

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 02, 2017**

PRESENT: Peter F. Murphy, Chairman, Springfield District
Frank A. de la Fe, Vice Chairman, Hunter Mill District
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
Vacant, Sully District
Vacant, Commissioner At-Large

ABSENT: James R. Hart, Commissioner At-Large

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The meeting was called to order at 8:17 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 Sargeant announced the Planning Commission's Schools Committee had met earlier that evening to carry out their assignment from the Board of Supervisors regarding the Joint Work Program with the Fairfax County School Board. The focus was on projection methodologies. He then indicated that the Committee would meet again on November 30, 2017, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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ORDER OF THE AGENDA

Commissioner de la Fe established the following order of the agenda:

1. SE 2017-SP-018/2232-S17-25 – CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS
2. SEA 89-C-047-02 – CM & DOM, LLC
3. PCA C-696-11/CDPA C-696-02/FDPA-C-694-04– HOUSTON OFFICE PARTNERS,
LP AND DSVO DULLES, LP
4. PA 2016-CW-4CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE
BUILDING REPURPOSING)

This order was accepted without objection.

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Chairman Murphy called the first case.

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SE 2017-SP-018 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – Appl. under Sects. 2-514, 3-304, 9-104 and 9-105 of the Zoning Ordinance to permit a telecommunications facility (monopole). Located at 4515 Stringfellow Rd., Chantilly, 20151 on approx. 12.50 ac. of land zoned R-3 and WS. Tax Map 45-3 ((1)) 10. (Concurrent with 2232-S17-25). SPRINGFIELD DISTRICT. PUBLIC HEARING.

2232-S17-25 – CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – Appl. under Sect(s). 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a telecommunications facility (monopole). Located at 4515 Stringfellow Rd., Chantilly, 20151 on approx. 12.50 ac. of land zoned R-3 and WS. Tax Map 45-3 ((1)) 10. (Concurrent with SE 2017-SP-018). SPRINGFIELD DISTRICT. PUBLIC HEARING.

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

Frank W. Stearns, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated October 2, 2017.

Commissioner Murphy announced the Commission received amendments to the application's special exception plat and development conditions. He asked staff to confirm the changes made to the special exception plat that reflected the diesel backup generator versus the originally proposed natural gas generator. Jonathan Buono, Planning Division, Department of Planning and Zoning, confirmed said changes and further noted an additional page which offered a clarification to the easements on the property. This was also reflected in the new development conditions dated November 2, 2017. Commissioner Murphy noted that the lease agreement was not signed by the Park Authority, nor the applicant. He asked staff to confirm revisions made to Development Conditions Number 3 and 10, which reflected the date of the revised plat and the unendorsed lease agreement between the Park Authority and the applicant. Mr. Buono confirmed and stated staff concurred with the changes.

Commissioner Murphy asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing be closed. No objections were expressed, therefore, Vice Chairman de la Fa closed the public hearing and recognized Commissioner Murphy for action on this application.

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(Start Verbatim Transcript)

Commissioner Murphy: Thank you very much, Mr. Chairman. This an application by Cellco Partnership doing business as Verizon Wireless, to install a ninety-foot telecommunications tower, through a 2232 application at the Greenbrier Park, off Stringfellow Road. I've been out to

the site, visited it, the applicant has done its missionary work by visiting the local homeowner's association. Basically, there are no objections to this, even supported. Except – I did get one letter from someone concerned about the fact that this was an initial entity, and she was afraid the next thing may be a McDonalds, and we assured her that was not gonna be the case. The applications were presented to the Springfield District Planning Committee – Land Use Committee, and they voted unanimously to support it. So, therefore Mr. Chairman, with the amendments that I suggested were involved this evening because of the new information, I would now move the Planning Commission... Oh, can I have the applicant come forward please, and reaffirm the fact that you have read the new development conditions, you understand them and you'll abide by them?

Frank W. Stearns, Applicant's Agent, Donohue & Stearns, PLC: Again, Mr. Chairman, members of the Commission, Frank Stearns on behalf of the applicant, the November 2nd, 2017 conditions are acceptable to the applicant.

Commissioner Murphy: Thank you very much. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS, FOR SE 2017-SP-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 2ND, 2017.

