

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 12, 2017**

PRESENT: Peter F. Murphy, Springfield 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

ABSENT: Frank A. de la Fe, Hunter Mill District
Karen A. Keys-Gamarra, Sully District
Janyce N. Hedetniemi, Commissioner At-Large

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The meeting was called to order at 8:23 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the minutes for the Planning Commission meetings from September, 2017 had been distributed to Commission. He requested that Commissioners submit revisions to John W. Cooper, Clerk to the Planning Commission, at their earliest convenience. He then announced his intent to move to approve those minutes at the Planning Commission meeting on November 9, 2017.

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Commissioner Hart stated that the Planning Commission's Environment Committee had met earlier that evening to receive a presentation from staff on a pending amendment to the Policy Plan regarding energy conservation in green buildings. He then announced that the Committee would meet again on November 9, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to receive comments from stakeholders on the same amendment. He added that the meeting would be open to the public.

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Commissioner Hart announced that there would be a dedication ceremony at 8081 Jones Branch Drive in Tysons for the Ken Lawrence Park on the morning of October 14, 2017, adding that the park would honor former Providence District Planning Commissioner, Kenneth Lawrence. He then encouraged Commissioners and public to attend.

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Commissioner Sargeant announced that the October 19, 2017 meeting for the Planning Commission's Schools Committee had been cancelled and the Committee's next meeting was scheduled for November 2, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. He added that the meeting would be open to the public.

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Commissioner Niedzielski-Eichner stated that the applicant for SEA 99-P-046-02, Flint Hill School, had significantly modified its application to an extent that another public hearing was warranted; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 99-P-046-02, FLINT HILL SCHOOL, TO AN INDEFINITE DATE, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart seconded the motion, which carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

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PA 2016-III-P1 – COMPREHENSIVE PLAN AMENMDMENT (WORKHOUSE ROAD AREA) (Mount Vernon District) (Decision Only)
(The public hearing on this application was held on September 27, 2017.)

(Start Verbatim Transcript)

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. We have a...

Chairman Murphy: Mic.

Commissioner Flanagan: ...decision only tonight for a Plan Amendment 2016-III-P1. It's in the Workhouse Road area. Two weeks ago, the Commission heard testimony on Plan Amendment 2016-III-P1 that was authorized by the Board of Supervisors for all 11 residential lots that only front on Workhouse Road in Lorton. The Board authorized staff to consider a revised land use recommendation for the site not to exceed two to three dwelling units per acre. Staff is now recommending one to two dwelling units per acre. The Commission deferred a decision to tonight to provide the South County Federation an opportunity to provide a recommendation of all Lorton neighborhoods and address comments raised by the Commissioners. The Federation met last Tuesday night, during which all adjacent neighborhoods testified. A Federation resolution that recommends approval by a vote of 45 to 2 has since been sent to each of you and now made part of the record, along with three letters of approval by adjacent lots along Ox Road. Any concerns of the staff, community, and Commissioners about redevelopment of the planned amendment site will be addressed during a pending rezoning application that is now scheduled to be heard by the Commission on December 6. Tonight, we are only acting on the staff recommendation for a planned residential density of one to two dwelling units per acre instead of two to three dwelling units per acre, as authorized by the Board. I concur with the staff

recommendation. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLAN AMENDMENT 2016-III-P1, PER THE RECOMMENDATION IN THE STAFF REPORT, DATED APRIL 6, 2017.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion?

Commissioners Hart and Sargeant: Mr. Chairman?

Chairman Murphy: Okay. Mr. Hart, then Mr. Sargeant.

Commissioner Hart: Tim can go first.

Chairman Murphy: Okay, you go first, Tim.

Commissioner Sargeant: Thank you, Mr. Chairman. I'm going to abstain from this vote. I am – remain concerned, even though I concur with staff's assessment and Commissioner Flanagan's assessment at one to two dwelling units per acre. I am concerned about the challenges of realizing that - that lower range, in many way, given the topography of the land, given the proximity of Workhouse Road, given the lack of upgrades to the road to facing the remaining communities. And I also attended a meeting last night on the proposed South County Police Station and Animal Shelter to look at the three sites that are being considered. One of those three sites is directly behind the communities. So while that is far from certain, as the final site, I think this requires some additional attention before I want to consider it at this point. But I will abstain.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I also won't be able to support the motion. I don't believe there has been a compelling justification shown to us for a change in the existing plan. I don't think this amendment is addressing any specific anomaly or inequity in the plan. The justification that has been offered regarding the four-lane road, I think, is weak at best and we have many areas of the County where there is a four-lane road, but that does not necessarily require increased density to deal with that. I think, more obviously, this appears to be a plan amendment to facilitate a real estate deal and that is not necessarily a compelling justification to amend the plan, even if the sales price to the sellers would be lower with the lower yield of density. If I understand staff, the staff believes the property could still redevelop under the existing plan with a significant increase in the number of units. I also don't think the buffer of the existing neighborhood or the buffer between the existing stable residential neighborhood and the park and the public facility to the south makes any sense with a narrow strip of lots at a higher density. I don't think it's consistent with protecting the stable neighborhood around it. The area of the consolidation also appears to be exactly the area of the plan amendment. This would have been easier and more logical, I think, if we were looking at a larger area at the same time, particularly including the unconsolidated parcels around the corner to the...to the west. I don't see the compelling justification for this particular amendment, given those constraints, and I won't be able to support it. Thank you.

Chairman Murphy: Further discussion of the motion? Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I'll be brief because some of the comments reflect my own, but I think this is an example of some of the problems that arise in connection with out-of-turn, site-specific plan amendments in the sense that, particularly, when they're trying to push a rezoning application simultaneously. Yes, the plan amendment has to come first, but I think a lot of the confusion for some of the neighboring property owners was that they see a rezoning application and then they hear about the plan amendment. And I can understand the reason for their – their concern. And I agree with Commissioner Hart that I think that in using this approach, there's no real opportunity to consider this site within the larger area context and as part of an area review or looking at how all of these different features work together, particularly some of the public facilities that Commissioner Sargeant mentioned in his comments. The neighboring property owners are the most effected and they really don't feel that they had adequate consideration. I know they appeared and they have – they had – they're represented on the South County Federation, and so on, but I think that the plan amendment process should have a real strong outreach portion to it that identifies who the most effected people are, brings them in, and this is particularly true where, in this case, the argument for supporting the plan amendment – or for supporting the recommendation of one to two by staff – is based on, "the changing character of the area," and so on. And I think that in those particular cases, you need to have everybody involved in speaking their piece and their opportunity to that particular argument. And I think that neighbor involvement is particularly important in this case. But that being said, I will – I think that some of the sins here are going to be, hopefully, remedied with the rezoning application and the opportunity to see that the – what is developed on the properties that have been – are being consolidated, if this is approved, will make it a better development that will hopefully work okay within the context of that area. But I - I still have the concerns and think this is - is an example that we need to be taking a hard look at in connection with future out-of-turn plan amendments.

