

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 16, 2017**

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

ABSENT: Julie M. Strandlie, Mason District

//

The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Chairman Murphy offered Thanksgiving wishes to the Commission and its citizens. He announced the Planning Commission would not be in session due to the holiday recess, and the next public hearing would be held on Thursday, November 30, 2017.

//

Commissioner Hart stated the Planning Commission received minutes for October, 2017, and he intended to move the approval of those minutes at the December 6, 2017 public hearing.

//

Commissioner Hart stated the Commission received a revised draft of the verbiage of the Zoning Ordinance Amendment regarding Restaurants as part of the Zoning Ordinance Modification project. He stated the word "shall" in the amendment would be changed to "must" and the amendment would be completed in phases.

//

PA 2016-CW-4CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE BUILDING
REPURPOSING)

(Decision Only) (Public hearing on this application was held on November 2, 2017)

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you Mr. Chairman. Mr. Chairman, we have a motion for consideration tonight, a decision only, regarding the Office Building Repurposing Plan Amendment. I had – before that amendment, which is Plan Amendment 2016-CW-4CP – before that I had some additional questions of staff, as we’ve had input and updates, even as late as today. So, I can make sure we covered – covered some of the reasons for what we have in this particular Plan Amendment motion. I would like ask Ms. Gardner if we could clarify where we are on one particular issue in the glossary regarding better clarification of the description...

Marianne Gardner, Director, Planning Department, Department of Planning and Zoning: Thank you.

Commissioner Sargeant: I’m sorry...regarding... can you hear it?

Chairman Murphy: Yeah.

Commissioner Sargeant: Okay. Regarding the description of what is meant by vacant, in terms of office buildings for repurposing.

Ms. Gardner: Thank you, Commissioner Sargeant. I think you’re referring to one of the changes that we’re suggesting. We received an e-mail from the Mount Vernon Council of Civic Associations and they requested that there be clarification to state that office repurposing would apply not just to vacant office buildings, but to partially-vacant or underutilized buildings. And we thought that was in line with the spirit of the plan amendment and we were prepared to offer that as a recommendation. However, when we went back tonight and looked at our ad, we realized that it was very specifically drawn and just talks about vacant office buildings. So we won’t be offering that, but we would like to clarify in our definition that office building repurposing is a change that can affect all or part of an existing building. We think that that’s fine. That’s consistent with the ad, but would like to check with the County Attorney on whether or not we can make that recommendation for the other change and we’ll do that before the Board of Supervisors.

Commissioner Sargeant: So, anticipate making sure that we can move forward with that particular proposal from the Mount Vernon Council Citizens Association, to add prior to the consideration by the Board of Supervisors.

Ms. Gardner: That’s correct.

Commissioner Sargeant: Okay, great. Thank you. Other questions related to this particular amendment? It’s a countywide amendment, but obviously, we – within the description, we have included a proposed exemption for – from this amendment for the Reston TSA areas. Could you provide some background on the history leading up to this? But I mean, where we are in the planning process for Reston, where they are and where this follows – falls into that process, and I will ask a few other questions.

Ms. Gardner: The – one of the main concerns raised is that Reston recently underwent a major planning process that was just concluded in 2015, which added a significant amount of

residential use. So, therefore, the concern is that, perhaps since that change is so new, that there ought not to be opportunity to add additional residential uses at this time. The other concern is that the way the transit station areas in Reston are drawn, they're divided into TOD and non-TOD areas. And the non-TOD areas contain these very large swaths of area – of land that's planned and developed for office use and that area is probably greater than what we would see in any of the other TSAs. And for that reason, there's a potential that there could be a considerable amount of conversion to residential use that was not anticipated by this recent plan amendment.

Commissioner Sargeant: And some of those eligible buildings will at the half-mile zone of the TOD areas, correct?

Ms. Gardner: That's correct.

Commissioner Sargeant: Okay. We're seeing – I guess what we see is a concentration of this on the eastern edge of the TSA?