Commissioner Migliaccio: Second.

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

Commissioner Murphy: Migliaccio.

Vice Chairman de la Fe: Yes.

Commissioner Migliaccio: Migliaccio.

Commissioner Murphy: That's Migliaccio.

Commissioner Migliaccio: Migliaccio.

Vice Chairman de la Fe: Okay. The Lee...the Lee guy...any discussion? Hearing and seeing none. All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you.

Commissioner Murphy: Thank you, Mr. Chairman. I also MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED AT A 2232-S17-25, SATISFIES THE CRITERIA OF CHARACTER, LOCATION AND EXTENT AS SET – AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AND, THEREFORE, SUBSTANTIALLY

IN ACCORDANCE WITH REVISIONS OF THE COMPREHENSIVE PLAN, AND THAT IT SHOULD BE APPROVED.

Commissioner Migliaccio: Second.

Vice Chairman de la Fe: Seconded by Commissioner Migliaccio. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

Commissioner Murphy: Thank you very much. Thank the applicant for his due diligence, and the community. And also thank Mr. Buono for doing excellent staff report, which we didn't have to listen too.

The motion carried by a vote of 9-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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Chairman Murphy resumed the Chair.

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SEA 89-C-047-02 – CM & DOM, LLC – Appl. under Sect. 4-604 of the Zoning Ordinance to amend SE 89-C-047 previously approved for a drive-in bank to permit a fast food restaurant with a drive-thru and associated modifications to site design and development conditions. Located at 3035 Centreville Rd., Herndon, 20171 on approx. 1.78 ac. of land zoned C-6. Tax Map 24-4 ((5))
3. SULLY DISTRICT. PUBLIC HEARING.

Sheri L. Akin, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated October 2, 2017.

Commissioner Ulfelder 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 Ulfelder for action on this application.

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(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. I think – I understand the confusion this evening, there're a lot of musical chairs. Oh, it's Phill. . . and a lot of movement among the

Commissioners. Could I request that the applicant's representative please come forward? And would you confirm for the record the applicant's agreement to the development conditions, which are now dated October 31st, 2017?

Sheri L. Akin, Applicant's Agent, McGuireWoods, LLP: The applicant is in agreement with the conditions dated October 31st.

Commissioner Ulfelder: Thank you. With that, I just have a brief statement and I'll go to the motion. This special exception amendment seeks to replace a previously approved drive-through bank, with a fast-food restaurant with a drive-through in the McLearen Square Shopping Center, at the intersection of Centreville and McLearen Roads. The southern portion of the site which is zoned C-6 is already developed with a Burger King, which will remain. I agree with staff's analysis as presented in the staff report, which indicates that this change is consistent with the Comprehensive Plan for the area, as well as all applicable Zoning Ordinance requirements. And, steps have been taken to make certain the new restaurant is compatible in size and design with the rest of the shopping center, as well as the adjacent Burger King. Steps have also been taken to minimize traffic conflicts entering and exiting the site, as well as to provide adequate parking on site for both restaurants. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 89-C-047-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 31ST, 2017. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM LOADING SPACE REQUIREMENT, PURSUANT TO SECTION 11-200 OF THE ZONING ORDINANCE, IN FAVOR OF THAT SHOWN ON THE SEA PLAT. And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF THE MODIFICATION OF THE PREREFERRAL LOT LANDSCAPING REQUIREMENTS, PURSUANT TO SECTION 13-203 OF THE ZONING ORDINANCE, IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. 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 89-C-047-02, subject to the proffers as articulated by Mr. Ulfelder and the waivers, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: Thank you all.