Chairman Murphy: Further discussion? All this in – Mr. Flanagan?

Commissioner Flanagan: Well, I just wanted to comment that – you'll notice that the density is one to two. That doesn't mean that when this rezoning comes to us that we have to accept two. I mean, we still have that option – addressing any issues that arise during the - during the rezoning process, which is the proper place to be addressing that. Right now, we're just taking a look at – allowing a whole lot of flowers bloom and this is one of the first flowers that's going to bloom. It's going to be at the rezoning in December 6. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2016-III-P1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Abstain.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Pardon?

Commissioner Sargeant: Abstain.

Chairman Murphy: The motion carries. Mr. Sargeant abstains. Mr. Hart abstains. And Mr. Ulfelder...

Commissioner Ulfelder: I vote aye.

Commissioner Migliaccio: Mr. Chairman, I'll abstain on this one, just based on the...

Chairman Murphy: Okay. Motion carries with three abstentions. Thank you very much.

Commissioner Flanagan: Thank you.

The motion carried by a vote of 6-0-3. Commissioners Hart, Migliaccio, and Sargeant abstained from the vote. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SEA 96-M-003-02 – ESTATE 22 PROPERTIES, LLC
2. RZ/FDP 2017-MA-005 – MEDICAL BUILDING, INCORPORATED
3. SE 2017-BR-013 – HASNAA ALI F AKA HASNA ASLI ABUDULLA AND HASNA ALI
4. SE 2017-LE-004 – ALGANESH WELDGARGIS/BEILAL HOME DAY CARE
5. RZ/FDP 2016-PR-020 – SEKAS HOMES, LTD.

This order was accepted without objection.

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SEA 96-M-003-02 – ESTATE 22 PROPERTIES, LLC – Appl. under Sect. 9-620 of the Zoning Ordinance to amend SE 96-M-003 previously approved for modification of certain sign regulation to allow an increase in sign area and associated modifications to site design and development conditions. Located at 3480 South Jefferson St., Falls Church, 22041 on approx. 23.37 ac. of land zoned C-6, SC, HC and CRD. Mason District. Tax Map 62-1 ((1)) 16E. MASON DISTRICT. PUBLIC HEARING.

G. Evan Pritchard, Applicant's Agent, Venable, LLP, reaffirmed the affidavit dated September 11, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Pritchard's firm were representing adverse parties. However, he noted that this matter and those parties were not related and there was no business or financial relationship; therefore, it would not affect his ability to participate in the public hearing.

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

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you, Mr. Chairman. I request that the applicant confirm, for the record, their agreement – if you can come back up – if you could confirm your agreement to the development conditions dated September 25th, 2017.

Evan Pritchard, Applicant's Agent, Venable, LLP: Yes, we do. Thank you.

Commissioner Strandlie: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 96-M-003-02 TO THE BOARD OF SUPERVISORS, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 25TH, 2017.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 96-M-003-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you.

The motion carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2017-MA-005 – MEDICAL BUILDING, INCORPORATED – Appls. to rezone from C-3, CRD and SC to PDH-12, CRD and SC to permit residential development with an overall density of 11 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the N. side of Arlington Blvd. approx. 110ft. W. of Meeting St. on approx. 3.67 ac. of land. Comp. Plan Rec: residential up to 12 du/ac. Tax Map 51-4 ((1)) 5A. MASON DISTRICT. PUBLIC HEARING.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit August 29, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Brant's firm were representing adverse parties. However, he noted that this matter and those parties were not related and there was no business or financial relationship; therefore, it would not affect his ability to participate in the public hearing.

Michael Lynskey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2017-MA-005.

When Commissioner Strandlie asked for additional information about the trip-generation impact of the proposed development, compared to the existing commercial use of the site, Mr. Lynskey indicated that the proposed development would generate 69 percent fewer trips than the current use. He added that residential development, in general, generated fewer trips than commercial development.

Commissioner Hart asked for clarification regarding the outstanding issue with a proposed pedestrian connection between the proposed development and the existing commercial development to the east of the subject property, which was occupied by a Target retail establishment. Mr. Lynskey explained that the applicant had originally planned to install the pedestrian connection near the playground area located on the southwestern portion of the site, but such a connection would require the installation of stairs, which created liability concerns by Target. He then stated that the applicant had modified the plan to install the connection farther north on the site in an area between Units 16 and 24. Mr. Lynskey acknowledged that the connectivity of that path was not as effective as the previous location, but noted that the grade made it more feasible. A discussion ensued between Commissioner Hart and Mr. Lynskey regarding the design for the proposed pedestrian connection to the Target site, the extent to which the design had been finalized, and the criteria for the path that staff had prescribed to the applicant wherein Mr. Lynskey said that staff had recommended that the applicant evaluate alternative designs for that path, noting the difficulty of installing such a path in addition to ensuring sufficient tree preservation.

Commissioner Hart asked for additional information regarding the potential installation of a convex mirror to improve the sight lines at the entrance to the service drive and whether the Virginia Department of Transportation (VDOT) approved of such a feature. Mr. Lynskey

deferred to the applicant for additional information about the convex mirror, adding that staff had met with VDOT to discuss that issue and a convex mirror was one of the potential options that had been considered.

When Commissioner Hurley expressed concern regarding the visual impact that the proposed development would incur on the existing residential development to the north and east of the subject property, Mr. Lynskey pointed out that the grade of the area between the properties would mitigate that impact. In addition, he said that the space between the proposed development and the neighboring properties to the north was approximately 35 feet, which was consistent with the requirements prescribed by the Zoning Ordinance. Mr. Lynskey described the visual impact that would be incurred on those neighboring properties, adding that the applicant would install vegetation and fencing to further screen the site.