Ms. Gardner: Yes, there're two areas. One is on the eastern edge of the TSA and the other is closer to USGS.

Commissioner Sargeant: And as it relates to this particular transit station area for Reston, this plan amendment really only impacts office uses that are also planned for office. Is that correct?

Ms. Gardner: That's correct.

Commissioner Sargeant: Okay, so we don't have any in between, it's specifically planned for office, thus the conversion is of a concern. Okay. And, as a result, we have included the – at the request of the Reston Association, we have included an exemption for the Reston TSA areas from this, in this particular Plan Amendment.

Ms. Gardner: That's correct. And the understanding is that of course at any time the Board of Supervisors could authorize an amendment for office repurposing to be considered on a specific site.

Commissioner Sargeant: And in other words, they can go through the full plan amendment process, with public – public input and hearings and that would....

Ms. Gardner: Yes, that's correct.

Commissioner Sargeant: Okay, alright. I think that about covers it. I just wanted to highlight some of the differences between what would have made this a particular concern, in a high-density area such as the Reston Transit Station Areas, and why would it would it incorporate that as opposed to other exemptions. And, with that Mr. Chairman, I would like to make a motion.

Chairman Murphy: Hold on. Did you have a question you wanted to ask on this subject, Mr. Niedzielski-Eichner?

Commissioner Niedzielski-Eichner: Thanks Mr. Chairman. I just wanted to clarify this last point that was made. Ms. Gardner the – is it also true that the Supervisor from the district could – should this – no area be excluded of transportation – transportation area be excluded from this, that a Supervisor could in fact ensure that every consideration be given in the traditional amendment process.

Ms. Gardner: Yes, that's correct.

Commissioner Niedzielski-Eichner: So – so this exclusion of one part of the County may not be necessary if the Supervisor believes that it is appropriate for his or her district to go through all this – to go through the traditional means.

Ms. Gardner: That's correct.

Chairman Murphy: Okay, Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Start with my reading of the motion here. Plan Amendment 2016-IV-4CP (sic) would add Policy Plan guidance to facilitate the repurposing of vacant office buildings in certain areas. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2016-CW-4CP, FOUND ON PAGES 6-10 OF THE STAFF REPORT DATED SEPTEMBER 18, 2017, WITH TWO MODIFICATIONS AS SHOWN ON THE HANDOUT DATED NOVEMBER 16, 2017. THE FIRST MODIFICATION WOULD REMOVE THE OPTION TO CONVERT UNDERUTILIZED OFFICE BUILDINGS TO RESIDENTIAL USES IN THE RESTON TRANSIT STATION AREAS. THE SECOND MODIFICATION would – WOULD MODIFY THE GLOSSARY TERM FOR OFFICE REPURPOSING.

Chairman Murphy: Is there a second to the motion?

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I'd like to offer a friendly amendment that would delete Reston as an exception to the overall repurposing motion.

Commissioner Sargeant: Mr. Chairman, respectfully I'm going to decline the friendly amendment, if Commissioner Hurley or others would like to offer that as a motion.

Chairman Murphy: Okay, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Then, with all due respect to Commissioner Sargeant, but to ensure a free and open public discussion of this issue, I MOVE TO AMEND THE MOTION TO DELETE THE RESTON EXCLUSION.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion?

Commissioner Sargeant: Mr. Chairman, just restating some of the things I've said previously. I think this – in other cases we have indeed provided exceptions and has set precedent by providing some exceptions to rules, such as the PDC PRM Amendment, which provided a different FAR for one particular section of the County, one particular community business center. I think we have set the precedent before. I also think, given – given the recent completion of their latest planning process, the provisioning process, and the higher density we see for these particular transit station areas and some of the extenuating circumstances, that it would be appropriate to leave in the exemption for the Reston Transit Station Area.

Chairman Murphy: Further discussion? Mr. de la Fe?

