

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 14, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner 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
Timothy J. Sargeant, Commission At-Large

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The meeting was called to order at 8:21 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

PLANNING COMMISSION MEETING START TIME CHANGE

(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman. Last night the Policy and Procedures Committee met to discuss citizen engagement efforts. As part of this discussion and in an effort to respond to feedback from Chairman Bulova's Community Council on Land Use Engagement, our own Planning Commission survey and other comments, the Committee voted to move the start time of these regular meetings from 8:15 to 7:30 p.m. In addition, we discussed moving the Committee meetings to a Wednesday or Thursday evenings on which no regular meeting is taking place also to begin – that time to begin at 7:15. Therefore, Mr. Chairman, I MOVE APPROVAL TO AMEND SECTION 6-101 REGULAR MEETINGS OF THE PLANNING COMMISSION BYLAWS TO REFLECT THE FOLLOWING LANGUAGE:

- PARAGRAPH 1 – REGULAR MEETINGS OF THE PLANNING COMMISSION SHALL BE HELD ON WEDNESDAY AND/OR THURSDAY OF EACH WEEK, AS THE WORK OF THE COMMISSION MAY REQUIRE, EXCEPT ON LEGAL HOLIDAYS AND AS SUCH OTHER TIMES AS THE COMMISSION MAY DETERMINE.
- PARAGRAPH 2 – MEETINGS SHALL BE HELD IN THE BOARD AUDITORIUM OF THE GOVERNMENT CENTER AT 7:30 P.M. OR AT A TIME AND PLACE

DESIGNATED BY THE CHAIRMAN. THIS CHANGE IS TO BE EFFECTIVE ON JANUARY 10TH, 2018.

Commissioners Migliaccio and Strandlie: Second.

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

Commissioner Strandlie: Seconded by me.

Chairman Murphy: And Ms. Strandlie. Is there a discussion of the motion? Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I'd like to offer a friendly amendment. I suggested that in Paragraph 2, that we change the time – start time from 7:30 to 7:15 and I suggest this because for two reasons. One, it gives us a full hour extra – extra hour that we're adding on – earlier hour and 7:15, I think, still gives enough time for some of us who at the meeting last night, the Committee meeting, expressed some difficulty trying to get here by 7 o'clock. So, I felt that 7:15 might be a more appropriate start time. So, I offer that as an amendment.

Chairman Murphy: Okay. Is there a discussion?

Commissioner Hart: Someone has to second that.

Chairman Murphy: Seconded. Anyone else seconded?

Commissioner Niedzielski-Eichner: Seconded.

Chairman Murphy: Seconded by Mr. Ulfelder. I mean Mr. Niedzielski-Eichner. Is there a discussion of the amendment? Anyone? Yes, Ms. Strandlie.

Commissioner Strandlie: I am going to vote against that. I believe the compromise that we came up with moving 8:15 to 7:30 is the most appropriate time to allow everyone in the district to arrive here and also has the opportunity to recruit a diverse group of Planning Commissioners of which we have one vacancy, Karen Keys-Gamarra was sworn into the School Board tonight and that extra little bit of time with our windows of opportunity and traffic actually make a big difference. So, that's my position on that and I appreciate the motion, but I will vote "no" on that.

Chairman Murphy: Further discussion?

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yes, Mr. ...

Commissioner Flanagan: Yes, I also will not be supporting the amendment, but I will be supporting the motion. And that is, the extra fifteen minutes really does mean a significant time on travel from Mount Vernon up to the – our meetings and I'm not concerned about my travel to

the meetings but I want the citizens of Mount Vernon to be able to get here and not be rushed, but having dinner and all that sort of thing. So, I like the 7:30 time better.

Chairman Murphy: Yes, Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you Mr. Chairman. I seconded this as a way to get it on the table for consideration, but I will be voting against it.

Chairman Murphy: Okay. Mr. Ulfelder.

Commissioner Ulfelder: Part of this is that we got a pretty overwhelming consistent response from people, both from the Sharon's task force and from responses to our survey that they really are concerned about the fact that our meetings run very late. And, I know that some of the other neighboring jurisdictions start meetings at seven, some of them even earlier. And I think that in the end, more people are inconvenienced by starting early, as early and as we feel we can and not running on as late as we have. So, that was part of my rationale.

Chairman Murphy: Okay. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I understand 7:30, 7:15 is only fifteen minutes, and I can go either way on this motion. But we spend the first fifteen minutes normally of our public hearings talking about Commission matters and really don't get into the meat of the public hearings until fifteen minutes into it. So, I can support Commissioner Ulfelder's motion or amendment to go to 7:15. I still think it gives enough time for people to have a chance to eat at home, put their kids to whatever activity they're doing and then come here and still have enough time to beat the traffic.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: I appreciate the concerns of the Commissioners, excuse me, who live further away, but as staff reported last night, the people who most wanted to move the time earlier, were from further away, Mount Vernon, Hunter Mill, excreta, if I remember that what was reported by staff last night.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, thank you. My concern – maybe the difference between 7:15 and 7:30 isn't going to make that much difference for the length of our meetings, but, for someone that's driving across the County to get here, I think, the traffic is going to be worse fifteen minutes earlier than fifteen minutes later. So I'm not sure we're really gaining fifteen minutes. If you're in bumper to bumper traffic and you have to start earlier, maybe if you start a little later but things have cleared out by the time you're getting to Fairfax. I too don't have strong feelings about the 7:15 – 7:30, but I hope that if we are going to change this at all, we will have the flexibility to revisit this in a few months if it has unintended consequences. And, I think, we don't quite know yet how this is going to play out. We haven't really heard from the – the

attorneys or the consultants yet if maybe there is some other – maybe some of the citizens are going to have problems getting here in bumper to bumper traffic if we start earlier. This is not necessarily a permanent change, we're doing this as one of the recommendations and we'll see how it goes I hope.