The motion carried by a vote of 9-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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PCA C-696-11/CDPA C-696-02 – HOUSTON OFFICE PARTNERS, LP AND DSVO DULLES, LP – *Appls. to amend the proffers and the conceptual development plan for RZ C-696, previously approved for a commercial development. Located on the E. and W. side of and part of Dulles Station Blvd. approx. 245 ft. S. of its intersection with Sunrise Valley Dr. on approx. 7.33 ac. of land zoned PDC. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((5)) 8A (pt.), 16-1 ((25)) 1B1, 6B1 (pt.), 6D (pt.). (Concurrent with FDPA –C-696-04). DRANESVILLE DISTRICT. PUBLIC HEARING.*

FDPA-C-696-04 – HOUSTON OFFICE PARTNERS, LP AND DSVO DULLES, LP – *Appl. to amend the final development plans for RZ C-696 to permit site modifications and associated changes to development conditions. Located on the E. side and part of Dulles Station Blvd. approx. 245 ft. S. of its intersection with Sunrise Valley Dr. on approx. 4.51 ac. of land zoned PDC. Dranesville District. Tax Map 15-4 ((5)) 8A (pt.), 16-1 ((25)) 1B1. (Concurrent with PCA –C-696-11 and CDPA –C-696-02). DRANESVILLE DISTRICT. PUBLIC HEARING.*

Gregory A. Riegle, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated August 11, 2017.

Casey Gresham, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of PCA C-696-11, CDPA C-696-02 and FDPA-C-694-04.

Commissioner Ulfelder inquired about the location and logistics of makerspace. Ms. Gresham stated makerspace would be located in Buildings B and D. She stated makerspace would consist of mixed uses located on the ground floor. A minimum of 5,000 square feet in each building would house either makerspace, retail or commercial uses. Ms. Gresham stated there were no strict commitments to the makerspace. Commissioner Ulfelder acknowledged makerspace as an important feature, and was hopeful of the intended affect and impact.

Commissioner Ulfelder inquired about the additional payment to the schools, and asked staff for progress made in finding new school sites. William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, stated Lanyard A underwent a major planning exercise in 2014, which allowed for a potential of 9,000 more residential units, as a result, this triggered the need for schools beyond what was available. Four rezoning projects were being negotiated, and all four would be maintained with the need for land for schools and assistance with construction.

Commissioner Niedzielski-Eichner inquired about the Park Authority's analysis regarding the proposed development of park features on Park Authority property, and noted the proffers did not contain language that addressed that issue. In response, Ms. Gresham stated it was her understanding the applicant worked with the Park Authority and addressed issues regarding the regional stormwater pond, and coordinated the installation of the pocket park. Ms. Gresham stated Proffer Number 23 also addressed said issue.

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

- Confirmed staff's explanation of Proffer Number 23. There was tremendous coordination and time spent with the Park Authority;
- The makerspace was the heart of the application, and was a way to activate a mixed-use community, which complemented a traditional retail space;
- The approach to this application respected the legacy and history of the County, and the area's history of technology and innovation with the CIT and other well-known technology companies;
- The applicant tried to embrace and enhance the most productive parts of a nearly twenty-five-year history of a project known as Dulles Station;
- The application was not a comprehensive repurposing of the project but rather a refinement of an existing successful mixed-use project;
- The new and enhanced residential options, the makerspace, the retail options, solved the challenge of the twenty-four-hour environment and aligned it with the Comprehensive Plan. Those amenities added value and lease ability to the existing offices at the Dulles Station;
- The proffer package showed the value of the projects which came through the process. Enhanced County expectations, such as transportation demand management and stormwater management, commitments for additional park amenities, and offset for school impacts were met;
- There were active negotiations regarding obtaining a site for schools; and
- There were no unresolved issues to report.

Commissioner Ulfelder asked to explain the decision-making process for construction of the second building. Mr. Riegle stated the applicant would have to obtain a final development plan. The ground level amenities were proffered at the conceptual development plan level, the basic concept was in place, and there were some evolving circumstances near renovation center and the applicant did not want to miss an opportunity. Commissioner Ulfelder inquired about Proffer Number 5, the option for minimum commercial space, and requested details. Mr. Riegle stated the applicant was serious about the makerspace and its commercial uses. There were options for interim residential should the market not allow for the makerspace. The spaces would be constructed with the ceiling height and construction types that would accommodate the commercial use. Commissioner Ulfelder offered a reminder of the Route 28 tax district payment to be paid within sixty days, should the Board of Supervisors approve the application.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Redmond Handy, 2320 Dulles Station Blvd, Apartment 1106, Reston, stated he resided across the street from the construction site. He spoke on behalf of his apartment building tenants. Mr. Handy asked if the applicant was open to other ideas or options, other than the ones agreed upon for site. Chairman Murphy stated an application was filed for the site, and both the Planning Commission and the Board of Supervisors had to go through the process. Mr. Handy addressed the makerspace at his apartment complex and others within the area, and stated that this type of use must attract the right types of businesses. He stated the tenants were concerned about congestion and pollution. There were many dog walkers in the area who enjoyed the open space and would have preferred a park, rather than the proposed use.

