 86-W-001-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED 5 JULY, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to approve CSPA 86-W-001-02, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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FDPA 2003-LE-025-09 – JAMES RYAN OSTRYE AND RACHEL OSTRYE – Appl. to amend the final development plans for FDP 2003-LE-025 to permit modification of yard requirements for lot 66 and associated changes to development conditions. Located at 6002 Masondale Rd., Alexandria, 22315 on approx. 3,720 sq. ft. of land zoned PDH-5 and HC. Tax Map 81-4 ((48)) 66. LEE DISTRICT. PUBLIC HEARING.

James Ryan Ostrye, Applicant/Title Owner, reaffirmed the affidavit dated May 27, 2017.

Commissioner Migliaccio 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 Migliaccio for action on this application.

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(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. Would you please come back to the microphone? Do you confirm for the record your agreement to the proposed development conditions dated July 5th, 2017?

James Ryan Ostrye, Applicant/Title Owner: I do.

Commissioner Migliaccio: Thank you. Mr. Chairman this once again another simple case in the North Hampton part of Kingstown for a patio. Therefore, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2003-LE-025-09, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 5TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion to approve FDPA 2003-LE-025-09, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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SE 2016-MA-023 – ARCLAND PROPERTY COMPANY, LLC –
Appl. under Sect. 9-618 of the Zoning Ordinance to permit an increase in permitted Floor Area Ratio. Located at 5407, 5411 and 5415 Industrial Dr., Springfield, 22151 on approx. 2.26 ac. of land zoned I-6. Tax Map 80-2 ((1)) 53 and 54 and 80-2 ((3)) 20. (Concurrent with RZ 2016-MA-029). MASON DISTRICT PUBLIC HEARING.

RZ 2016-MA-029 – ARCLAND PROPERTY COMPANY, LLC –
Appl. to rezone from I-6 and R-2 to I-6 to permit a Mini-Warehousing Establishment with an overall Floor Area Ratio (FAR) of 1.0. Located on the S. side of Edsall Rd., N. side of Industrial Dr., W. of the Henry G. Shirley Memorial Hwy. on approx. 2.26 ac. of land. Comp. Plan Rec: Industrial. Tax Map 80-2 ((1)) 53 and 54 and 80-2 ((3)) 20. (Concurrent with SE 2016-MA-023). MASON DISTRICT PUBLIC HEARING.

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated June 15, 2017.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had two case where the attorneys in Mr. Painter's firm represented an adverse party or adverse parties. He stated that matter and those parties were unrelated to application. Commissioner Hart stated the law firm of Hart & Horan, P.C. had no business or financial relationship and to his knowledge, did not believe this matter before the Planning Commission would affect his ability to participate in the case.

Commissioner Strandlie 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 Strandlie for action on these applications.

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(Start Verbatim Transcript)

Commissioner Strandlie: Great. Thank you, Mr. Chairman. Before I go to the motion, I just wanted to mention that I have been discussing with the applicant the addition of a traffic signal preemption device. That conversation is ongoing and the site is near a fire station, so that would be an important thing to consider and we look forward to this discussion going on before the Board when considering this application. So, with that...

Chairman Murphy: We need to have the applicant come up...

Commissioner Strandlie: Yes. Can you request that the applicant confirm for the record agreement to the proposed development conditions dated July 11th, 2017?

Andrew A. Painter, Walsh, Colucci, Lubeley, & Walsh, PC: On behalf of the applicant, we have read, agree – or read, understand, and agree to those conditions.

Commissioner Strandlie: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF RZ 2016-MA-029, TO REZONE THE PROPERTY FROM AN R-2 AND I-6 DISTRICTS TO THE I-6 DISTRICT, TO ALLOW THE CONSTRUCTION OF A 138 THOUSAND SQUARE FEET MINI-WAREHOUSING ESTABLISHMENT, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