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you Mr. Chairman. I really wasn't being flippant, Mr. Ulfelder. But I did want to have your amendment considered. I along with Mr. Migliaccio believe that it is kind of a horse of peace, but I do have a sensitivity to the Commissioners who have a more of a distance to go than I do. But I...

Commissioner Ulfelder: Like me.

Commissioner Niedzielski-Eichner: I – so I can continue to support 7:30. I do like Mr. Hart's caveat that, let's see how this goes. Most important thing I feel that we are accomplishing with these changes tonight in addition to this earlier start time is the ability for our Committees to have – well, the opportunities for our committees to do more work. I think that's very important so that's a feature of this overall set of considerations that I think is even as important. Thank you.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Thank you. One other factor. It was originally proposed by staff to start at 7:00 not 7:15 or 7:30 and one of the factors there is that our many staff members who come to those meetings work during the day, they generally don't go home and come back again, and starting earlier gives them less of a gap – less of a dead time before the meeting starts.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: To add to that...

Chairman Murphy: We can't spend more than fifteen minutes on this discussion.

Commissioner Ulfelder: To add to that the fact is we've been having regular committee meetings which start at 7:00 on a regular basis, so even though we're not all members of all the committees, many of us try to make a number of the committee meetings, both the ones we're on but also others if the subject of the issue is important. So, we're already coming here at 7:00 on most nights. And now we're separating nights of committee meetings from the nights of Planning Commission meetings and, therefore, we have the luxury or not, whatever you want to call it, the opportunity to start the Planning Commission meetings earlier because we're not having committee meetings at those times. I just throw that out as a part of the discussion.

Chairman Murphy: Further discussion? Ms. Strandlie.

Commissioner Strandlie: I just want to conclude that our Mason District Land Use Committee meetings start at 7:30 and I checked in tonight with our land use chair and some of our constituents in the district, and 7:30 is the time that we like.

Chairman Murphy: Okay. Alright.

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yes, Mr. ...

Commissioner Flanagan: Yes, just one more comment. Since the travel time has been brought up and somebody – I just want to remind you that in our discussion previous to this, it takes me one hour to get here for a 7:00 meeting. Bumper-to-bumper traffic. It takes me thirty – maybe twenty-five to thirty minutes to get here, you know, for our regular 8:15 meetings. So I think, the 7:30 was a compromise, I thought but we came to whether a committee meeting was a compromise at 7:30, so that's why I'm supporting that time.

Chairman Murphy: Alright, yes, I'll be happy too. All those in favor of the motion as submitted by Mr. Ulfelder to begin the meetings at 7:15 and 7:30, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Abstain.

Chairman Murphy: Let's poll. Commission. Yes division. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: No.

Chairman Murphy: Ms. Strandlie.

Commissioner Strandlie: No.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Yes.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: No.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Abstain.

Chairman Murphy: Okay.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Aye.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Aye.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Aye.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Nay.

Chairman Murphy: And the Chair votes nay.

Commissioner Hart: The amendment failed, go back to the main motion.

Chairman Murphy: The amendment failed 5-4-1, so we go back to the main motion. All those in favor of the motion to vote for the motion as submitted by Ms. Hurley, which is to begin – begin the meetings at 7:30, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Abstain.

Chairman Murphy: The motion carries. One abstention and Mr. – yes.

Commissioner Hurley: In addition, I...

Chairman Murphy: Hold on, Mr. de la Fe abstained on both motions. Because he will not be here next year he tells me. I don't know. Okay, oh I'm sorry. Okay. Yes Ms. Hurley.

Commissioner Hurley: In addition, just to keep – it's simpler for everybody to have all the start times at 7:30, I MOVE THAT THE PLANNING COMMISSION COMMITTEES MEET AT 7:30 ALSO – ALSO ON A WEDNESDAY OF THURSDAY EVENING WHEN NO REGULAR MEETING IS SCHEDULED, AS THE WORK OF THE COMMITTEES REQUIRE. THIS CHANGE ALSO TO BE EFFECTIVE 10 JANUARY, 2018.

Commissioner Ulfelder: Second.

Chairman Murphy: Second by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion as articulated by Ms. Hurley, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Chairman Murphy: And one abstention. Okay. We're very careful of what we do.

The motions carried by a vote of 9-0-1. Commissioner de la Fe abstained from the vote. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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Commissioner Ulfelder announced that per applicant's request, his intent to defer the public hearing for RZ 2017-DR-007/PCA 1997-DR-028/SEA 97-D -038-02, TRUSTEES OF TEMPLE RODEF SHALOM, from September 27, 2017 to October 12, 2017.

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Commissioner Hart said that since September 28, 2017 Planning Commission meeting had been canceled, he would move to approve the drafted minutes received by the Planning Commission at the October 5, 2017 meeting.

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Commissioner Migliaccio announced the Planning Commission's Land Use Process Review Committee would meet on September 28, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss short-term rentals.

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

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman, I request that the applicant confirm for the record – if you can come on down, Mr. Stearns.

Chairman Murphy: Alright this is SE 2017-LE-006, DVA Telegraph – 7710, LLC. Mr. Stearns.

Frank Stearns, Applicant's Agent, Donohue & Stearns, PLC: Thank you Mr. Chairman, members of the Commission, Frank Stearns on behalf of the applicant.

Commissioner Migliaccio: Thank you Mr. Chairman – Mr. Stearns. I request that the applicant confirm for the record agreement to the proposed development conditions dated September 14th, 2017.

Mr. Stearns: So confirmed.