Mr. Riegle in his rebuttal testimony stated the additional amenities were a fundamental part of the project. He reminded the Commission that the area was approved for very large office buildings. The applicant was familiar with the speaker and tenants' concerns. Reasonable notice would be given as the project proceeded and as development occurred.

Based on the Mr. Handy's testimony, Commissioner Hurley asked for a location that would accommodate dog walkers. In response, Mr. Riegle stated at the Makers Rise development location, the commitment was made to construct a dog park, and that park was built and was operational. The park had all the technological features with gates, controls and a dedicated large walking path that circled around a stormwater management pond of interpretive areas. This facility was open to all new residents.

Commissioner Flanagan asked if the dog park was off-leash and fenced-in. Mr. Riegle stated it was. There were two options: one fenced-in area where the dogs could walk in a controlled fashion, and the other led through the park areas, and around some of the environmental features.

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

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(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. Could I ask that the – Mr. Riegle, confirm for the record the applicant's agreement to the proposed final development plan amendment condition, dated October 18, 2017?

Gregory A. Riegle, Applicant's Agent, McGuireWoods, LLP: Sir, we are in agreement with those conditions bearing that date.

Commissioner Ulfelder: Okay. Mr. Chairman, this a positive change I think for this site. I think that this application has stepped up and addressed many of the issues that often we have to ask questions of various applicants about park contributions, about various other public facilities, and particularly about schools. And, in this case I commend the applicant for stepping up with going beyond the normally requested school contribution for the added contribution, in recognition of the fact that this area is gonna to be faced as – as it develops and redevelops. It's gonna be faced

with issues concerning the current schools and the ability to absorb the new students that will be generated by these – these and other residential dwelling units in the area. So, with that I am going to MOVE THIS EVENING, THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF PCA C-696-011 AND CDPA C-696-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 16TH, 2017. And I'm going to further MOVE THAT THE PLANNING COMMISSION APPROVE FDPA C-696-04, SUBJECT TO THE PROPOSED FDPA CONDITION DATED OCTOBER 18TH, 2017, AND THE BOARD OF SUPERVISORS APPROVAL OF PCA C-696-011. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AS LISTED IN THE HANDOUT DATED AND DISTRIBUTED, NOVEMBER 2ND, 2017.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motions? Let's do them individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA C-696-011 and CDPA C-696-02.

Commissioners: Aye.

Chairman Murphy: Okay.

Commissioner Ulfelder: Why not.

Chairman Murphy: Was there a second? Oh, Mr. Niedzielski... Okay. Thank you alright. Motion carries. Also, I move the Planning Commission approve FDPA C-696-04, subject to the Board's approval PCA/CDPA.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And also, the Planning Commission approve the modifications as articulated by Mr. Ulfelder.

Commissioner Flanagan: Second.

Chairman Murphy: Okay, you seconded. All those in favor of that motion, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 9-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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PA 2016-CW-4CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE BUILDING REPURPOSING) – *To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns a countywide policy plan amendment that sets forth new policy recommendations for the repurposing of vacant office buildings to an alternative land use not envisioned under the Comprehensive Plan. Performance criteria would apply. COUNTYWIDE.*

Sophia Fisher, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended adoption of PA 2016-CW-4CP.