Commissioner Niedzielski-Eichner pointed out that staff had expressed concern regarding the applicant's ability to meet the recommendations that had been prescribed, such as those involving noise mitigation measures that might be warranted by a noise study. He then asked whether staff had included development conditions to provide a mechanism for ensuring that the applicant could address such issues. Mr. Lynskey stated that the applicant's proffer package had addressed staff's primary concerns on noise issues. In addition, he noted that discussions between the applicant and the property owners of the Federal Hill community to the south and east of the site regarding an alternate utility connection had been ongoing since the publication of the staff report and an agreement had been finalized in the weeks prior to the public hearing. Mr. Lynskey also indicated that staff's concerns regarding the noise generation of the proposed development would be adequately addressed by the Zoning Ordinance, but the applicant had proffered to conduct a noise study to address the potential impacts incurred by surrounding development. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Lynskey regarding the potential measures that the applicant would pursue to alleviate noise on the site and the applicant's commitment to implementing such measures wherein Mr. Lynskey deferred to the applicant for additional information and reiterated that the Zoning Ordinance provided a sufficient mechanism for ensuring noise mitigation.

Commissioner Niedzielski-Eichner stated that staff had also expressed concern regarding the sight distances at the entrance to the access road located at the southern portion of the site, which would be subject to review by VDOT. He then asked whether subsequent analysis had been conducted to address the issue. Mr. Lynskey deferred to the applicant for additional information on the issue. He then explained that the access would be subject to multiple waivers and the applicant had coordinated with VDOT on the features of that access, adding that there had been ongoing discussions on that issue since the publication of the staff report. William O'Donnell, ZED, DPZ, also noted that the applicant would be required to obtain an entrance permit from VDOT and the service drive entrance was subject to the standards prescribed by VDOT.

Commissioner Niedzielski-Eichner aligned himself with concerns from Commissioner Hart regarding the pedestrian connection between the subject property and the Target property to the west.

Referring to Figure 10 on page 16 of the staff report, which compared the required dimensions of the yards for dwelling units within a PDH-12 development, compared to those provided by the

applicant, Commissioner Niedzielski-Eichner requested additional information regarding the required dimensions for the front, rear, and side yards of the proposed development units. He also asked whether the proposed dimensions were consistent with those requirements. Mr. O'Donnell explained that the dimensions of the yards for the dwelling units were contingent on the grade of the subject property and indicated that those proposed by the applicant were consistent with those requirements.

Commissioner Sargeant commended the applicant for provided three workforce dwelling units (WDU) with the proposed development. He then asked for additional information regarding the dimensions of the garages for the workforce dwelling units that the applicant had proffered with the proposed development, Mr. Lynskey stated that those units would utilize garages that could accommodate one vehicle. He added that there was additional street parking available within the proposed development if additional parking were necessary. A discussion ensued between Commissioner Sargeant and Mr. Lynskey regarding the location of the street parking and the parking provisions for WDUs wherein Mr. Lynskey pointed out the location of additional parking areas within the development.

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

- The subject application would permit a redevelopment of the site from a commercial development to a residential development consisting of 37 single-family attached dwelling units;
- The subject property had been previously developed with a 32,000 square-foot office building, but that facility had been vacant for several years;
- The applicant had concluded that the limited visibility of the site from Route 50 and the character of the surrounding landscape made a residential development more feasible than a commercial development;
- The site had been the subject of a Comprehensive Plan amendment in July 2017, which modified the recommendations of the site from a commercial development at a 0.2 floor-area ratio to a residential development for up to 12 dwelling units per acre;
- The proposed residential development for the site had a density of approximately 10.1 dwelling units per acre, which was consistent with the recommendations of the Comprehensive Plan;
- The applicant had conducted various community outreach efforts to the Federal Hill community, which was located east of the site;
- The applicant had made multiple revisions to the subject application as a result of the Federal Hill community's feedback, which included a reduction of the total number of dwelling units from 39 to 37;

- The reduction in the number of dwelling units had permitted an alignment of the units that would limit the visual impact of the development on Federal Hill;
- The applicant had agreed to supplement the landscaping between the subject property and the Federal Hill community to enhance the buffer between the sites;
- The applicant had coordinated with the Federal Hill community to ensure sufficient tree preservation, which included efforts to establish a connection between existing sanitary sewer lines with the neighboring community;
- The applicant had received confirmation from the president of the Federal Hill Homeowners Association that an agreement on the easement to accommodate the connections between sanitary sewer lines had been finalized;
- The entrance to the service drive on the site had been subject to concerns regarding sight lines and the applicant had been coordinating with VDOT and the Federal Hill community to address that issue;
- The applicant had requested a sight distance exception for the entrance to the service drive and VDOT had expressed an intent to grant approval;
- The intensity of the proposed development would be less than that of a by-right commercial development on the site and would generate fewer overall daily trips;
- The proposed development would improve the stormwater management provisions of the site and the applicant intended to comply with the standards prescribed by the County;
- The proposed development was not required to provide affordable dwelling units under the density provisions articulated in the Zoning Ordinance, but the applicant had proffered three workforce dwelling units, which would be priced to accommodate incomes of approximately 80 percent of average median income;
- The applicant would coordinate with the Target property to the west on the proposed pedestrian connection and favored installing the connection on an area to the north of the playground area to ensure sufficient tree preservation;
- The possible installation of a convex mirror at the service entrance to improve sight lines was subject to approval by VDOT and the applicant had included multiple commitments to improve that area, which included the restriping of traffic lanes and the installation of no-parking signs along the drive aisle;
- The visual impact of the proposed development on the existing residential development to the north would be mitigated by the presence of mature vegetation, fencing, and patios;

- The applicant had committed to conducting a noise study at the time of site plan review, as articulated in Proffer Number 8, Noise Mitigation, and attenuation measures would be implemented if the study concluded that such measures were warranted; and
- The subject applications had the support of the surrounding community, the Mason District Land Use Committee, and the Bailey's Crossroads Seven Corners Revitalization Corporation.

Commissioner Strandlie requested additional information on the modifications the applicant had made to the proposal since meeting with the Mason District Land Use Committee. Mr. Brant cited increases to the amount of open space that would be provided with the proposed development, noting that approximately 30 to 35 percent of the site would be reserved for open space. In addition, he indicated that the applicant had reoriented the dwelling units in the proposed development to improve the screening between the subject property and the neighboring residential communities. Mr. Brant also reiterated that the applicant was coordinating with VDOT to improve the condition of the entrance to the service drive.