Commissioner de la Fe: Yes, Mr. Chairman, I would oppose the motion because, as has been stated, after a five-year community based comprehensive planning process, Reston's new Master Plan strives to balance new development and redevelopment with an overall infrastructure plan. This is fundamental to the planned community that Reston is and as it remains just as important as Reston grows into the second half century. Reston strongly recommends that Fairfax County exclude Reston from only the proposed Building Repurposing Comprehensive Plan Amendment, only as it applies to the conversion of office through residential. The rest is fine. But – so I agree with the original motion.

Chairman Murphy: Further discussion? Ms. Hurley then Mr. Hart.

Commissioner Hurley: Thank you, Mr. Chairman. The reasons to encourage repurposing of vacant older office buildings apply to Reston as well, and we agree with that except for the residential. But as Ms. Gardner just pointed out, if in any case in Reston that it does not seem to apply, is not appropriate, is not inconsonance with the recent Comprehensive Plan – all of those reasons at any time, the Supervisor can pull it back and have it go through the full Comprehensive Plan Amendment. So, it is still – Reston would still be fully covered and fully protected.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I was not here for the public hearing, but I watched the video and I do intend to participate in the vote. Thank you.

Chairman Murphy: Further discussion? All those in favor of the... Yes, Mr. Ulfelder. I'm sorry.

Commissioner Ulfelder: Yes, I – I'm going to – I seconded it and I am going to support the amendment. I think that there aren't really that – I think it's difficult to make this kind of distinction from one area verses other areas – other similarly situated areas. And, I think that, if we do it here, why don't we it somewhere else? Why don't we do it with other matters as well? And I think there is a little bit of a slippery slope there and I think there was also a potential legal question as to which issues and which areas you might be exempting on a countywide amendment. And I, therefore, am going to support the amendment at this time and I think that it's been pointed out there's adequate protection if – if for some reason there're starts to be

applications to try to convert some of these offices and some of the outlying areas of the Reston TSA, to residential to take them through the process that we'd normally – they'd normally have to go through and determine whether they, in fact, do work under the revised plan for the Reston areas.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I'll be supporting Commissioner Hurley's motion also to amend Mr. Sargeant's motion. This essentially good planning for these policy plans to apply countywide. And when we start carving out for certain parts of the County, I'll find it very difficult if we do it for a second time in North County for something in South County for my citizens and in either Lee or Mount Vernon that want a carveout, for me to tell them, "no we can't do that with a Zoning Ordinance amendment or a Policy Plan that is supposed to apply countywide." And, as been pointed out, there are adequate safeguards for – through the process for the citizens and the Supervisor to pull this out so it's not an automatic thing. And, as we go through the Zoning Modernization Plan that we had before us in the County, we have many, many things that we have to get to and I do not think we'll ever revisit this next two to three years. So this should be on the books and I think it should be countywide. Thank you.

Chairman Murphy: Further discussion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I had but one question and then I will offer my prospective as well. The question I have is, if – is it unusual or is it possible to put a date for revisiting this question through a subsequent Commission action?

Ms. Gardner: Yes, sir. I believe that could be the form of a follow-on motion that would be forwarded to the Board of Supervisors as a recommendation.

Commissioner Niedzielski-Eichner: And what might that sound like, or

Ms. Gardner: It...

Commissioner Niedzielski-Eichner: Say for example, there's a process that's underway that I understand the Reston community's concerned about in respect that the process would be at some point, so perhaps this is an action that will mitigate the situation at this point in time. But if we wanted to revisit the question and have it apply in countywide, could we set a date and what might that date look like?

Ms. Gardner: I'm not sure – I mean I think that the timeframe would need to be long enough to allow opportunity to see if people decide to take advantage of the policy or not. So, I would think a year or two. And the – probably the recommendation would be that staff be instructed to monitor any office repositioning that happens in the Reston area and report back in a time certain with what the outcome is, although I'm not sure how we would judge whether the outcome is beneficial or negative. That would be the hard part.

Commissioner Niedzielski-Eichner: Okay, thank you. That was – I know it is putting you though a little struggle there, and I appreciate your making that effort. Should this motion fail – Ms.