Commissioner Migliaccio: Okay, thank you, Mr. Stearns. I would I would like to begin by thanking County staff for all of their hard work to get this application in a form that can be moved on tonight. I know that it took the staff from many departments, but I would like to highlight the great work of two people, Kelly Posusney and Cathy Lewis, who worked over the July 4th holiday break to review late material in order to allow this application to make its expedited public hearing date. Regrettably, that was all for naught due to simple avoidable mistakes. I cannot believe I need to say this but as an applicant, if you are not able to submit accurate plats in a timely manner, if you are not able to reaffirm your affidavit, or place the actual agent's name on the affidavit, and if you are not willing to follow through with your commitments to the Lee District Land Use Committee, please do not ask for expedited processing. It places an undue burden on County staff and the community and is not fair to all the other cases in the system. Now to the merits of the land use case. This application is for a drive-thru fast food restaurant on Telegraph Road by Hayfield Secondary School. It would occupy the existing idle bank building and provide an amenity to the community that cannot be found nearby. While I still have concerns about the traffic pattern, both vehicular and pedestrian, caused by this application, the application is not the reason for the heavy traffic that can be found today on Telegraph Road. The applicant has provided the right of way needed to widen Telegraph Road as called for in the Comprehensive Plan, whenever the funding becomes available. Also, since the public hearing, the applicant has now agreed to provide pedestrian crosswalks and signage which are shown on the latest SE Plat. I would like to thank my fellow Commissioners for their comments and questions raised during the public hearing. Unfortunately, all of them are not able to be captured in a development condition for various reasons. The Lee District Land Use Committee was divided on this application but did eventually vote to recommend approval and the staff report also recommends approval. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2017-LE-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 14TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. 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 2017-LE-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. CSPA 2011-HM-032 – TYSONS WEST RETAIL, LLC
2. PRC 74-2-113-03/2232-H17-28 – FAIRFAX COUNTY, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAPITAL FACILITIES
3. RZ 2015-MV-015/PCA B-715 – L & F BOCK FARM, LLC
4. RZ 2016-SU-015 – OLD LEE ROAD, LLC
5. RZ 2011-HM-013 – CARS-DB1, LLC AND
RZ 2011-HM-027 – 1587 SPRINGHILL HOLDINGS, INC.

This order was accepted without objection.

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CSPA 2011-HM-032 – TYSONS WEST RETAIL, LLC – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with RZ 2011-HM-032 to permit sign modifications. Located on the W. side of Cornerside Blvd., between Ashgrove La. and Westwood Center Dr. on approx. 16.05 ac. of land zoned PTC, SC and HC. Tax Map 29-3 ((34)) 1, 2, 3, 4, 5, 6 and B. HUNTER MILL DISTRICT. PUBLIC HEARING.

G. Evan Pritchard, Applicant's Agent, Venable, LLP, recognized himself for the record.

Commissioner de la Fe 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 de la Fe for action on this application.

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(Start Verbatim Transcript)

Commissioner de la Fe: Thank you very much, Mr. Chairman. This is a – just to add one sign – additional sign and it – within the – what's approved already in the Comprehensive Sign Plan, it's – so I don't think very controversial, and it's just adding a tenant sign. Could I request that the applicant representative confirm for the record your agreement to the proposed development conditions dated August 30th, 2017?

G. Evan Pritchard, Applicant's Agent, Venable, LLP: Yes, we agree. Thanks.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, with that I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2011-HM-032, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30TH, 2017.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to approve CSPA 2011-HM-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Mr. Pritchard. Thank you, Mr. Katai.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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PRC 74-2-113-03 – FAIRFAX COUNTY, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAPITAL FACILITIES – Appl. to approve the PRC plan associated with RZ 74-2-113 to permit public use. Located on the E. side of Town Center Pkwy, N. of Cameron Glen Dr. on approx. 1.42 ac. of land zoned PRC. Comp. Plan Rec: RPC Town Center North Mixed Use. Tax Map 17-1 ((1)) 14E (pt.). (Concurrent with 2232-H17-28). HUNTER MILL DISTRICT. PUBLIC HEARING.

2232-H17-28 – FAIRFAX COUNTY, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, CAPITAL FACILITIES – Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a temporary public facility (fire and rescue facility). Located at 1800 Cameron Glen Dr., Reston, 20190 on approx. 1.42 ac. of land zoned PRC. Tax Map 17-1 ((1)) 14E (pt.). (Concurrent with PRC 74-2-113-03). HUNTER MILL DISTRICT. PUBLIC HEARING.

Lisa Gossard, Applicant, Building Design and Construction Division, Department of Public Works and Environmental Services, Capital Facilities, recognized herself for the record.

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 stated staff recommended approval of PRC 74-2-113-03 and the concurrent 2232-H17-28 application.

There being no listed speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for actions on this application.

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(Start Verbatim Transcript)

Commissioner de la Fe: Thank you very much. Even though you just stated that you agree with the – could you please do so again for the record?

Lisa Gossard, Applicant, Building Design and Construction Division, Department of Public Work & Environmental Services, Capital Facilities: My apologies. I agree with the conditions.

Commissioner de la Fe: Thank you very much, dated August 31st. Mr. Chairman, this provides a temporary home for Firehouse 25, while the new one is being built at its current location. I MOVE THAT THE PLANNING COMMISSION FIND THAT THE TEMPORARY PUBLIC

FACILITY PROPOSED UNDER APPLICATION 2232-H17-28 SATISFIES THE CRITERIA OF LOCATION, CHARACTER AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED, AND IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion? All those in favor of the motion to approve 2232-H17-28, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC 74-2-113-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 31ST, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC 74-2-113-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. And, I notice that Chief Caussin's...

Commissioner Hart: We have one more.

Chairman Murphy: Oh, I'm sorry.

Commissioner de la Fe: I have one more. But if you want to...

Chairman Murphy: No, go ahead.

Commissioner de la Fe: Okay. One more motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING:

- MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT CONNECTION IN THE PRC PLAN;
- WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE WITH THE BARRIER REQUIREMENT; AND
- WAIVER OF PARAGRAPH 4 OF SECTION 17-201 OF THE ZONING ORDINANCE FOR DEDICATION AND CONSTRUCTION OF WIDENING OF EXISTING ROADS – EXISTING ROADS AND NEW ALIGNMENTS AND PROPOSED ROADS RECOMMENDED IN THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: That's it.