Commissioner Niedzielski-Eichner asked for an explanation of the application process, once a building owner discovered their property was underutilized. Ms. Fisher stated, depending on the goal of a development proposal, either a rezoning or special exception, it should meet requirements. As part of the standard review process of those applications, staff would seek guidance from the Comprehensive Plan to determine whether or not the project was in compliance. The criteria of the Comprehensive Plan review would be used to evaluate the potential project. Commissioner Niedzielski-Eichner asked for next steps after the criteria are met. Ms. Fisher stated the next steps would be the standard steps of the rezoning process and there would be an opportunity for public engagement. There would be a standard notification, posting of signs and the adjacent property owners would be notified. Commissioner Niedzielski-Eichner asked if this process short-circuited the need for public engagement. Ms. Fisher stated there was the public engagement process which was associated with the zoning action. Commissioner Niedzielski-Eichner and Ms. Fisher continued discussions regarding the public engagement process.

Commissioner Sargeant stated the Tysons Corner Urban Center, Community Business Centers (CBCs), Transit Station Areas (TSAs), Suburban Centers and Industrial Areas were the focus. The Reston Transit Station Area was highlighted as an exemption. Commissioner Sargeant asked for an explanation of the exemption. In response, Ms. Fisher stated after the staff report was published, a concern was raised regarding Reston, and the focus was the Reston Transit Station Areas, which were generally larger than the typical transit station areas. There was a significant amount of office space envisioned during a recent preplanning effort and there were concerns about unintended consequences of Reston's delicate balance. It was deemed appropriate to exempt the Reston transit station areas from the residential conversions. The Reston transit areas would have a higher density anticipated than other areas of the County undergoing revitalization. Commissioner Sargeant made reference to the green building element in the staff report, and highlighted part of the report which placed emphasis on Class B, older Class B and Class C. He stated these were older office buildings and as a result, may not be as energy efficient as newly constructed buildings. He asked for confirmation of his assessment. Mr. Fisher confirmed, and stated that during a renovation process, from an operational standpoint, property and land owners would seek to increase the energy efficiency of their buildings.

Commissioner Strandlie inquired about the conversion process with and without the amendment. In response, Ms. Fisher stated many proposed conversions would require a site-specific

amendment in order to add the proposed use to the office. Before the adoption, many projects would require the extra step of the site-specific plan amendment, before the rezoning action took place. Should the plan amendment be adopted, the site-specific Comprehensive Plan amendment would not be required, as long as the criteria was met. Commissioner Strandlie asked if the zoning process required specific notifications and community meetings. Ms. Fisher stated the notification process would remain the same. Each district had its own process in place for notifications and community meetings. Commissioner Strandlie inquired about how a residential area of low density would be affected. In response, Ms. Fisher stated that for areas identified outside of the plan amendment, the Board would need to authorize a site-specific plan amendment.

Commissioner Flanagan inquired about the need for public input to occur as part of the development review process for repurposing projects, and a scenario of a reuse that would not prompt a rezoning approval. In response, Marianne Gardner, Director, Planning Division, Department of Planning and Zoning, stated that should the use be permitted by-right in that office district, a rezoning action would not be required. Commissioner Flanagan asked if the repurposing use was not allowed by-right, would the process for a special permit or special exception be applicable. In response, Ms. Gardner stated that should proposed use was allowed by-right, the Comprehensive Plan would not be consulted. If there was a need for a rezoning of an office repurposing project or special exception review, there would be an opportunity for public input. Any change to such a project would apply to underutilized buildings.

Commissioner Sargeant stated the staff report noted that the guidance, if adopted, would not preclude the Board's ability to authorize a Comprehensive Plan amendment, as per County policy. Should a Board member decide to go through the Comprehensive Plan policy or any other public process, it would be at the Board's discretion. Ms. Gardner agreed.

Commissioner Migliaccio noted that under Section 5, Environment, on Page 9 of the staff report, it stated that "Stormwater objectives should be met; however, in cases where site constraints render achieving stormwater management objectives impractical, other opportunities to reduce impervious surfaces and implement quality and quantity controls should be identified." He asked if the flexibility of the language was allowed for off-site projects that would improve stormwater. In response, Mr. Fisher stated that appeared to be the case and would have to consult with the environmental planning staff.