Hurley's motion fail, I will wanna introduce some follow-on to speak to an end date. But, in the interim, I'm gonna support the motion, I believe this a matter that should consider be – be considered countywide with no exceptions.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes, my understanding of this is that, if we leave Reston, subject to repurposing, that there will be – that will necessitate a rezoning application in order to have the alternate use approved, subsequently. Is that correct?

Ms. Gardner: That's correct.

Commissioner Flanagan: And at that time, the Reston community can object to the repurposing during that process. They will have the public access to make that – their position known. And the Supervisor will be able to respond to the constituents at that time. Is that right?

Ms. Gardner: Yes, that's correct.

Commissioner Flanagan: So there really is a relief for the Reston community if we leave them subject to this repurposing.

Ms. Gardner: Yes. I mean – because at the time of rezoning when public hearings are held, there is the opportunity for public input and for their opinions to be expressed.

Commissioner Flanagan: Thank you.

Chairman Murphy: Further discussion, all those in favor of the motion as articulated – alternate motion as articulated by Ms. Hurley, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Nay.

Commissioner Sargeant: Nay.

Chairman Murphy: Motion carries. Mr. de la Fe and Mr. Sargeant vote no. Now we go to the main motion.

Commissioner Hart: As amended. Now we go to the main motion.

Chairman Murphy: Now we go to the main motion.

Commissioner Hart: As amended.

Chairman Murphy: As amended. All those in favor of the main motion as amended, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries? Same no?

Commissioner Flanagan: No.

Commissioner Sargeant: No.

Chairman Murphy: Okay, Mr. Sargeant and Mr. de la Fe vote no.

Commissioner de la Fe: No, I didn't....

Chairman Murphy: Oh, on the main motion you....

Commissioner de la Fe: Now, I mean, you know....

Chairman Murphy: Now it's....

Commissioner Sargeant: The continued issue is now....

Chairman Murphy: Okay, passes unanimously. Okay.

Commissioner de la Fe: The overall.

Chairman Murphy: Overall motion passes....Okay.

Commissioner de la Fe: The overall purpose of this is quite worthwhile. I disagree with the previous set of motions.

Chairman Murphy: Okay.

Commissioner Sargeant: Mr. Chairman, if I may, I'd like to thank Marianne Gardner, Sophia Fisher, Meghan Van Dam, for all their assistance up to and including during this meeting. So thank you very much.

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

The second motion to amend the first motion was carried by a vote of 7-2. Commissioner Strandlie was absent from the public hearing.

(End Verbatim Transcript)

//

FS-P17-37 – Verizon, 1766 Chain Bridge Road, McLean

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you. This is a straight – pretty straightforward consideration. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION FOR APPLICATION FS-P17-37, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY AT – BY VERIZON, LOCATED AT 1766 CHAIN BRIDGE ROAD, IN FAIRFAX, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURES SHOWN” OF THE PLAN, PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232 AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to concur with the feature shown determination in FS-P17-37, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Thank you.

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

(End Verbatim Transcript)

//

Chairman Murphy welcomed the Boy Scouts of Braddock District to the Planning Commission hearing. He asked that the Boy Scouts be recognized by the Commission.

//

ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. CSP 81-D-024 – TYSONS EXECUTIVE HOLDINGS, LLC
2. PA 2017-III-R1 – PLAN AMENDMENT
3. SE 2017-LE-026 – SHEEHY AUTO STORES, INC.
4. CSP 2006-SU-025 – COMMONWEALTH REGENCY, LLC
5. RZ/FDP 2017-SP-017 – SHELTER DEVELOPMENT, LLC

This order was accepted without objection.

//

Chairman Murphy called the first case.

//

CSP 81-D-024 – TYSONS EXECUTIVE HOLDINGS, LLC – Appl. under Sect(s). 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 81-D-024. Located in the N.W. quadrant of the intersection of the Capital Beltway and Leesburg Pike, W. side of Magarity Rd. and E. side of Corporate Ridge on approx. 6.46 ac. of land zoned PDC and HC. Tax Map 39-2 ((1)) 62A. (Providence District).