Chairman Murphy: Thank you very much. I see Chief Caussin is here from the Fire and Rescue Department, and on behalf of all of us and those of us in the room, please convey our – convey our thanks and admiration to all our first responders who were deployed with very little time in between, I might add to the floods and the storms and the hurricanes in both Texas and Florida. Our admiration goes out for all you guys, just did a great job, we appreciate it.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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RZ 2015-MV-015 – L & F BOCK FARM, LLC – A Appl. to rezone from PDH-5 to R-8 to permit a single-family attached dwellings with a total density of 7.99 dwelling units per acre (du/ac) and a waiver of the minimum lot requirements. Located approx. 0.1 mile S.W. of the intersection of Hinson Farm Rd. and Parkers Ln. on approx. 4.38 ac. of land. Comp. Plan Rec: 5-8 du/ac. Mount Vernon District. Tax Map 102-1 ((1)) 3C (pt.). (Concurrent with PCA B-715). MOUNT VERNON DISTRICT. PUBLIC HEARING.

PCA B-715 – L & F BOCK FARM, LLC – Appl. to amend the proffers for RZ –B-715 previously approved for PDH-5 to permit deletion of land. Located approx. 0.1 mile S.W. of the intersection of Hinson Farm Rd. and Parkers Ln. on approx. 4.38 ac. of land zoned R-8. Comp. Plan Rec: 5-8 du/ac. Tax Map 102-1 ((1)) 3C (pt.). (Concurrent with RZ 2015-MV-015). MOUNT VERNON DISTRICT. PUBLIC HEARING.

Lori R. Greenleaf, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 9, 2017.

Commissioner Flanagan 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 Flanagan for actions on this application.

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(Start Verbatim Transcript)

Commissioner Flanagan: Thank you, Mr. Chairman. Yes, I wanted to first start out by familiarizing the Commission with this site. This is a landmark site in Mount Vernon District. The Bock Farm of course has been the annual site of the annual lobster fest of Supervisor – previous Supervisor Hyland. And, it's also a home for horses with disabilities. We have other features that – for other types of disabilities, but I'm not aware of any home for horses with disabilities. And, part of that is going to continue – the applicant is going to continue that, and I just want to be sure and commend him for continuing to serve our community in that capacity. Mr. Bock is also not only a – a horse farm owner, but he also is often – he is also on the land use committees that we have in Mount Vernon District. His advice is always sort out and he's been just – a – always there for any of the land use issues we've had with good advice. And so, I just wanted to start off by noting to you that this is the type of application we're dealing with tonight. The – with that the Mount Vernon Land Use Committee and the Mount Vernon Council and the adjacent Williamsburg Manor North Citizen Association have all recommended approval of this application and I agree. In fact, Mr. Harris who was going to be here as the president of that association, he was going to be here but I felt his testimony was not necessary. In addition, there are two letters for the record that also recommend approval. There being no testimony to the

contrary, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF PCA B-715 TO DELETE 4.38 ACRES FROM THE RZ-B-715.

Commissioners Migliaccio and Hedetniemi: Second.

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

Commissioners: Aye.

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

Commissioner Flanagan: Second motion is APPROVAL OF RZ 2015-MV-015, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Migliaccio and Hedetniemi: Second.

Chairman Murphy: Seconded Mr. Migliaccio and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2015-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: My third motion is to – for the APPROVAL OF THE WAIVER OF SECTION 3-806, OF THE ZONING ORDINANCE FOR THE 5-ACRE MINIMUM DISTRICT SIZE TO PERMIT 4.38 ACRES.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded Mr. Migliaccio. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors to – motion that Mr. Flanagan articulated, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: And my last motion is for the APPROVAL OF THE MODIFICATION TO SECTION 13-304 OF THE ZONING ORDINANCE TO ALLOW THE PROPOSED BARRIER TO BE LOCATED ALONG THE PROPERTY LINE.

Commissioners Migliaccio and Hedetniemi: Second.

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

Commissions: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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RZ 2016-SU-015 – OLD LEE ROAD, LLC – Appl. to rezone from 1-3, AN, and WS to 1-5, AN and WS to permit a new vehicle storage, vehicle major service establishment and vehicle light service establishment with an overall Floor Area Ratio (FAR) of 0.09. Located on the N. side of Old Lee Rd approx. 1,000 ft. W. of its intersection with Willard Rd. on approx. 5.35 ac. of land. Comp. Plan Rec: Industrial. Tax Map 43-2 ((1)) 2. SULLY DISTRICT. PUBLIC HEARING.

Keith C. Martin, Applicant's Agent, Hunton & Williams LLP, reaffirmed the affidavit dated March 27, 2017.

There were no disclosures by the Commission members.

Commissioner Hart announced his intent to defer the decision only of the subject application to September 27, 2017 upon completion of the public hearing.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated staff recommended approval of RZ 2016-SU-015.

Referring to the third-party green building certification, Commissioner Hart inquired whether the EarthCraft Light Commercial Certification requested in the proffer 11, was an acceptable equivalent for Dulles Suburban Center. In response, Ms. Williams indicated it was, and was also used by other applicants within the Dulles Suburban Center.