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 approve RZ 2016-MA-029, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: APPROVAL SE 2016-MA-023, TO INCREASE THE FAR FOR A PROPOSED MINI-WAREHOUSING ESTABLISHMENT TO ONE 1.0, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS, DATED JULY 11, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded 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 approve SE 2016-MA-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: APPROVAL OF THE WAIVERS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING, DATED JULY 19TH, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded Ms. Hedetniemi. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you very much. Thank you for everyone's hard work on this and thank you for – this was a consolidated case in a land mass that they had to add on to an original spot to make this application work and we greatly appreciate your taking the extra steps on that. Thank you.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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SEA 2014-PR-032 – VIRGINIA ELECTRIC & POWER COMPANY, D/B/A DOMINION VIRGINIA POWER – SEA
Appl. under Sects. 3-304, 9-101 and 9-104 of the Zoning Ordinance to amend SE 2014-PR-032 previously approved for an electric substation and telecommunications facility to modify site and development conditions to permit the addition of temporary equipment at its existing facility and associated modifications to site design and development conditions. Located at 7701 & 7707 Shreve Rd., Falls Church, 22043 on approx. 7.15 ac. of land zoned R-3. Providence District. Tax Map 49-2 ((12)) 1A and 49-2 ((1)) 151. (Concurrent with 2232A-P14-4-1). PROVIDENCE DISTRICT PUBLIC HEARING.

2232A-P14-4-1 – VIRGINIA ELECTRIC & POWER COMPANY, D/B/A DOMINION VIRGINIA POWER – 2232
Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit the addition of temporary equipment at its existing facility. Located at 7701 & 7707 Shreve Rd., Falls Church, 22043 on approx. 7.15 ac. of land zoned R-3. Providence District. Tax Map 49-2 ((12)) 1A and 49-2 ((1)) 151. (Concurrent

with SEA 2014-PR-032). PROVIDENCE DISTRICT. PUBLIC
HEARING.

Commissioner Sargeant disclosed that Dominion Energy was his employer and as a result, recused himself from the public hearing.

Gregory A. Riegle, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated June 14, 2017.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. She noted that staff recommended approval of SEA 2014-PR-032 and 2232A-P14-4-1.

Commissioner Niedzielski-Eichner stated his intent to defer the decision only of the application based on the development conditions updated on July 18, 2017, and any Commission discussions during the public hearing. Commissioner Niedzielski-Eichner and staff discussed the community's involvement in regards to the application. Ms. Posusney stated since the approval of the special exception, staff had worked to fulfil many of the conditions and also worked with the neighborhood throughout that time. The applicant had been working to incorporate some of the conditions resulted from the SEC process. Commissioner Niedzielski-Eichner stated that a number of issues was brought to his attention, one of them being the ascetics. He made reference to a substation facility located in the back yard of at least five homes. He asked staff to explain the appearance of the ascetics and their effects on the neighborhood. Ms. Posusney deferred to the applicant.

Mr. Riegle gave a presentation wherein he explained the following:

- A sixty-year old substation would surround a residential community which would present some challenges;
- This substation described as fully depreciated in terms of its technology and operational life;
- Some minor changes were made to the conditions which addressed the hours of operation for construction to reasonably accelerate the process, with most of the focus geared towards landscaping;
- A third set of eyes was requested for the landscaping concepts, focusing on maximum height and screening. Enhanced language was put in place for the inspection of plantings and ensuring they were viable. There was also language regarding tree preservation;
- The upgrade was needed in order to ensure compliance with federal reliability standards imposed on Dominion;

- Final engineering for the substation resulted in identifying a need for the interim structural elements of the construction bus. The high bus was required to keep the substation operational in a way that made it appropriately safe and functional; and
- Regarding the State Corporation Commission (SCC) process, both the Fairfax County and a member of the joining community participated in the process. There was a detailed review of options and alternatives related to the high bus. Evidence was provided supporting the high bus as the only practical alternative to manage the interim construction realities. The SCC process also produced volumes of data and analytical material.