When Commissioner Strandlie asked how the applicant had addressed concerns regarding the amount of space in the drive-aisle for the proposed development, Mr. Brant explained that the applicant intended to provide approximately 31 feet within the drive-aisles, which was consistent with similar developments throughout the County.

In reply to questions from Commissioner Strandlie, Mr. Brant confirmed that the subject applications included provisions that restricted the use of garages to the storage of vehicles. He added that those provisions would be articulated in the covenants established by the homeowners association for the development and to prospective purchasers. In addition, Mr. Brant said that the garages of the dwelling units could adequately accommodate two vehicles.

Commissioner Hart expressed concerns regarding the amount of space at the terminus of the drive-aisle located between Units 16 and 24, noting that there was limited area for vehicles exiting the garages to maneuver. Mr. O'Donnell pointed out the location of the units on the site and described the design of the terminus, noting that the Fire Marshal had not objected to the design. Aaron Vinson, Applicant's Agent, Walter L. Phillips, Incorporated, indicated that the terminus included a five-foot stub to provide space for vehicles exiting the garages to maneuver, noting that the applicant had concluded that such space was sufficient. A discussion ensued between Commissioner Hart and Mr. Vinson regarding the difficulty for vehicles exiting Units 16 and 24 to maneuver within the drive aisle.

Commissioner Hart stated that the Zoning Ordinance articulated various requirements for sight distances at intersections and asked whether the outstanding issues regarding sight lines at the entrance to the service drive would incur a violation. Mr. Lynskey explained that sight distance provisions for the Zoning Ordinance and VDOT were calculated differently. A discussion ensued between Commissioner Hart and Mr. Lynskey, with input from Mr. O'Donnell, regarding the sight distance that had been calculated for the service drive entrance and the presence of off-site features that impacted the sight lines wherein Mr. O'Donnell explained the following:

- The entrance had functioned adequately while the site operated with a commercial development;
- The proposal would generate fewer trips at the service drive entrance, compared to a commercial development; and
- The analysis conducted by staff concluded that the entrance provisions for the service drive were sufficient, provided such provisions were consistent with the access management exception prescribed by VDOT.

A discussion ensued between Commissioner Hurley and Mr. Lynskey, with input from Mr. Brant, regarding the location of the proposed pedestrian path that would connect the site with the existing Target development to the west, the designs for that path, and the efforts of the applicant to modify the path to ensure greater tree preservation wherein Mr. Lynskey noted the challenges associated with the topography of the site and the concerns expressed by Target with the original designs for the path.

When Commissioner Hurley asked for additional information regarding the path that residents would utilize to access the neighboring Target site to the west, Mr. Lynskey described the route, noting the presence of existing tree cover. Mr. Brant also pointed out areas reserved for tree preservation and indicated that additional evaluations for improving pedestrian paths would be conducted. Mr. O'Donnell added that the proposed pedestrian path would connect to a portion of the Target site where loading occurred and staff favored a path that did not direct pedestrians to that area.

A discussion ensued between Commissioner Ulfelder and Mr. Brant regarding the parking restrictions utilized by the Target site to the west, the impact that the proposed development would incur on that area, and the concerns expressed by neighboring communities about parking provisions wherein Mr. Brant pointed out that the proposal's parking provisions were consistent with the requirements prescribed by the Zoning Ordinance.

When Commissioner Ulfelder asked for additional information on why the neighboring Federal Hill community had opposed an interparcel connection with the proposed development, Mr. Brant said that such a connection had been opposed due to concerns regarding cut-through traffic. A discussion ensued between Commissioner Ulfelder and Mr. Brant regarding the existing pedestrian paths throughout the area and the accessibility of the Target site pedestrians.

A discussion ensued between Commissioner Flanagan and Mr. Brant regarding the location of guest parking within the proposed development and the process for informing prospective residents of guest parking areas wherein Mr. Brant stated that multiple areas on the site that would be reserved for that purpose, certain dwelling units could accommodate additional vehicles in the driveways, and residents could coordinate to share parking.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions

from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this item.

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you, Mr. Chairman. I had just wanted to actually address something else that we didn't get to discuss – was the pre-emption device that the applicant has agreed to add to the proffers. It has been a priority for the Planning Commission and the County to include pre-emption devices, which allow first responders to get through traffic lights, to the application. So we appreciate that. I'm going to defer it until next Thursday, just to fine-tune the proffers and any other questions and, perhaps, some of the outstanding issues might be addressed by then – any conversations with Target. I actually don't think it's a big deal to not have a connection to Target. It's a very short walk to go around their sidewalk and it may not even be in the best interest in the community to have that connection over to that area. We certainly heard during the Seven Corners Comp Plan discussion that the neighbors actually didn't want that connection. So maybe that's something that the community will decide in the future, whether they want it or not. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2017-MA-005 TO A DATE CERTAIN OF OCTOBER 19TH, 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 defer decision only on RZ/FDP 2017-MA-005 to a date certain of October 19th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you.

The motion carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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SE 2017-BR-013 – HASNAA ALI F AKA HASNA ASLI ABUDULLA AND HASNA ALI – Appl. Under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 10586 John Ayres Dr., Fairfax, 22032 on approx. 7,920 sq. ft. of land zoned PDH-3 and HD. Tax Map 77-1 ((12)) 29. BRADDOCK DISTRICT. PUBLIC HEARING.

Hasnaa Ali, Applicant/Title Owner, reaffirmed the affidavit dated July 13, 2017.

There were no disclosures by Commission members.

Daniel Creed, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of SE 2017-BR-013.

Ms. Ali indicated that she concurred with staff's recommendation. She also stated that she had been residing in the community for the past 27 years and noted the quality of the service provided by the existing home child care facility on the site.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary.

Commissioner Hurley stated that the Commission had received letters of support from residents of the surrounding neighborhood, adding that the residents had commented the applicant for the child care services she provided. She then expressed concern regarding the accessibility of the backyard during the planned construction of the deck on the site. Ms. Ali explained that the backyard would be accessible through a gate located along the side of the dwelling unit. A discussion ensued between Commissioner Hurley and Ms. Ali regarding the applicant's efforts to prevent the children at the home child care facility from accessing the construction area for the deck and the outdoor recreational activities that the facility would utilize while the backyard was not accessible wherein Ms. Ali noted that appropriate measures, such as covering the doorway and temporarily ceasing operation of the facility, would be implemented.