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 the Commissioner Niedzielski-Eichner for action on this application.

//

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Before I move, Mr. Chairman, on this, I did want to ask Ms. Gresham to – a question, to kind of highlight a particular point about this. I understand that this is the first zoning case to come before the – a public hearing using our new electronic submission and processing system called ePlans? Could you do a brief description on of what that is?

Chairman Murphy: Can we maybe do this after the vote because we on verbatim right now and there is no sense, I don't think typing all this up. So why don't you go and make your motion, we'll close it out and then you ask the question, if that's ok.

Commissioner Niedzielski-Eichner: You bet.

Chairman Murphy: Okay.

Commissioner Niedzielski-Eichner: Thank you.

Chairman Murphy: All those in favor.... Oh great... alright.

Commissioner de la Fe: He has to make a motion.

Commissioner Niedzielski-Eichner: First of all – first of all Mr. Schneider, would you please come – confirm, for the record, your agreement to the proposed development conditions?

David Schneider, Applicant's Agent, Holland & Knight LLP: Happily. Good evening Mr. Chairman, members of the Commission. My name is David Schneider, with the Law Firm Holland and Knight, and we agree with the development conditions.

Commissioner Niedzielski-Eichner: Thank you Mr. Schneider. I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 81-D-024, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 13TH, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to approve CSP 81-D-024, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

//

Chairman Murphy recognized Commissioner Niedzielski-Eichner for further discussion on the application.

Commissioner Niedzielski-Eichner asked for a brief description of the ePlan process. In response, Casey Gresham, Zoning Administration Division, Department of Planning and Zoning, stated CSP 81-D-024 was the first application submitted and reviewed by staff electronically, through the ePlan Pilot Program. The ePlan process would eliminate the use of paper applications, which included the number of paper copies required through the submission and resubmission process. Through the ePlan process, all copies would be submitted electronically, and if necessary, resubmitted electronically over time through the staff review process. Commissioner Niedzielski-Eichner stated any problems encountered throughout the application process were resolved, the applicant was patient and supported the effort.

Chairman Murphy noted the staff report referenced both the Providence and Dranesville Districts. Ms. Gresham stated the original rezoning was in 1981, and was in the Dranesville District. It was then incorporated into the Providence District, therefore, Commissioner Niedzielski-Eichner took the lead.

//

PA 2017-III-R1 – PLAN AMENDMENT – Concerns the Reston Transit Station Areas, and is further described as the areas located along both sides of the Dulles Airport Access Road and Dulles Toll Road (DAAR, Route 267) from Hunter Mill Road on the east and Centreville Road on the west. The Amendment is intended to restore language regarding noise impacts language that was omitted from the Plan during Phase II of the Reston Master Plan Special Study. This language was adopted during Phase I of the study. This Plan Amendment is noted as editorial and no changes are proposed to the original adopted language. Copies of the staff report for this proposed Plan amendment may be obtained from the Dept. of Planning & Zoning, 7th floor, Herrity Bldg., 12055 Government Center Pkwy, Fairfax, VA, and can also be viewed on the Web

at, two weeks prior to the public hearing. Persons desiring to speak on this proposed amendment at the public hearing should call 703-324-2865 to have their names placed on the speakers' list. Any questions may be directed to the Planning Div. at 703-324-1380. (Dranesville and Hunter Mill).

John Bell, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of PA 2017-III-R1.

Commissioner de la Fe asked Mr. Bell to confirm no changes were made to the plan amendment, and language that was inadvertently removed would be restored. Mr. Bell confirmed.