Further discussion continued between Commissioner Niedzielski-Eichner and Mr. Riegle regarding the appearance of the aesthetics and technical aspects of the application. Commissioner Niedzielski-Eichner had some safety concerns which were based on the Burns and McDonnell engineering firm's review, specifically in regards to no electrical arching in the substation unless design clearances could be violated or in the case of equipment failure. He asked for insight or a scenario where the design clearances could be violated. David Wallace, Burns and McDonnell stated that with respect to arching, the substation was designed in such that the electrical clearances must be at an insulation level. If that insulation level was violated by an object, wildlife, et cetera, there could be a fault on the system. That fault could be cleared within three to five cycles, which amounts to about one-twentieth of a second, after which the system restores. The other types of phenomenon were more weather-related, for example, if lightning were to strike the substation bus, it would trip the system out very quickly and restore itself which in turn would have a low risk probability. Further discussion continued regarding the foundation design and the foundation calculations comparison with the site's soil and industries standard design. Matt Bower, Burns and McDonnell, stated that as part of the review, the calculations and information received from Dominion indicated at that time, they had not done that. Once it was brought to their attention, they backtracked and found geotechnical information completed prior as part of some of the work being done on site, the geotechnical parameters information used for design was verified. Mr. Bower stated that Burns and McDonnell was comfortable with Dominion's response and it fulfilled Burns and McDonnell's requirements of the scope. Commissioner Niedzielski-Eichner and Joanna Faust, Office of the County Attorney, discussed staff's role and participation in the SCC proceeding. Ms. Faust stated the County Attorney's Office along with one of the local homeowners, did participate in the SCC proceeding. Their role in the proceeding was to gather as much information as possible to be analyzed by an electrical expert retained by the County. That electrical expert's role was to double check and verify Dominion's specifications, the need and reliability of the options proposed, as well as to advocate on behalf of the homeowners, with respect to any minimization of impact on the surrounding area.

Commissioner Hart addressed Commissioner Lawrence's concern regarding securing a commitment from Dominion that at the time of the initial application, Dominion would not have a need to return to the site to further burden it or its neighbors instantly for some further intensification. He stated that based on his understanding, the changes were the same with the exception of a high bus which was needed for three years to move around while it was being installed. Commissioner Hart asked Mr. Riegle if there were any changes other than the high bus.

Mr. Riegle stated that other than the piece of interim infrastructure there were no other changes. Commission Hart and Mr. Riegle had a discussion regarding the staging area for the high bus and the affect it would have on the neighbors. Mr. Riegle stated the high bus did not arrive assembled. The infrastructure would be assembled in the very first phase of the project and that rerouting opened up the other areas of the substation to be upgraded. Once installed, no maintenance would be required.

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

Maryl Kerley, 2570 Holly Manor Drive, Falls Church stated the following.

- Maintaining the standard of living in Fairfax County was important;
- Dominion Energy owned and operated the Idylwood substation located behind residences on Holly Manor Drive;
- Over the years, Dominion completed multi-year upgrades to the substation resulting in construction noise from early morning to early evening;
- Preconstruction work, notably burial of distribution lines, took up the better part of two years. The project was expected to take at least three years to complete;
- The Dominion contractor placed several vehicles, a dumpster and a trailer house on Dominion property right where it met the Holly Crest community. This was highly visible from Holly Manor Drive. Several complaints were received from homeowners and Dominion was immediately contacted;
- Dominion used many contractors who had no regard for the neighboring community. Dominion needed do a better job keeping their contractors aware of the surrounding neighborhood;
- Most of the trees hiding the substation had been removed and creates an unattractive view;
- The rebuild of the substation would install new equipment very close to Shreve Road. During an open house, several of the attendees voiced concerns regarding the substation and indicated that as a major concern. The now apparent visibility of the substation was as a result of the removal of tree plantings;
- Changes made to the proposed development conditions would have an immediate impact on the site are appreciated. The construction of a ten-foot fabric covered fence along Shreve Road and part of Holly Manor Drive would lessen the visible impact of the construction. Installation of noise walls would cut down on the noise, allowing extended construction hours on initial site work from 7:00 a.m. to 7:00 p.m., and Saturday hours

would allow Dominion to complete these and other tasks sooner. Dominion had also agreed to several other requests as outlined in the development conditions; and

- The lattice tower, directly behind the southern end of the substation, should be addressed and included in the development conditions. That lattice tower should be removed, relocated and replaced with a monopole tower. Another lattice tower closer to homes on Holly Manor Drive, not being replaced, would carry transmission lines into the substation. The lattice tower closer to the homes should also be required to be replaced with a more modern monopole.

Commissioner Niedzielski-Eichner asked Ms. Kerley if she had the opportunity to review the development conditions dated July 18, 2017. She stated she had.

Commissioner Hart asked staff to respond to the speaker's comments regarding the dumpster and asked if this would be permitted under development condition 2, and if this was something not allowed, and not on the plat, why was the dumpster allowed at the mentioned location. Ms. Posusney stated that technically there was no approved site plan and the dumpster should not be allowed. William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, concurred with Ms. Posusney and stated the dumpster would not be in conformance with the SE Plat. Mr. O'Donnell suggested that the neighbors placed a call to Fairfax County Department of Code Compliance and reported the violation; however, the issue should be addressed on the SE Plat and by doing so, added certainty to the location and screening.