Commissioner Hurley pointed out that a portion in the basement of the proposed home child care facility had been reserved as a nap area and that area did not include an emergency egress. She then asked for additional information regarding the fire drills conducted by the facility. Ms. Ali explained that the facility conducted monthly fire drills, as prescribed by guidelines articulated by the State of Virginia. She also pointed out that there would be multiple adult employees present in the nap area in the basement. A discussion ensued between Commissioner Hurley and Ms. Ali regarding the use of the nap area in the basement, the process for evacuating children from that area in the event of an emergency, and the extent to which those procedures were practiced wherein Ms. Ali indicated that the nap area would be utilized primarily by infants and described the evacuation processes for that area, noting that children in the basement would be evacuated through the windows.

Commissioner Hurley stated that the hours of operation for the proposed home child care facility were from 7:00 a.m. to 6:00 p.m. She then suggested that the applicant consider revising those hours to provide additional time, adding that modifying those hours after approval of the subject application would require the submission of a separate special exception amendment. Ms. Ali indicated that she would consider such a modification.

When Commissioner Flanagan asked for additional information on the number of children that would be cared for at the proposed home child care facility, Ms. Ali stated that the facility cared for 12 children, adding that her own children were not present during operating hours. A discussion ensued between Commissioner Flanagan and Ms. Ali regarding the usage of the nap

areas in the basement, the usage of the living room within the facility, and the emergency evacuation procedures for those areas wherein Ms. Ali said the following:

- The toddlers would utilize the living room and the infants would utilize the basement area for napping;
- The facility would utilize the services of three on-site employees and two of those employees would be present in the nap area in the basement; and
- The employees in the basement nap area would conduct the emergency evacuation procedures for the infants utilizing that area.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on this case.

(Start Verbatim Transcript)

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Commissioner Hurley: Mr. Chairman, I request that the applicant confirm, for the record, agreement to the development conditions.

Hasnaa Ali, Applicant/Title Holder: Yes.

Commissioner Hurley: You agree? You understand all that are requested?

Ms. Ali: Yes.

Commissioner Hurley: Well then, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2017-BR-013, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 26, 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 recommend to the Board of Supervisors that it approve SE 2017-BR-013, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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SE 2017-LE-004 – ALGANESH WELDGARGIS/BEILAL
HOME DAY CARE – Appl. under Sects. 6-105, 6-106, and 8-305
of the Zoning Ordinance to permit a home child care facility.
Located at 5824 Apsley House Ct., Alexandria, 22310 on approx.
1,500 sq. ft. of land zoned PDH-12 and HC. Tax Map 81-4 ((35))
47. LEE DISTRICT. PUBLIC HEARING.

Francina Segbefia, Applicant’s Agent, reaffirmed the affidavit dated September 10, 2017.

There were no disclosures by Commission members.

Commissioner Migliaccio pointed out that a previous version of the affidavit dated March 13, 2017 had been included in the staff report, but an updated version of the document had been subsequently submitted. Casey Gresham, Zoning Evaluation Division, Department of Planning and Zoning, confirmed that the affidavit had been modified and subsequently revised, adding that the document had been approved by the County Attorney. She also noted that staff had been aware of that revision.

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 case.

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. Can I have the applicant or her agent? I request that the applicant or her agent confirm, for the record, agreement to the development conditions dated September 27th and found in the staff report.

Francina Segbefia, Applicant’s Agent: We agree.

Commissioner Migliaccio: Thank you very much. This is a very simple home daycare case for eight children in the Wilmington Commons subdivision. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2017-LE-004, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 27TH, 2017.

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 SE 2017-LE-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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The Commission went into recess at 9:43 p.m. and reconvened in the Board Auditorium at 10:01 p.m.

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RZ/FDP 2016-PR-020 – SEKAS HOMES, LTD. – Appls. to rezone from I-5 and HC to PRM and HC to permit residential mixed use development with an overall intensity of 1.2 FAR including bonus density associated with ADU/WDU and approval of the conceptual and final development plan. Located on the W. side of Eskridge Rd. approx. 344 ft. N. of its intersection with Williams Dr. on approx. 5.57 ac. of land. Comp. Plan Rec: mixed use up to 1.2 FAR. Tax Map 49-3 ((1)) 90A and 49-3 ((22)) A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGuire Woods, LLP, reaffirmed the affidavit dated September 11, 2017.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2016-PR-020.

Ms. Greenlief gave a presentation wherein she explained the following:

- The proposed development would contribute to the revitalization and activation of the Merrifield area;

- The subject application would permit a residential development that was consistent with the urban character of surrounding area, as well as the incorporation of additional recreation uses to supplement existing development;
- The proposed development consisted of a mix of residential units that include townhouse units on the southern portion of the site and a multifamily residential building on the northern portion, which would accommodate an urban plaza along Eskridge Drive;
- The proposed development included various recreational facilities that were consistent with the urban park space requirement prescribed by the Comprehensive Plan;
- The proposed development would be connected internally and externally with pedestrian paths and streetscapes, which would be consistent with the standards prescribed by the Merrifield Streetscape Design Manual;
- The proposal would improve the stormwater management provisions on the site in a manner consistent with the guidelines prescribed by the County;
- The proposed development would include interparcel connections and a significant segment of public road dedication along the southern portion, which would contribute to the completion of the planned Merrifield street grid;
- The proposal would supplement the Merrifield street grid by providing two additional access points into the development, which would align with existing street connections;
- The subject applications included commitments to green building provisions, electric vehicle charging stations, affordable housing units for lower income tiers, high quality architecture, universal design elements for the townhouse units, bicycle parking, park facilities, school contributions, a pro-rata contribution for a future traffic signal, and contributions to a pre-emptive signal device;
- The proposal was consistent with the recommendations of the Comprehensive Plan, which recommended residential use on the site at a density with a floor area ratio of 1.2; and
- The proposed development was consistent with the guidelines of the residential development criteria and the Zoning Ordinance.