Commissioner Ulfelder stated he was not very optimistic this program would be utilized for vacant or reused Class B, older Class B and Class C office buildings. He made note of a flyer sent to office building owners, which suggested they come forward if there was a need for the program and asked staff for responses received. Ms. Fisher stated she was not aware of said flyer. Staff did discuss solicitation proposals as the next step after plan amendment. Commissioner Ulfelder asked if there was an approach in place to inform the public that the County welcomed these types of repurposes. In response, Ms. Gardner stated that due to the extensive public outreach which already occurred, staff would provide listserve announcements if this plan was adopted by the Board of Supervisors. Staff would provide a letter to industry to publicize the availability of the policy. Ms. Gardner was not certain the outreach would apply to individual property owners and would consider it as an option. Regarding the repurposed buildings,

Commission Ulfelder asked if needs of the Fairfax County Public School system were being met. Ms. Fisher stated that staff worked with Fairfax County Public Schools during the development of the proposed amendment and they are aware this amendment was being considered.

Commissioner Niedzielski-Eichner asked if a building owner realized there was a greater profitability with an alternative use, and there was a context in which the building became underutilized, would this create a situation where the program would be taken advantage for greater profitability. In response, Meghan Van Dam, Planning Division, Department of Planning and Zoning stated with the plan amendment, there would be no changes to the base plan. If the market changed there would be an opportunity to revert back to office use. Sometimes property owners look for alternatives and sometimes there are tax based benefits to the owner and the County. If the owner were to switch over to residential or other use, because there was no change to the Comprehensive Plan for the actual use, there could be a potential to convert back to a future office use. Chairman Murphy stated there was a need to enhance the tax base for Fairfax County with unoccupied space. Commissioner Niedzielski-Eichner stated he was in full support, and was trying to find instances where there would be a need for concern.

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

Larry Butler, 12001 Sunrise Valley Drive, Reston, stated the Reston Association strongly supported the intent and purpose of the proposed amendment. Repurposing office buildings for most of the described uses in the proposed amendment created opportunities that would benefit many areas in Fairfax County. Mr. Butler stated that in the planned community of Reston, if it was contrary to current plan recommendations, repurposing to residential would not work. After a 5-year community-based comprehensive planning process, Reston's new master plan strived to balance new development and redevelopment with an overall infrastructure plan. This proposed plan amendment would encourage the potential addition of thousands of new, unplanned residential multifamily dwellings in areas now planned for only office use. The areas of concern contained about 5.8M square feet of offices that were specifically planned to remain offices. Reston Association recommended that Fairfax County exclude Reston from the lone proposed building repurposing Comprehensive Plan amendment, as it applied to the conversion of office to residential use.

Commissioner Flanagan asked Mr. Butler if he was in objection to the office space conversion to residential use, and produced more tax income to the County. In response, Mr. Butler stated he was not opposed. However, given the process the community went through with other actions regarding land use, the community and the Reston Association Board of Directors were concerned the plan balance achieved through the Comprehensive Plan amendment may not remain in balance for the Reston transit areas. Commissioner Flanagan asked Mr. Butler if he valued good planning over increased taxation. In response, Mr. Butler stated that in Reston, the citizens valued good planning.

Commission Ulfelder asked for the office vacancy rate in the Reston transit areas. Ms. Fisher stated she did not have a specific number. Mr. Butler stated he was not privy to the vacancy rate. Commissioner Ulfelder stated to his recollection, many of the office buildings constructed in the Reston area were for associations, and were configured for specific types of groups or users.

Gregory Riegle, Tysons Partnership, 1750 Tysons Boulevard, Suite 1800, Tysons, spoke in support of the application. Mr. Riegle made reference to a letter submitted on November 1, 2017, on behalf of the Tysons Partnership, which outlined a number of ways the amendment helped implement the partnership objectives. Regarding Tysons, Mr. Riegle stated there was a dichotomy, where there were areas that functioned well and trended in a positive direction, in terms of office space. Whereas, there were other areas which warranted the amendments approach. The conversion of existing spaces to other uses, in some areas of Tysons, may be appropriate to think about incentive measures, which would allow for more office to occur in areas closer to the transit stations. This would preserve the balance which underlined the Tysons plan and would allow the County to capitalize on the economic opportunities while the underperforming nature of some of the office assets were addressed. Regarding the schools, Mr. Riegle stated that conversions from the office to schools were materializing. He commended staff for the accomplished work and community outreach. There was ongoing dialogue with the Reston's Land Use Counsel and its members.