Lori Jeffrey, Holly Crest Community Association, 2688 Hillsman Street, Falls Church, made a presentation wherein she highlighted the following:

- The application described the support of the high bus as being 35-37-feet tall. However, the total height of the structure was about 20 percent taller at 46 feet. The high bus measured over 768-feet long which was longer than 2 ½ football fields. The bus was located 11 feet or less from the property lines of the owners' properties at 4 Holly Crest and 68 feet to the nearest residence;
- The County approved a project without being informed of the necessity for the high bus and this high bus was not included in the special exception nor were homeowners or community informed during the course of many meetings and contacts with Dominion. This high bus would have a great impact on residential homeowners;
- In addition to the project being most expensive, it would also be the longest reconfiguration of a substation by Dominion. Dominion's justification stated that the temporary bus would not hinder or discourage use of these adjacent properties and this in-fact was not the case. The buffers and screening that the zoning regulations provided to protect communities did not apply for the three years the high bus would be present. The unfortunate fact for the homeowners on the high bus was that their financial choice may be limited while the bus was present;

- The community was informed that throughout the special exception process, Dominion intended to build a 500 kV transmission line that would terminate at Idylwood Road. At the first meeting with Dominion staff held in 2013, Dominion stated it was highly likely that the construction would be followed by a second phase. A map of a 500 kV line from the Ox substation to Idylwood was presented, and a guide to the SCC approval process. Dominion was uncertain as to the timing of this line, but estimated 2020. This line and the equipment necessary to support it were also included in several versions of the special exception plans in 2014. The November 2014 statement of justification indicated that “Dominion must make room for necessary 500 kV equipment which is projected in the 2022 time-frame.” From the 2014 plans, the community had an idea of what an expansion might look like. The size of equipment for a 500 kV line would be substantially larger than the current project. A future GIS could be 55-feet tall. The eight potential transformers could be 30-feet tall. In addition, the community learned that transmission towers for higher voltage lines were taller and would have considerably more visual impact;
- When the Planning Commission voted in March 2015, the Providence District Commissioner, Mr. Lawrence, followed the vote with a motion, stating “I do not believe that our recommendations on the instant application are enough or that this should be the end of the matter. For those reasons, I will have a further motion to make. I believe we should proactively seek ways to get better solutions on mitigation.” He moved that the Planning Commission and the Board direct staff to work with utilities and state officials to explore approaches to mitigating the impact of substation construction or expansion. The motion passed unanimously. If the County had not followed up in the two years since this motion passed, it was needed to do so before another project was proposed, which was incompatible with a residential neighborhood; and
- The County needed to consult experts in the field regarding the need and configuration of facilities such as this.

Commissioner Niedzielski-Eichner and Ms. Jeffrey had a discussion regarding addressing matters of future expansion.

During Mr. Riegle’s rebuttal testimony, he addressed the dumpster referenced above and stated the dumpster was scheduled for pickup by a trash company, and for reasons unknown, the trash company did not pick up as scheduled. Mr. Riegle apologized for the inconvenience. He also addressed the follow-on motion made by Commissioner Lawrence and stated that it was not accurate to say there was no result, no outcome or effort as a result of the motion. There was a number of meetings hosted by Supervisor Smyth and Commissioner Lawrence with representatives of Dominion and County staff to understand reciprocal perspectives in terms of how utility planning works, how decisions are made, when those decisions were made and doing a better job of informing the effected communities. Mr. Riegle stated Dominion did its best to be transparent and sometimes things were not known until brought to their attention. In response to Commissioner Hart’s question regarding future expansion plans, all the circumstances were disclosed. Some of these new lines were announced and there were efforts to involve community

groups in order to obtain feedback. Regarding the lattice tower referenced, Mr. Riegle stated the lattice tower was not addressed in the development conditions because it was exclusively transmission infrastructure, the exclusive jurisdiction of the State Corporation Commission, with improvement that were outside the corners of the special exception. He stated that this issue was not raised during the SCC process.

Commissioner Ulfelder asked Mr. Riegle if alternatives were presented for the high bus. Mr. Riegle indicated there was another alternative discussed which was referred as the hybrid alternative, essentially a combination between portions of the high bus, but also a portion of the interim line put in a trench at grade level. Dominion's position and the SCC process supported by objective facts, was that the alternative was not superior from an electrical standpoint and was inferior from a reliability standpoint. This alternative also came with a six-month extension of the construction cycle. If this alternative was pursued, more site grading and earth work would be required in an area where tree preservation was essential.