Commissioner Flanagan stated that the Comprehensive Plan recommended a residential development on the subject property with a maximum FAR of 1.2 and the applicant had opted to pursue a development at that maximum level. Ms. Greenlief concurred with that statement. Commissioner Flanagan then explained that an applicant was required to include provisions to warrant permitting a development at the upper end of the density range recommended for the site and asked what had been included within the subject applications to justify such density. Ms. Greenlief indicated that the proposed development included additional urban park space that provided various environments, citing the linear park area that would be located along Eskridge

and the courtyard area. She also she noted the inclusion of playground and open lawn areas. In addition, Ms. Greenlief stated that staff had concluded that the variety of residential units included with the proposed development provided sufficient provisions to warrant the density. A discussion ensued between Commissioner Flanagan and Ms. Greenlief regarding the designs of the multi-family residential building wherein Commissioner Flanagan said that he favored additional provisions to justify developing the site at a higher density range.

Commissioner Migliaccio asked for additional information regarding the outreach efforts of the existing tennis club on the site. John Sekas, Applicant/Title Owner, explained that the owner of the existing tennis club had announced his intent to retire in 2015 and had informed members of the club that the facility would close in the spring of 2018, and that memberships would not be renewed. He added that such a recourse would occur regardless of whether the subject applications were approved.

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

Michael Grace, 5131 15th Street North, Arlington, representing the Four Seasons Tennis Club Preservation Task Force, stated that his organization represented the various individuals and organizations that had benefitted from the existing tennis club on the site. He then described the membership of the club, noting the diversity of that membership. Mr. Grace stated that he opposed the subject applications and favored preserving the operation of the existing tennis club. He then described the benefits that the tennis club had generated for the surrounding community, noting the growing popularity of tennis. He also pointed out that the existing club had been subject to significant use and noted the positive economic impact that the facility incurred on the area. In addition, Mr. Grace stated that the County's recreation facilities did not provide sufficient tennis services. He also said that the Comprehensive Plan recommendations for the site did not adequately reflect the recreational needs of the surrounding area, adding that the availability of indoor tennis facilities throughout the County was limited. Mr. Grace suggested modifications to the proposed development that included two contiguous tennis courts on site, a contribution to off-site tennis facilities, and a commitment to pursue the installation of additional indoor tennis facilities. He also favored expanding the existing tennis club to include various recreational amenities, adding that such an expansion could be incorporated into an alternative redevelopment plan. Mr. Grace said that he had included alternative plans in his statement, which included plans that preserved the indoor tennis courts while permitting a residential development on other portions of the site. He also recommended that the County pursue efforts to purchase the site to preserve the operation of the tennis club or enter into a public/private partnership. In conclusion, Mr. Grace stated that the preservation of the tennis club on the site would incur greater benefits than those provided by the proposed development. (A copy of Mr. Grace's statement is in the date file.)

When Commissioner Migliaccio asked whether the Four Seasons Tennis Club Preservation Task Force had attempted to purchase the subject property from the existing owner, Mr. Grace indicated that the task force had evaluated the possibility of purchasing the site, but noted that a public/private partnership was determined to be more feasible.

Commissioner Niedzielski-Eichner reiterated the owner of the existing tennis club had informed the existing members of the intent to close the club by spring 2018. He then asked for additional

information regarding the Four Seasons Tennis Club Preservation Task Force's efforts to address the pending closure. Mr. Grace acknowledged the notice that the existing owner had given. He then explained that the task force had been formed in response to that notice and multiple meetings had been conducted with various stakeholders, including members of the Board of Supervisors and the Fairfax County Park Authority (FCPA). Mr. Grace also noted the difficulty of determining a feasible solution and reiterated the benefits of preserving the operation of the tennis club.

Commissioner Niedzielski-Eichner asked for additional information regarding the FCPA's evaluation of the subject property. Mr. Grace indicated that the FCPA had expressed an interest in purchasing the site and preserving the existing tennis club, but did not have sufficient funds to do so. He also stated that the FCPA had not supported a public/private partnership to preserve the facility. When Niedzielski-Eichner asked for a representative of the FCPA to provide additional information on efforts to preserve the tennis club, Suzianne Battista, Planning and Development, FCPA, explained the following:

- The Policy Plan articulated service level standards for park facilities in the County and tennis did not have an identified service level;
- The service level standards articulated in the Comprehensive Plan had not included tennis facilities in the Policy Plan at the time those standards were adopted in 2005 due to the availability of private facilities;
- The recreational facilities provided by the County included outdoor tennis facilities, but there were no indoor facilities at the time of the public hearing;
- The FCPA had previously coordinated with tennis organizations to install tennis facilities, but such efforts had not resulted in securing a site for an indoor facility; and
- The FCPA did not object to additional opportunities to install tennis facilities, but such opportunities were required to utilize the 2232 and master plan process.

Commissioner Niedzielski-Eichner pointed out that the Fairfax County Public School (FCPS) system had previously coordinated with community groups to provide various recreational services. Ms. Battista concurred with that statement, adding that public school sites had been evaluated for the potential installation of tennis facilities. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Battista regarding the status of ongoing efforts to locate such facilities on property owned by FCPS.

Commissioner Niedzielski-Eichner noted the limited scope of the Planning Commission's authority in determining the use of recreational facilities on private property. He then said that he did not object to additional efforts by the community to coordinate with FCPA in expanding recreation amenities for tennis.

A discussion ensued between Commissioner Hurley and Ms. Battista regarding the possibility of installing tennis facilities at Luther Jackson Middle School and the proximity of the school from

the subject property wherein Commissioner Hurley said she favored further evaluation of FCPS sites for providing recreation amenities.

Ying-Ying Li, 4205 Kilbourne Drive, Fairfax, voiced opposition to the subject applications and favored preserving the operation of the existing tennis club. She said that she was a member of the tennis club and described its diverse membership. She also noted the benefits of the club on the surrounding community. Ms. Li noted the existing character of the surrounding area and stated that preserving the operation of the club would improve that character, adding that County provided limited opportunities for tennis clubs compared to neighboring jurisdictions. She then recommended that the Commission defer the decision only to provide additional time for coordination with the applicant on an alternative development for the site, adding that the applicant's community outreach efforts had not been adequate.