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

//

(Start Verbatim Transcript)

Commissioner de la Fe: Thank you very much. As I – as has been stated, this places back into the Comprehensive Plan, language which was – had gone through the public hearing process, the Planning Commission recommended approval, the Board of Supervisors adopted it, and then in the process of being more modern, we dropped it from what was published and we were told that in order – we couldn't just say, "oops" and put it back in – in and into the plan without going through the whole process again. So what we're doing is restoring the language that was previously approved. Mr. Chairman, staff has provided us with a recommendation of approval to the Plan Amendment that is entirely editorial involving the restoration of the Comprehensive Plan guidance regarding transportation generated noise for the Reston Transit Station Areas. This language was previously adopted during Phase I of the Reston Plan, and – but inadvertently deleted from the electronic versions after adoption of Phase II of the Reston Plan. The original language is being restored. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLAN AMENDMENT 2017-III-R1 FOR THE RECOMMENDATION OF THE STAFF REPORT DATED NOVEMBER 2ND, 2017.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2017-III-R1, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

//

SE 2017-LE-026 – SHEEHY AUTO STORES, INC. – Appl. under Sects. 4-704, 4-804 and 9-612 of the Zoning Ordinance to permit continuation of previously approved vehicle sale, rental and ancillary service establishment and temporary parking to permit car wash, site modifications and waiver of open space requirements. Located at 6727 Loisdale Rd. on approx. 6.65 ac. of land zoned C-7, C-8, SC and HC. Tax Map 90-2 ((1)) 51A, 53, 54, 55 and 57D. (Lee District) Gifford R. Hampshire, Applicant's Agent, Blankingship & Keith, P.C, reaffirmed the affidavit dated September 27, 2017.

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

//

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. Can I please have the agent for the applicant – for the applicant to come to the podium? And could you please confirm, for the record, agreement to the development conditions dated November 14, 2017?

Gifford R. Hampshire, Applicant's Agent, Blankingship & Keith, P.C.: Yes Sir, the applicant agrees to the development conditions dated November 14, 2017.

Commissioner Migliaccio: Thank you very much. This is a very simple and straightforward application to allow an existing auto dealership on Loisdale Road to add a car wash for customers only, enclose service lanes, and consolidate multiple entrances into one off Spring Mall Road for safety reasons. The application has the recommendation of approval from our planning staff and from the Lee District Land Use Committee and, therefore Mr. Chairman, I have two motions to make this evening. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF SE 2017-LE-026, SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 14TH, 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-026, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motions carries.

Commissioner Migliaccio: Thank you. And I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT, GIVEN OUT TONIGHT AND DATED NOVEMBER 2ND, 2017, AND MADE A PART OF THE RECORD.
Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

//

CSPA 2006-SU-025 – COMMONWEALTH REGENCY, LLC – Appl. Appl. under Sect(s). 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with CSP 2006-SU-025 to permit sign modifications. Located in the N. E. quadrant of the intersection of Newbrook Dr. and Westfields Blvd., approx. 1250 ft. E. of its intersection with Route 28 on approx. 100.75 ac. of land zoned PDC and WS. Tax Map 44-1 ((1)) 6, 6B, 6C, 6D, 6F and 6G. (Sully District)

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 stated that staff recommended approval of CSPA 2006-SU-025.

With regards to the revised Development Condition Number 3, second line, Commissioner Hart asked if changing the word "shall" to "must", modified staff's position on the application. Mr. O'Donnell stated it did not.

Francis A. McDermott, Applicant's Agent, Hunton & Williams, LLP, gave a presentation wherein he stated the following:

- The applicant was in agreement with the change in revised Development Condition Number 3, were the word "shall" was changed to "must", and the applicant was in agreement with the development conditions dated November 1, 2017; and
- The applicant was consistent with the Comprehensive Plan and in accordance with the applicable Zoning Ordinance provisions, and would appreciate the Commission's approval.

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

//

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. Before I move on these applications – Mr. McDermott, if you can come back to the podium, can you please confirm for the record, that the applicant has read and understands and agrees to the proposed Comprehensive Sign Plan Amendment Development Conditions in the staff report and dated November 1st, subject to the change on tonight's handout for Condition 3 and then changing shall to must?

Francis A. McDermott, Applicant's Agent, Hunton & Williams, LLP: Both the applicant and I reviewed and agreed upon those.