There being no more speakers, no further comments or questions from the Commission; Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this item.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you. I am going to move to defer so that we can consider the testimony and, also, the commentary from my colleagues. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR SEA 2014-PR-032, TO A DATE CERTAIN OF JULY 27TH, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision only on SEA 2014-PR-032 and 2232A P14-4-1 to a date certain of July 27th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. And I would like to thank Dominion for keeping the air conditioning on tonight. We really appreciate it.

The motion carried by a vote of 10-0-1. Commissioner Sargeant recused himself from the public hearing and the vote. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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RZ/FDP 2017-DR-014 – JLB DULLES TECH, LLC – Appls. to rezone from I-4 to PRM to permit a residential development with an overall Floor Area Ratio (FAR) of 0.99 including bonus density associated with adu/wdu and approval of the conceptual and final development plan. These applications merely carry forward all commitments associated with RZ 2013-DR-017 which was approved in July 2015, but determined to be null and void because payment of a buyout of the Route 28 Tax District was not received in time. RZ 2017-DR-014 is identical to the previously approved case and offers the applicant another opportunity to pay the buyout. Located on the S. side of Dulles Technology Dr. approx. 450 ft. E. of its intersection with River Birch Rd. and Sunrise Valley Dr. on approx. 11.6 ac. of land. Tax Map 16-3 ((1)) 4M. DRANESVILLE DISTRICT PUBLIC HEARING.

Brian Winterhalter, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated July 7, 2017.

William O'Donnell, Zoning Evaluation Division, =Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. He said that staff recommended approval of RZ 2017-DR-014 and FDP 2017-DR-014.

Mr. Winterhalter stated he had no further information and staff covered all the points during the staff presentation. He stated the developments proposed under the application were identical to the previously approved development conditions, and there were no changes other than the Route 28 proffer.

Kathy Barahona, 10713 Milkweed Drive, Great Falls, voiced her opposition to the application and stated the following:

- Ms. Barahona's family owned forty-two percent of the building directly north of the proposed JLB project at 13505 Dulles Technology Drive, Suite 2, Herndon;
- Out of the above referenced space, the family owned and operated several businesses to include, Blue Room Productions, a music recording studio, Able Service Contractors, Inc., corporate offices, offices and training facilities for several restaurants in Northern Virginia;
- The development plan by JLB and the Fairfax County Park Authority, included two high-rise office buildings in the vacant eleven-acre lot, adjacent to the family's building to the south;
- This project also included construction of a road extension of McNair Farms Road. Part of the road was a four-lane road and when the road came closest to the 13505 Dulles Technology Drive property line, that road would change to a two-lane road. This two-lane road would abutt the property line without room for a shoulder, sidewalks, landscaping, guardrails, fence or barrier between the road and the referenced property line;

- The proposed landscaping plan which showed trees, sidewalks and bike lanes on the other side of the road, but not on the side of 13505 Dulles Technology Drive which became a safety hazard;
- There was also the concern of increased traffic and noise;
- There were environmental concerns that would impact the family's property and business. The two-lane road that would abutt the property at the top of a burrum would cause erosion and drainage issues. As a result, this became a permanent issue. There was also the underdrains issue for the road and the location on the northern side, which would be also on the family's property;
- There would be loss of revenues from potential new customers and students which the construction work obstructed the visibility of the business signage;
- Parking would become an issue;
- The construction noise would have an impact on the music recording business; and
- The moving of utility lines would also affect the business. There would be shutoffs at times which would have an impact on the business.

Commissioner Ulfelder asked Ms. Barahona if she had participated in the public hearings two years ago. Ms. Barahona indicated she did. He also asked if she read the staff report. Ms. Barahona indicated she did, and the current staff report differed from the staff report two years ago. Commissioner Ulfelder indicated the only item different was the revision of the condition concerning the payout for the Route 28 tax improvement district. Ms. Barahona indicated she was on the advisory board for the Route 28 tax improvement district, and understood; however, there were many other differences and emphatically disagreed with Commissioner Ulfelder.