Paul Rochmis, 10220 Katie Bird Lane, Vienna, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding his preference to preserve the operation of the existing tennis club. He noted the quality of the existing tennis club and indicated that preserving the facility would incur a greater improvement to the surrounding community compared to the proposed development. Mr. Rochmis described the design and various features of the existing facility, noting the locations of the outdoor tennis courts and the potential opportunities for additional park facilities. He then stated that the installation of single-family attached dwelling units on the subject property would be inconsistent with the character of the surrounding area, incur a negative economic impact, and generate a greater traffic impact. Mr. Rochmis suggested an alternative design to redevelop the site that preserved the operation of the tennis club and permitted the construction of a mixed-use multi-family development. (A copy of Mr. Rochmis' statement is in the date file.)

A discussion ensued between Commissioner Ulfelder and Mr. Rochmis regarding the Four Seasons Tennis Club Preservation Task Force's efforts to coordinate with the applicant on an alternative design for redeveloping the site, the challenges associated with such efforts, and the extent to which the applicant had considered an alternative design wherein Commissioner Ulfelder pointed out that alternative designs had to be finalized by the applicant and the scope of the Commission's authority was limited to considering the proposed development articulated in the subject applications.

Sue Golan, 9303 Saint Marks Place, Fairfax, voiced opposition to the proposal, echoing remarks from previous speakers regarding her preference to preserve the existing tennis club on the site. She stated that her husband was a member of the existing club and described the positive impact that the facility generated for the surrounding community. Mr. Golan also noted the limited availability of indoor tennis facilities.

Chairman Murphy echoed remarks from Commissioner Ulfelder regarding the limited scope of the subject applications and the Commission's guidelines for rendering a decision.

Walik Shaaker, 5691 Sherborne Knolls, Centreville, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club on the site. He indicated that his children were members of the club and described the benefits the club generated for the surrounding community, noting that such

benefits would accommodate various demographics. He also stated that he favored expanding the tennis club, noting the size of the facility's membership. In addition, Mr. Shaaker expressed concern regarding the traffic impact that the proposed development would incur on the surrounding area.

Richard Melliand, 2834 Meadow Lane, Falls Church, voiced opposition to the proposal, echoing remarks from previous speakers regarding her preference to preserve the existing tennis club on the subject property. He stated that he was a member of the tennis club and noted the quality of the facility. He also expressed concern regarding the extent of the development in the area and indicated that the proposed development would negatively impact the character of the community. Mr. Melliand recommended that the Commission defer the decision only of the proposal to provide additional time for the Four Seasons Tennis Club Preservation Task Force to coordinate with the applicant on an alternative design.

Commissioner Strandlie expressed her support for tennis activities throughout the County.

Loren Haag, 6022 Blue Bell Court, Manassas, spoke in opposition to the proposal, echoing remarks from previous speakers regarding her preference to preserve the existing tennis club on the site. He described the benefits of the tennis club on the surrounding community, the quality of the services provided by the facility, and the extent to which the facility served residents of neighboring jurisdictions. Mr. Haag also noted the economic and public health benefits incurred by the facility. He added that the continued operation of the existing tennis club was consistent with the character of the surrounding area and the zoning of the subject property. In addition, he pointed out the difficulty associated with relocating the facility to another portion of the County.

Wayne Bell, 8804 Nero Street, Annandale, voiced opposition to the proposal, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club on the site. He said that he had been a member of the tennis club since its inception and described the significant use of the facility. He also described the benefits to public health and the community generated by the tennis club.

Marianne Parsons, 4313 Argonne Drive, Fairfax, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding her preference to preserve the existing tennis club. She pointed out the benefits to public health and the community generated by the tennis club. She also described the quality of the facility and noted the limited availability of indoor tennis facilities within the County.

Tung Van, 10123 Leakane Court, Oakton, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club. He indicated that preservation of the tennis club would contribute to the health of County residents. He also described the benefits the facility had generated for the surrounding community, adding that the continued operation of the tennis club would improve the character of the surrounding area. Mr. Van also noted the significant use of the facility and the limited availability of indoor tennis facilities throughout the County. In addition, he stated that tennis facilities at other areas of the county were frequently utilized by professional services and had ongoing issues with limited capacity.

S.K. Lim, 7203 Poplar Street, Annandale, voiced opposition to the proposal, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club. He stated that he was a member of the tennis club. He then pointed out that the club was subject to significant use and similar facilities within the County had insufficient capacity. In addition, Mr. Lim described the quality of the facility, adding that it accommodated players at various levels of ability. He also noted the community and public health benefits generated by the facility. He then said that the negative impact generated by the removal of the tennis club did not warrant approval of the subject applications.

Prem Pillai, 8027 Kidwell Town Court, Vienna, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club. He said he was speaking on behalf of Kemp Bownkong, who worked as a coach at the tennis club and had been unable to attend the public hearing. Mr. Pillai then read Mr. Bownkong's statement, which highlighted the quality of the facility, the history of the facility, the diverse range of individuals that the facility served, the benefits it generated for the surrounding community, and the negative impact that removal of the facility would incur on the area. (A copy of Mr. Bownkong's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Luca Lim, 16915 Estabrook Drive, Annandale, spoke in opposition to the proposal, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club. He described the operation of the tennis club, noting that it had been subject to significant use. He also pointed out the health benefits generated by the facility and the limited availability of indoor tennis facilities throughout the County.

Stacy Champagne, 2665 Prosperity Avenue, Suite 137, Fairfax, voiced opposition to the subject applications due to concerns regarding the traffic and environmental impacts of the proposed development. She described the existing traffic patterns along Eskridge Road and the Dunn Loring Metrorail Station, stating increasing the number of residents in the area would contribute to greater congestion during peak traffic periods. In addition, Ms. Champagne noted the condition of the existing roads around the subject property and recommended that the applicant provide additional information on the traffic mitigation provisions that would be implemented to mitigate that impact. She also expressed support for increasing the amount of green space that would be included with the development and favored deferring the decision only on subject applications to provide sufficient time to finalize such provisions.

Cezary Macias, 1 Bismark Place, Sterling, spoke in opposition to the proposal, aligning himself with remarks from previous speakers regarding his preference to preserve the existing tennis club. He also echoed remarks from previous speakers regarding the quality of the service provided by the tennis club, the various benefits generated by the club, the limited availability of similar tennis facilities throughout the County, and the impact on the character of the surrounding area of the facility compared to the proposed development.

Jim Bongarra, 4175 Elizabeth Court, Annandale, voiced opposition to the proposal, echoing remarks from previous speakers regarding his preference to preserve the existing tennis club. He

also aligned himself with remarks from previous speakers regarding the quality and impact of the tennis club on the surrounding community.