Mr. Martin gave a presentation wherein he stated the following:

- The 5.35-acre property was vacant and had a Dominion Power overhead line easement and a below-ground Columbia Gas line easement. Both companies granted permission to develop around the easements;

- As a result of the property's long narrow shape, its dead-end location at Old Lee Road, and the two easements, the current proposed development was the highest and best use of the property;
- The property generated 12,000 dollars in annual taxes to Fairfax County and the proposed development would multiply that dollar amount by five;
- The applicant owned and operated Fair Oaks Chrysler Jeep Dodge in nearby Chantilly auto park, and rented an off-site service facility for its truck line;
- The development would provide the needed new car storage and vehicle service;
- A tree preservation area of over 15,000 square feet would be located at the rare of the property;
- Twenty-eight percent of the paved area would be permeable, and all oil grits separator by retention facilities and an oversized storm water management pond would be provided at a cost of more than \$300,000 to the applicant; and
- Applicant agreed to the EarthCraft program, which satisfied the concerns of green building facilities.

Commissioner Hart stated he appreciated the applicant's willingness to work with staff to resolve the third-party certification issues and was pleased with the resolution.

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

Eric Sohn, 14714 Old Lee Road, Chantilly, indicated he had no objections to the uses of the property and that it would be an added benefit. His only objection was that, should the Planning Commission approve the zoning change request, the current restriction for the motor vehicle storage and vehicle major service for his property would also be approved, should he submit a similar application in the future. Mr. Sohn stated that since the applicant's property was located next to his, it would be fair that he would also be permitted the one to five uses.

Commissioner Hart confirmed to Mr. Sohn the receipt of his letter to the Commission. He informed Mr. Sohn the Commission addressed each case individually and dealt with each case based on the authorization and guidelines of the General Assembly. Commissioner Hart informed Mr. Sohn that for the Commission to consider modifications to the Mr. Sohn's proffers, or the uses proffered out, a proffer condition amendment application should be filed with the County. Staff would then evaluate the application to determine whether there were any special conditions to his property. Commissioner Hart recommended that Mr. Sohn seek guidance from his legal counsel and/or engineer regarding storm water issues that may arise, as there were certain requirements for protection of the Occoquan Reservoir. Absent from a separate application for Mr. Sohn's property, Commissioner Hart stated the Commission would not delve into Mr. Sohn's property uses.

Commissioner Ulfelder stated he was pleased to see an agreement had been reached regarding the green building practices policy issue. He stated part of the County's environmental goals was to find a set of practices that would apply to this type of facility and its location.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this application.

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(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. As I indicated, we just got the new proffers this afternoon and I want to give everyone a chance to look at those. I want to thank the speaker for coming out. I also want to thank staff and the applicant for continuing to work on this issue. As Commissioner Ulfelder's pointed out, I think we have expectations of green building certification, not only in a Dulles suburban center but throughout the County and we want to maintain that commitment. And, we've got a creative or, perhaps, an alternate solution here and maybe we can continue to find those on other – on other cases. Mr. Chairman, I MOVE, THEREFORE, THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2016-SU-015, TO A DATE CERTAIN OF SEPTEMBER 27, 2017 WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer the decision only in RZ 2016-SU-015 to a date certain of September 27th with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Mr. Martin, Ms. Tsai, thank you.

Commissioner de la Fe: With Ms. Williams.

Chairman Murphy: Ms. Williams, I'm sorry. We've been moving so fast I lost track.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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RZ 2011-HM-013 – CARS-DB1, LLC – Appl. to rezone from C-7, R-1, HC and SC to PTC, HC and SC to permit mixed use development with an overall Floor Area Ratio (FAR) of 3.92 and

approval of the conceptual development plan. Located on the S. side of Leesburg Pike, approx. 100 ft. E. of its intersection with Spring Hill Rd. on approx. 12.28 ac. of land. Comp. Plan Rec: Transit Station Mixed Use and Park/Open Space. Tax Map 29-3 ((1)) 3B and 5 (pt). HUNTER MILL DISTRICT. PUBLIC HEARING.

RZ 2011-HM-027 – 1587 SPRINGHILL HOLDINGS, INC. –
Appl. to rezone from C-7, HC and SC to PTC, HC and SC to permit mixed use development with an overall Floor Area Ratio (FAR) of 7.13 and approval of the conceptual development plan. Located on the E. side of Spring Hill Rd., S. of its intersection with Leesburg Pike on approx. 4.39 ac. of land. Comp. Plan Rec: Transit Station Mixed Use. Map 29-3 ((1)) 2G. HUNTER MILL DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit for RZ 2011-HM-013 dated August 28, 2017 and the affidavit for RZ 2011-HM-027 dated June 21, 2017.

Commissioner Hart disclosed the Law Firm of Hart & Horan, P.C. had two cases where the attorneys in Ms. Baker'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.

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. He stated staff recommended approval of applications RZ 2011-HM-013 and RZ 2011-HM-027.

Commissioner Hurley and Andera Dorlester, Park Planning Branch, Park Authority, discussed the size of the athletic field. Ms. Dorlester indicated that because of the size and shape of the parcel, the field was designed to accommodate all sports. The field provided lighting with artificial turf.

Due to the fact this was not a full-size field, Commissioner Hart asked staff to disclose the types of sports the field would accommodate. Ms. Dorlester indicated the field could be used for sports such as youth soccer. She also indicated there was an extra piece of land that could be used for warm-ups. Commissioner Hart asked Ms. Dorlester whether an application was submitted for the adjacent property owned by Dominion Square East. Ms. Dorlester indicated it was not. Commissioner Hart and Mr. Katai discussed a road which went through the resource protection area (RPA) line and any mitigation done as a result. Mr. Katai stated the segment of Boone Boulevard was within the RPA, was paved, and the paving went to the edge of the property line. Commissioner Hart asked if there were any triggers for storm water. In response, William Marsh, Land Development Services, stated that as part of the requirement, Chesapeake Bay Ordinance required a water quality impact assessment, should disturbances occur within the resource

protection area. Commissioner Hart and Mr. Katai continued the discussion regarding storm water issues. Commissioner Hart and Ms. Dorlester discussed the artificial turf and type of materials used. Commissioner Hart referred to a study conducted by the State of Connecticut regarding the technical impact of storm water when crumb rubber was used as an underlayment to an athletic field. He also made reference to zinc loading in the water which would spike the concentration from the crumb rubber and the toxic impact as a result. In response to Commissioner Hart's concerns, Mr. Marsh, stated he was not aware of any specifications for what was underneath the field. He pointed to the regulations for storm water concerns in terms of nitrogen, phosphorus and sediment which flowed into the Chesapeake Bay, and no judgement was made regarding the zinc issue. The storm water sheet referenced urban bioretention pits which surrounded the field. Should runoff occur, the bioretention area would treat the runoff. Commissioner Hart and Ms. Dorlester discussed the Park Authority's standard for synthetic turf fields which was crumb rubber, the testing of a new material called thermoplastic elastomers (TPE), and the purposes which surrounded the testing of the new material.