Commissioner Ulfelder inquired about the potential for public-private partnerships for the conversion of some of the buildings. Mr. Riegle noted the County's creative efforts for solutions. There were finites of open land, and as Tysons evolved, some of those needs would be fulfilled. Commissioner Ulfelder amplified the need for community centers in the Tysons area. Mr. Riegle stated public-private partnerships were predicated on balanced notion of return, and the amendment offered another way to create revenue.

Commissioner Sargeant stated the discussions included older building in revitalization areas, or districts which opened up the opportunities for public and private investment. He stated public investment accompanied public scrutiny, and asked if such scenarios brought less public notification and input. Mr. Riegle indicated that was not the case, and was not aware of any part of the amendment that would change the institutionalized process. Based on Mr. Riegle's point, Commissioner Migliaccio asked if this amendment went far enough. In response, Mr. Riegle stated time was of the utmost essence, and in order for Tysons to remain the forefront of innovative urban planning, any accomplishments to break down the timing barriers would be welcomed.

Scott Adams, 1750 Tysons Boulevard, Suite 1800, McLean, spoke on behalf of the National Association for Industrial and Office Parks (NAIOP). He supported the amendment. Mr. Adams stated, NAIOP was not aware of the exclusion for the Reston transit station areas until the hearing, and requested additional time to analyze the information presented, and the impact the amendment would have. As a general matter, Mr. Adams stated the amendment would provide the ability to reposition the office buildings, a positive step which addressed the long-term changes in the commercial office market. The flexibility provided would incentivize the revitalization in Fairfax County. Most of the members were aware of the amendment and there was a demand for it. Fairfax County had many building repurposing success stories, which were different from the traditional ground up development.

Regarding the conversion of buildings, Commissioner Sargeant stated not all older office buildings were positioned for repurposing as residential. Mr. Adams concurred with Commissioner Sargeant's assessment. He stated there was a limited scope of buildings and

dimensions needed to convert to residential, and that other non-residential uses were appropriate. Commissioner Sargeant stated the amendment included some criteria for green building practices. Mr. Adams agreed and stated there were opportunities to incorporate green building elements.

Commissioner Flanagan stated his understanding of the amendment was that it was facilitated to renew a plan amendment process, and asked Mr. Adams if this was his understanding of the amendment. Mr. Adams indicated it was. Commissioner Flanagan stated the plan would then have an authorization for the repurposing uses that were not available by-right. The plan amendments preceded rezoning, and as a result, there would be a time gap. The amendment outlined the types of uses available as a repurposing use, which would eliminate the plan amendment process. Mr. Adams agreed. He also stated this removed the barrier to entry for some of the projects that came into the process, and would preserve the public input of the zoning process, leaving the community outreach in place.

Commissioner Ulfelder stated there were differences between the Tysons Urban Center and the CBC, and land owners in the CBC may not view the amendment as a viable use in those areas. Mr. Adams disagreed. He stated the need for the amendment would be determined on whether the building required repositioning.

Commissioner Niedzielski-Eichner asked for clarification on when the Reston Town Center was introduced. Ms. Fisher indicated the proposal would exclude conversions to residential in the Reston TSAs.

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

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(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. Thank you to all the speakers who came out this evening. Very helpful, informative, and informed our process as well. Given the question we're facing on behalf of industry, I'm doing to defer this. I think that we get some time for – for clarification and further discussion, externally and internally. So, with that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ON PLAN AMENDMENT 2016-CW-4CP, TO A DATE CERTAIN OF NOVEMBER 16TH, 2017.

Commissioner Flanagan: Sixteen – Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer decision on PA 2016-CW-4CP to a date certain of November...

Commissioner Sargeant: 16th.

Chairman Murphy: 16th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 9-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

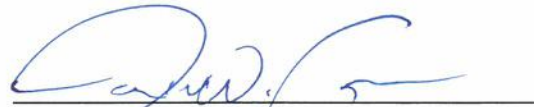
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The meeting was adjourned at 9:50 p.m.
Peter F. Murphy, Chairman Murphy
James R. Hart, Secretary

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: Samantha Lawrence

Approved on: March 7, 2018



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