Commissioner Strandlie pointed out that an indoor tennis facility was located in the Annandale area and asked for additional information regarding the usage of that facility. Mr. Bongarra said that he was aware of that facility, but indicated that the quality of the service provided was not consistent with that of the existing tennis club on the site.

When Commissioner Niedzielski-Eichner asked Mr. Rochmis to provide additional information regarding the alternative development plan for the site that had been proposed by the Four Seasons Tennis Club Preservation Task Force, Mr. Rochmis explained the following:

- The task force had evaluated the financial feasibility of the alternative development plan, compared to that of the proposed development, and concluded that the alternative was feasible;
- The task force had expressed an intent to name the tennis club after the previous owners in the event that the alternate development plan was implemented; and
- The task force had been coordinating with a developer to finalize the details of the alternate development plan.

A discussion ensued between Commissioner Flanagan and Mr. Rochmis regarding the estimated land value of the subject property, the right of the existing property owner to redevelop the site, the applicant's right to purchase the site, the viability of the Four Seasons Tennis Club Preservation Task Force's alternate development plan, and the task force's efforts to pursue that alternate plan wherein Mr. Rochmis acknowledged the owner's right to redevelop the site, but noted the potential economic benefits of the task force's alternate redevelopment plan.

Answering questions for Commissioner Hurley, Mr. Rochmis said that he had been aware of the existing property owner's intent to cease operation of the tennis club on the site. He then clarified that he coordinated with the Four Seasons Tennis Club Preservation Task Force on the alternative development plan in the months prior to the public hearing. In addition, Mr. Rochmis said that he had met with the existing property owners and the applicant on multiple occasions to discuss the feasibility of that alternate plan. He then indicated that approximately one to two months were necessary to finalize those efforts in pursuing that plan.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Greenlief, who declined.

In response to questions from Commissioner Ulfelder, Ms. Battista stated the following:

- The FCPA had not considered the need to replace the service provided by the existing tennis club on the site while evaluating the proposal because the club was a privately-owned facility;

- The service standards articulated in the Policy Plan for parks and recreation did not include guidelines for providing tennis facilities;
- The needs assessment conducted in April 2016 by the FCPA had not identified tennis as a priority in determining the County's requirements for park facilities; and
- The FCPA had no ongoing efforts to provide tennis facilities, but did not object to the possibility of a public/private partnership to pursue such a facility.

A discussion ensued between Commissioner Ulfelder and Ms. Battista regarding the prevalence of tennis facilities operated by the Northern Virginia Regional Park Authority.

A discussion ensued between Commissioner Hart and Ms. Battista regarding the absence of tennis from the Comprehensive Plan, the possibility that tennis had been removed during a previous revision, the amount of tennis facilities that had been included in the FCPA's master plan, the possibility that tennis facilities could be included in the Capital Improvement Program (CIP), and the reasons for excluding tennis in such programs wherein Ms. Battista indicated that there were no outstanding plans in the FCPA's existing master plan or the CIP for indoor tennis facilities and reiterated that the FCPA had determined in a April 2016 needs assessment that tennis was not a priority.

A discussion ensued between Commissioner Strandlie and Ms. Battista regarding the methods utilized by the FCPA for the April 2016 needs assessment that had determined that tennis was not a priority wherein Ms. Battista described the process for conducting the needs assessment and indicated that additional information about that process could be provided to the Commission during the deferral period.

When Commissioner Niedzielski-Eichner asked how the protective bubble utilized by the existing tennis club on the site would be disposed, Mr. Sekas indicated that it would be sold by the previous owner of the site and the applicant would coordinate with the owner on that effort. He also noted the age and condition of the equipment on the site.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you. I wanted to thank all the speakers this evening, first of all, for coming out and taking the time to share with us your thoughts – those also of you who are in attendance to give support to the speakers and to the cause. I have been in public hearings many, many times in my life – my later life. I've rarely heard such compelling testimony and I – I kind of came to this observation that one of the last speakers raised and I just want to bring it right back to the fore. And this is in the context of two parents who were teachers

and who – and one them whom was a principal – and the hundreds of lives that those two people influenced and continue to influence over time. And I can't help but personally thank Mr. Williams for, you know, this 40 years of service to the community to provide such a facility that we get this – this kind of emotional outpouring, if you will – of the value of what you've created. And I commend you for it and I thank you for it. I think it's – you've done a great service to the community and, obviously, to all those who have benefitted from it. I'm also – as we've reiterated a number of times this evening – I want to remind everyone that this is privately-held property and the issue before us is what is the future of that privately-held property? And there's really only one person or persons who are in a position to make that decision and that's the owner of the property. And we, as a Planning Commission, have an application before us. It's on behalf of the owner of the property and what I – but I do believe that the value that this facility has held for 40 years – we, you know, we're reluctant to let it go, but it's not our decision. But we are in a position to look at alternatives in the future that might be, perhaps, not as great and not as satisfying, but there are alternatives that, perhaps, we can pursue. And, for example – you know, the offering of this – the bubble and the equipment. We have a number of publicly-owned tennis courts. Perhaps there's some match there. Perhaps the school system is in a position to partner with the community in some fashion. But those are things that are – that will – this core of people now, who are advocating on behalf of keeping this facility, my own belief is that you'll probably have to exchange your thinking and move to – unless you can convince the owner of some alternative – but change your thinking to replacing and replicating, as opposed to try to prevent this from moving forward. I do – I am I going to ask my colleagues to agree to defer this action for a week to let us all digest this more of what we've heard. And – but I do intend and want to bring it back for – for Commission consideration next week and I would remind everybody that, right now, the action is scheduled for Board of Supervisors consideration for October 24th. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION defer the decision only for RZ/FDP 2016-PR-020 TO A DATE CERTAIN OF OCTOBER 19TH, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ/FDP 2016-PR-020 to a date certain of October 19th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners de la Fe, Hedetniemi, and Keys-Gamarra were absent from the meeting.

(End Verbatim Transcript)

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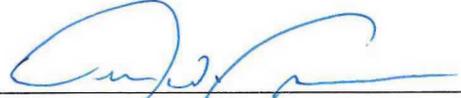
The meeting was adjourned at 12:04 a.m.
Peter F. Murphy, Chairman

James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: December 6, 2017



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