Commissioner Flanagan inquired whether there was a flood plain in addition to the resource protection area. Mr. Marsh said there was; however, it was located downhill of the property line.

Commissioner Niedzielski-Eichner and Mr. Marsh discussed the RPA and the applicant's expectations should the prior conditions not be met under the standards of the RPA. Mr. Marsh discussed the applicant's options under the Chesapeake Bay Ordinance after a redevelopment option where a disturbance was a previous disturbance presence. There was the ability to have some form of development if that development did not deteriorate the conditions. A water quality impact assessment would be conducted which would be reviewed by the County.

Ms. Baker gave a presentation wherein she stated the following:

- Automobile dealerships on the CARS-DB1, LLC property site were developed in the late 1970s and since that time not many improvements were made to the site;
- There were large asphalt parking lots going to the property line;
- Some storm water management was in place. A small detention pond off site served the facility, and regulation was not required;
- The Sunburst application was a hotel, successful, but past its prime;
- The applicant was within a quarter mile from the Spring Hill Metro Station and several uses at high intensity could be provided;
- Springhill Road was a dead end and the grid made connections, disbursement of traffic and made things walkable and livable;
- Dominion Road, Roseline Road and Boone Boulevard were created that would run north and south;

- A robust park program was in place. There were elevated parks, most of which were ground level parks, plazas, dog parks, sky park, cultural trails (existing Dominion easement which would have a trail built by the County and transformed into linear park), recreational facilities, athletic field and the adjacent play park;
- The new urban format electric substation was the most unique part of the application;
- The field was paired with an adventure play park; a naturalized playground which encompassed burns, boulders, natural play equipment, etcetera. The field would accommodate children between the ages of eight to twelve. The field measured 300 by 180 feet plus 15-foot runovers. The Park Authority's classification for the field was U13; and
- A small part of the CARS-DB1, LLC east application had an RPA with asphalt, and a parking lot for car storage. The property did not have a flood plain.

Commissioner Flanagan inquired about the condition of the stream on the park land, on the other side of Boone Boulevard. Ms. Baker stated the stream was in pristine condition and was eroded and the County looked at a stream restoration plan. Commissioner Flanagan and Ms. Baker discussed landscaping between Boone Boulevard and the edge of the applicant's property. Ms. Baker stated the applicant would contribute towards the stream restoration. Ms. Dorlester stated the County would pay for the stream restoration. The monetary contribution received from the application would help to provide some amenities that were not typically included with the Department of Public Works and Environmental Services' (DPWES) stream restoration projects, such as trails and or benches. Commission Flanagan and Ms. Baker discussed the applicant's overall contribution of \$3.2 million dollars to the Park Authority for park improvements, with approximately \$200,000 dedicated toward stream restoration.

Commissioner Niedzielski-Eichner and Mr. Marsh discussed the DPWES's component of the stream valley restoration. Mr. Marsh stated it would restore the stream channel using a natural design approach and would provide additional vegetation which would revive the habitat around the stream channel. Absent from the \$3.2 million contribution, Commissioner Niedzielski-Eichner asked if there were other contributions to parks and recreation. Ms. Baker disclosed a \$50,000 contribution from Sunburst, which went toward stream restoration and another contribution which would be allocated toward the improvement of one of the parks or additional restoration. That contribution totaled approximately \$150,000. Commissioner Niedzielski-Eichner and Ms. Baker discussed the substation and the wrap quality around the substation. Ms. Baker stated there were no agreements with Dominion Power; however, the County may enter in agreement with them in the future. The development plan's parameters, footprint and landscaping were set, and the structure would be enclosed. Commissioner Niedzielski-Eichner and Mr. Katai discussed the design pattern of the final development plan. Commissioner Niedzielski-Eichner acknowledged Commissioner Hart's concerns regarding the storm water issues and crumb rubber.

Commissioner Hart referred to the general park contribution and was pleased that with a site of this size, the applicant could find enough footprint for a park contribution of the said amount.

Commissioner Hart and Ms. Baker discussed the assembly of the land necessary for the substation. Ms. Baker indicated there were temporary construction easements, distribution easements and access easements. And, until the grid of streets, Virginia Power had to gain access for the maintenance of the facility. This information was provided in the proffer. The footprint was there and was not dependent on another application or change in use. Commissioner Hart and Ms. Baker discussed renderings of the substation. Ms. Baker stated the Dominion easement which ran down the west side of the CARS-DB1, LLC application, had overhead lines. They were tall at Route 7 and became smaller and less obtrusive. Ms. Baker indicated the station was sixty-foot-tall and there were brackets at the northern and southern edge of the station. Tracy Strunk, Zoning Evaluation Division, Department of Planning and Zoning, stated the current application was not a situation where there was an existing substation that required things be removed from it for reconstruction. This was a new substation. Ms. Strunk stated staff was more sensitized to the transitional need and would work closely with Dominion Power. Commissioner Hart and Ms. Strunk further discussed the brackets which surrounded the field. Ms. Strunk stated she conferred with Dominion Power and the intent was to move quickly with the substation. The likelihood was that the substation would be up and operational, and any temporary facilities required would be removed before any new residential development. Ms. Baker agreed.