Sharon Strauchs, Dulles Condo Association, 25565 Arthur Place, South Riding, voiced her opposition to the application and stated the following:

- Dulles Condo Association was never invited to a meeting. No one knew JLB undertook this project until May 15, 2015 and the building owners were given two weeks' notice;
- The Comprehensive Plan showed the McNair Road going straight and never showed the curvature of the road;
- The owners were informed they would lose some of the parking;
- Regarding noise abatement and how it would affect the medical clinic, the churches, the students and other property owners and tenants, the owners were informed JLB would offer no accommodations;
- No accommodations would be made for wetlands;

- The owners went to the last planning meeting in June, 2017 and were stunned to learn that a decision had to be made to redevelop their land. The owners were refusing to develop their land unless they were forced to do so, in the event of the loss of parking and ability to run their respective businesses;
- The current development plan and the plan voted for in 2015 were not the same;
- A “yes” vote on the JLB application would eliminate the American dream for the business owners at 13505 Dulles Technology Drive. The owners would no longer have the ability to rent, sell or refinance their property;
- The condo building was made up of four companies, all giving back to the community. They consisted of a music studio, corporate offices, doctors’ offices, clinics and two schools; and
- Those business owners throughout the years gave back to the community, to include paying taxes, paying for government employee’s jobs and retirement and the beautiful homes they lived in. The County also received hundreds and thousands of dollars in humanitarian work from the owners, students and staff.

Commissioner Ulfelder asked staff to explain the reason for voiding the original rezoning. Mr. O’Donnell stated the state code required that the applicant pay the buy-out sixty days after approval from the Board. It was clear in the state code and the proffer was incorrect in saying the buy-out could be paid upon occupancy. Therefore, the County attorney had no choice but to void. The reason for the new application was to also restart the new sixty day buy-out, should the Board approve it. Commissioner Ulfelder noted that in proffer statement appendix 1, paragraph 1 referenced substantial conformance with the conceptual development plan and final development plan, the dates changed from the earlier June, 2017 dates to a new date. He asked if this was as a result of the new application going through a new cycle with a new year involved. Mr. O’Donnell stated the only change associated with the rezoning of the conceptual development plan and final development plan was the title and the date stamp by the engineer. The only change to the proffer language was the payment within sixty days of the buy-out from the Route 28 tax district. Commissioner Hart followed up by asking O’Donnell to confirm, in terms of buildings, landscaping, et cetera, nothing in the agreement changed. Mr. O’Donnell confirmed that was the case. The property owners would not see a reduction in their parking spaces. The proposed road improvement was done solely on the applicant’s property and was approved in that manner (four lanes along the Park Authority land and two lanes on the applicant’s land). Commissioner Hart asked where the blame lied for this blunder. Mr. O’Donnell stated everyone involved in the process shares the blame.

Karlos Strauchs, Dulles Technology Association, 44157 Paget Terrace, Ashburn, was the son of Sharon Strauchs. He concurred with his mother’s testimony, voiced his opposition to the application, and also stated the following:

- Requesting a delay of the vote due to notable changes to include a four-lane highway.

- Would file an appeal if the vote is approved;
- The comprehensive plan showed the road would be nowhere near the owners' property. The Commission is now indicating JLB's current property is worthless and is finding a way to increase the property's worth by millions of dollars, and by doing so, decreasing the property value of the owners significantly by millions;
- Politicians go to family business who started with nothing, victimize them and transfer their wealth to the wealthiest people in the entire nation. The national media should be informed as to how horrific it is in America, where people are treated this way. These owners were the first occupants;
- Major impacts would be as a result of no sidewalks; people would die. A Freedom of Information Act (FOIA) request was submitted to John Foust and with that information came a notation from the County regarding the safety of pedestrians. If someone dies, their picture would be sent to every member of the Commission and also made aware at the elections of the Commissioners, showing all the people who died as a result, knowing the Commission was forewarned; and
- The nature preserve is being destroyed as a result of this project just to make more money for the wealthiest people in country.

Jai Simha, Venkata Mulpuri, Mulpuri Properties, LLC, 13505 Dulles Technology Drive, Suite 1, Herndon, spoke in opposition to the application. He stated the following:

- There was some inconsistency in the information relayed by the County to the owners of 13505 Dulles Technology Drive, in regards to the McNair Farms Drive extension;
- As a result of this project; there would be a decrease in parking space. The comprehensive Plan showed the McNair Road going straight and never curving; and
- If this plan was approved, it would compromise the interest of the building owners whose buildings were in existence for over thirty years=.