Commissioner Hurley inquired about the location of the dog parks and the upkeep. Ms. Baker indicated the parks were in a public space and the applicant proffered to do the perpetual maintenance of all the parks on the property, except for the surface of the field and lights, which would be the Park Authority's responsibility. Ms. Hurley asked if the sky parks were private. Ms. Baker stated one sky park bridged over Commonwealth, was a public park, would have a public access easement with both elevator and stair access. Commissioner Hurley inquired about parking and storage. Ms. Baker stated the applicant proffered to provide parking and restrooms in one of the adjacent buildings. Regarding storage, Ms. Baker stated there were benches and storage.

Commissioner Strandlie asked that the applicant modify the turf language before the commence of construction.

Commissioner Niedzielski-Eichner circled back to the high bus and commented on the Commission's experience with a previous application. Ms. Baker suggested a conceptual development condition should be in place.

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

Keith Sumner, 1725 Pine Valley Drive, Vienna, stated he was not opposed to the development and was eager to see the completion of the project. However, Mr. Sumner was concerned with Boone Boulevard. The proposed four-lane 71-foot boulevard, would have a speed limit of up to thirty-five miles per hour; however, due to lack of speed enforcement, there would likely be cars that went about ten miles over the speed limit. This four-lane boulevard would also block the access from the neighborhood to the amenities in Tysons. This project was also not congruent to the walkable and bikeable standards set forth in the Tysons Comprehensive Plan. Mr. Sumner stated this would be a difficult road to cross and would not be comfortable biking on it. This would also not be congruent with the natural setting of the stream valley. Mr. Sumner stated a

clear compromise would be reduce Boone Boulevard from four-lane avenue to a two-lane collector road and the road should be pushed north, away from the resource protection area and doing so would improve the conditions in the area. Mr. Sumner stated the stream valley was one of the few natural amenities in the Tysons Corner area, and should not be diminished with a four-lane road.

Pamela Konde, 1736 Key West Lane, Vienna, reverberated Mr. Sumner's concerns regarding Boone Boulevard. Ms. Konde stated it was her understanding the Hunter Mill Land Use Committee, the Advisory Committee and Supervisor Catherine Hudgins, indicated they would approve this application on two caveats: one being Boone Boulevard being two lanes rather than four and located further north. Ms. Konde suggested the application not be approved at present, and the dialogue kept open regarding the number of lanes and location of Boone Boulevard. She asked that the Commission be contemplative, deliberative and the major issues with the resource protection area should be addressed and resolved. Ms. Konde stated the water quality issues that surrounded Difficult Run Stream Valley Park. She informed the Commission of the flooding issues of the stream every time it rained. For example, in cases of heavy downpour of rain, Ms. Konde stated the problems school buses for Westbriar Elementary School faced, when flooding problems araised on Old Courthouse Road.

Luke Foster, 8710 Higdon Drive, Vienna, reverberated Mr. Sumner and Ms. Konde's concerns regarding the stream valley, Boone Boulevard and on behalf of the Greater Tysons Green Civic Association expressed support for those views. Mr. Foster stated that even though the Comprehensive Plan was a guideline, there was language which stated there should be an athletic field between Boone Boulevard and the stream.

John Raymer, 8802 Higdon Drive, Vienna, stated he appreciated the Commission's discussion regarding the application and echoed the previous speakers' concerns. Regarding the resource protection area, Mr. Raymer stated he received a certified letter from the Park Authority which stated that as a result of the resource protection area, grass clippings were not allowed on the park land. He stated both sides of the resource protection area were not treated fairly. Mr. Raymer asked the Commission to consider the future impact of this application.

Earl Dunn, 1716 Tyvale Court, Vienna, discussed the trees maintained on the northeast edge and the extra trees planted along Old Courthouse Spring Branch Stream Valley Park which strengthened the bank. Mr. Dunn stated he was part of a coalition that developed a map from all the homeowner associations north and south of the resource protection area and every homeowner's association voted and agreed that the area should not be disturbed. He stated the group also spoke with individual members of the Board of Supervisors and they all voted to save Tysons' last forest and the resource protection area. Mr. Dunn stated that if one intrusion is approved into the resource protection area, one of the long-term alternatives would be to put a road over Old Courthouse Spring Branch in the field area. He stated this was a fifty-year flood plain and if a tennis court was not allowed, neither should a road. Mr. Dunn stated he recommend the Commission not approve the development that unnecessarily intrudes on the resource protection area.

Michael Sundirs, 1739 Burning Tree Drive, Vienna, stated that as part of the Potomac River Watershed cleanup, volunteers pulled over 1,500 pounds of garbage which included garbage

from that stream. Mr. Sundirs stated the community was vested in the stream and its environment benefits. He resonated the previous speaker's concerns regarding the size of Boone Boulevard and its location. Mr. Sundirs stated he was not sure the contributions made by the applicant were adequate.

John Clifton, 8732 Higdon Drive, Vienna, addressed his concerns regarding the resource protection area, the foxes and deer around the river, and the play area for children. He reverberated the concerns of other speakers regarding the size of Boone Boulevard. He expressed his concerns regarding cases where there would be dead deer, and inquired about the parties who would responsible for clean-up. Mr. Clifton stated he bikes to work and biking across a four-lane road would be problematic.

Ms. Baker in her rebuttal testimony stated the resident population from the two applications would be approximately 31,005 people. Ms. Baker stated that Tysons was designed to accommodate the increase in population, and based on the County's averages for multifamily high-rise developments, Tysons could withstand the growth. Ms. Baker addressed the concerns of Boone Boulevard and stated the road was on the Comprehensive Plan as a four-lane avenue, same as Greensborough Avenue. The applicant's traffic impact analysis indicated that the need was for a two-lane road. However, the County took the long-term approach and did the analysis for the buildout of Tysons, and determined a four-lane road was needed. Ms. Baker stated the applicant decided to stripe Boone Boulevard to two lanes and in the future, if required, could be restriped to four-lanes. From a traffic prospective, four lanes were not needed for the applicant's buildout. Ms. Baker also stated a crosswalk had designated location at a signalized intersection, where Commonwealth comes down to Boone Boulevard. Regarding the stream valley, Ms. Baker stated there was a restoration program for Fairfax County, hence the applicant's contribution.

Commissioner Niedzielski-Eichner asked staff to address the references made to a new intrusion of the resource protection area. Ms. Baker stated there was no intrusion, and there was approximately 3,000 square feet of reduction. Commissioner Niedzielski-Eichner and Jeffrey Hermann, Transportation Planning Division, Virginia Department of Transportation (VDOT), discussed VDOT's reasoning for four-lanes on Boone Boulevard. Mr. Hermann stated that both the Comprehensive Plan analysis for transportation, as well as the consolidated traffic impact analysis were consulted for the traffic impact. Commissioner Niedzielski-Eichner and Mr. Jeffrey Hermann discussed the stripping threshold. Mr. Hermann stated the stripping was done as a part of VDOT's repaving schedule. A road diet was conducted where one lane was removed from each direction, placed a two-way left turn lane, as well as two through lanes. In the applicant's case, a two-lane left turn lane was not required for the entire length and would be narrower than some of the cross sections on Greensborough Drive. The thresholds looked at for road diets that revolved around the operational capacity at intersections, rather than for the through lanes. Commissioner Niedzielski-Eichner asked staff to address the comment made regarding the flooding of Old Courthouse Road. Mr. Marsh stated the design plan for the stream developed by DPWES, would create a more stable stream channel that would flood outside the channel, and would be more easily handled by the flood plain. There would also be plantings over the long term to support a riparian habitat which would make use of the water. Mr. Marsh stated the resource protection in question was a parking lot surface and one of the surfaces was treated by storm water measures.

Commissioner de la Fe asked if there were additional intrusions into the resource protection area. Mr. Marsh echoed Ms. Baker and reiterated there were no additional intrusions. Commissioner de la Fe asked for the length of time taken to determine the location of Boone Boulevard and width. Mr. Hermann indicated studies were conducted before the Tysons Comprehensive Plan was approved in 2010. Prior studies were conducted for Boone Boulevard, as well as for the grid. Since the early 20th century, Boone Boulevard was also continuously revisited. As a follow-up to Commission de la Fe's question, Commissioner Hart asked if Boone Boulevard was shifted slightly north, where the edge was out of the resource protection area, would this shift diminish the functionality of the athletic field. In response, Ms. Dorlester stated that in such a scenario, construction of a full-size or youth-size athletic field would not be possible, neither the street grid, nor the electric substation would be an option.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for actions on this application.

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(Start Verbatim Transcript)

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, under normal circumstances, I would move to defer this application. However, as I listened to the commentary – you know, the folks that have spoken, almost everything revolves around Boone Boulevard and its location, its width, that was the issue at the Hunter Mill Land Use Committee. They – one of their – you know, their condition for approval was that Boone Boulevard be made narrower and as Ms. Dorlester just said there are a lot of pieces here and if you move one, others are affected. And, looking at this overall, what the benefits of these applications with the dedication of the land for the power station, the field, other park improvements, the contribution for additional park improvements, and the fact that this has a Board date before we meet again, I would like to go ahead and move on this tonight. I know that that may be – usually when, you know – I don't think we can solve the issue of the width of Boone Boulevard between now and the next we meet. And, I don't think we can solve the issue of the RPA intrusion to the satisfaction of anyone because that relates to the location and width of Boone Boulevard and it has been stated we have been looking a Boone Boulevard over and over again. And I think that the proffer that the applicant are making regarding the striping, so that it can be at least a adjusted in the future as needed, would be better. As I sit here and think about it, I have to look at the benefits verses the negatives and after looking at this for almost, I would say almost eleven years, overall looking at Tysons and looking at the old house that – where the stream begins, it – it – I really think that it's time to take the step now because I don't think we can solve the issues that have been raised because they relate to the width of Boone Boulevard and that – has – you know, it has just, I think it has been moved as much as it can be. To take it out of the stream valley itself, we did adjust it, we minimized the – this is over the years, not in this application and – so from my perspective, I think the benefits overall to the citizens of Fairfax County of these applications generally are more than the negatives. So, with that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-HM-013 AND THE ASSOCIATED CONCEPTUAL

DEVELOPMENT PLAN SUBJECT TO THE PROFFERS DATED AUGUST 25, 2017 AND ATTACHED AS APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. 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 2011-HM-013 and its conceptual development plans, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-HM-027 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE PROFFERS DATED AUGUST 25TH, 2017 AND ATTACHED AS APPENDIX 2 OF THE STAFF REPORT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-HM-027, say aye?

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS AS LISTED IN THE HANDOUT DATED SEPTEMBER 14TH, 2017, WHICH YOU RECEIVED TODAY AND WHICH WILL BE MADE PART OF THE RECORD OF THESE CASES.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion that was just articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much and I was going to say – you will – to the citizens that came, this – the Board date for this is September 26th, 2017 is when they will have their

hearing and that's one of the reasons I have to move tonight because I don't think we were going to solve the issue of the width of Boone Boulevard before then. Thank you very much.

Chairman Murphy: Thank you.

The motion carried by a vote of 10-0. Commissioners Keys-Gamarra and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

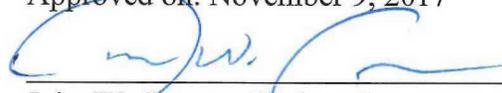
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The meeting was adjourned at 10:53 p.m.
Peter F. Murphy, Chairman
Frank A. de la Fe, Vice Chairman

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: November 9, 2017



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