Mr. Winterhalter presented a rebuttal statement and visuals to the Commission. He stated that the alignment of the McNair Farms Drive extension was reviewed and analyzed very thoroughly during the rezoning application process. One of the roads in the road network was being implemented, as recommended in the Comprehensive Plan, which was also part of the rezoning application. =No changes had been made with the realignment the road=. Absent from changing the date and title, the development plan remained the same. The four-lane section of the road was in agreement with the Park Authority and that agreement was executed. The two-lane section was solely within JLB's property and would in no way infringe upon the property of the owner of 13505 Dulles Technology Drive. JLB was not aware of any plans within the County to widen the road further at any time. The nature preserve was rather a storm water management facility and was constructed as part of the Arrowbrook development. The storm water management functionality of the pond would remain the same after the road was implemented.

Commissioner Migliaccio asked Mr. Winterhalter if JLB planned to use the owners' parking lot during the staging and building of the road. Mr. Winterhalter confirmed JLB had no plans to use their parking lot. And, should any temporary easement was required JLB would first have to seek approval from the owners.

Commissioner Hart asked Mr. Winterhalter to confirm again the two-lane piece of the road would be built entirely on JLB's property. Mr. Winterhalter confirmed it would be. For the record, Mr. O'Donnell also confirmed that.

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(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. This application is scheduled for consideration by the Board of Supervisors on – next week on the 25th and, therefore, I'm going to move to make a motion this evening. And, before I make my motion on these applications, Mr. Winterhalter would you step forward to – would you confirm for the record the applicant's agreement with the proposed final development plan development conditions published in the staff report and dated July 5th, 2017?

Brian J. Winterhalter, Applicant's Agent, Cooley LLP: Yes, we agree with the conditions.

Commissioner Ulfelder: Thank you.

Mr. Winterhalter: Thank you.

Commissioner Ulfelder: With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2017-DR-014 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED JUNE 30TH, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those...

Commissioner Ulfelder: I'll just address it for a moment. I'm moving this because I believe that this is merely a update and correction of a single proffer in what was approved two years ago and that everything else is identical, with the exception of the title and the dates on the CDP/FDP in this plan, and the change to proffer that deal with the payment for the Route 28 improvement tax buyout. So I believe that this...it's appropriate that we proceed now, under the – based on the fact that this is identical and because of the error from two years ago, we are just trying to correct that to something that was very well-reviewed, adequately reviewed, and considered and approved. So I guess we call for the vote on the first motion.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2017-DR-014, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: Second motion. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-DR-014, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 5TH, 2017 AND TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2017-DR-014, subject to the Board's approval of the rezoning and the conceptual development plans, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Further, if we – we have to on the three modifications, but they are exactly the same as the modifications that in the original zoning two years ago. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TREE PLANTING WIDTH OF FROM 8 FEET TO 6 FEET ALONG THE PUBLIC ROADWAY FRONTAGE AND PRIVATE DRIVEWAY, IN FAVOR OF STRUCTURAL PLANNING CELLS OR OTHER METHODS AS COORDINATED WITH UFMD WHEN NECESSARY, DUE TO THE PLACEMENT OF UTILITIES; A MODIFICATION OF THE INTERIOR PARKING LOT LANDSCAPING IN FAVOR OF THE ALTERNATIVES SHOWN ON THE CDP/FDP AND AS CONDITIONED; AND A MODIFICATION OF THE NUMBER OF LOADING SPACES FROM 6 TO 2 IN FAVOR OF THE ALTERNATIVES, AS SHOWN ON THE CDP/FDP AND AS CONDITIONED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: As opposed – all those opposed? Motion carries.

Commissioner Ulfelder: I also – I want to thank – I appreciate people coming out and speaking this evening. I'm sorry if there was some misunderstanding as to the nature of what this action was...that is was actually a very straight forward, simple matter with one change and one change only in order to lead to the adequate payment of the buyout from the Route 28 tax district. But thank you for coming and I understand how you feel about this and I think this is consistent with

what you stated back two years ago when this case was going though and we're just going to be moving forward with the same case essentially. Thank you.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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The meeting was adjourned at 10:34 p.m.

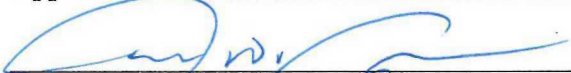
Peter F. Murphy, Chairman

Frank A. de la Fe, Vice Chairman

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: Samantha Lawrence

Approved on: October 5, 2017



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