Commissioner Hart: Thank you.

Mr. McDermott: Thank you.

Commissioner Hart: Mr. Chairman, this is a straightforward case. It has staff's favorable recommendation. It has the support of the West Fairfax County Citizens Association and no opposition from Sully District Council. I apologize that there were changes at the last minute. This issue with Condition 3 came up late this afternoon, and I don't usually wanna go forward with last minute changes, but this is a very slight clarification. I don't think it changes anything substantive and the sign that we're dealing with is already there. And unless there is some objection to that, my intention to move on this tonight. The application has staff's favorable recommendation, with which I concur. And therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2006-SU-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 1, 2017, WITH THE FOLLOWING CHANGE TO CONDITION 3, TO ALLOW THE EXISTING ROUTE 28 PYLON SIGN TO REMAIN UNTIL IT IS REPLACED. THE REVISED CONDITION 3 WOULD READ, "ANY EXISTING SIGNS THAT ARE IN CONSISTENT WITH CSPA, WITH THE EXCEPTION OF THE EXISTING ROUTE 28 PYLON SIGN, MUST BE REMOVED PRIOR TO THE ISSUANCE OF ANY SIGN PERMITS FOR SIGNS APPROVED, PURSUANT TO THIS CSPA. A SIGN PERMIT FOR THE REPLACEMENT SIGN, SIGN 305.ID, ROUTE 28 PYLON, SHOWN ON THE CSPA, WILL NOT BE ISSUED UNTIL THE EXISTING SIGN IS REMOVED."

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to approve CSPA 2006-SU-025, say aye.

Commissioners: Aye.

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

Commissioner Hart: Thank you. And thank you to both the applicant for the meetings with the citizens and Mr. O'Donnell for helping us get this across the finish line.

Mr. McDermott: Thank you all very much.

The motion carried by a vote of 9-0. Commissioner Strandlie was absent from the public hearing.
(End Verbatim Transcript)

//

RZ/FDP 2017-SP-017 – SHELTER DEVELOPMENT, LLC – Appls. to rezone from R-1 and WS to PDH-4 and WS to permit an independent/assisted living facility with accessory nursing facilities with an overall Floor Area Ratio (FAR) of .21 and approval of the conceptual and final development plans. Located on the S. side of Lee Hwy. approx. 450 ft. W. of its intersection with Summit Dr. on approx. 6.07 ac. of land. Comp. Plan Rec: Residential 1-2 du/ac. Tax Map 55-4 ((1)) 30 and 31. (Springfield District)

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

Lori R. Greenlief, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated October 12, 2017.

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2017-SP-017 and FDP 2017-SP-017.

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

- The applicant received the Planning Commission's support and the Board of Supervisors' approval for two other assisted living facilities, one in the Great Falls area and the other on Gallows Road, near the INOVA medical center.
- The proposed application combined independent living and assisted living, and would allow the applicant to serve more of the older adult population in the county. This would align more closely with the aging population, and in caring for the seniors in the community;
- The proposed location aligns not only with the applicant's locational guidelines, but also the guidelines contained in Comprehensive Plan for residential development for the elderly;
- The proposed facility would be located on the edge of a residential community with access onto a major arterial, with shopping, doctors' offices and entertainment venues in close proximity;

- Shelter Development employed extreme sensitivity in their site design and in the architecture of their buildings. The layout provided for fifty-nine percent of the site's open space, with majority in tree preservation and supplemented buffer areas;
- Tree preservation was of the utmost importance to the applicant because of its benefits to the community. It beautified the site from the outside and provided for a natural environment;
- A trail was incorporated into the plan, which looped the property and outdoor seating areas were provided;
- The applicant made a conscious effort to develop an architectural style that utilized the vernacular architecture of the community. A craftsman style design complemented the surrounding residences. The building stepped down to Lee Highway, and down to the rear of the communities;
- The process produced a well vetted, well designed plan, and the proposed proffers committed to an affordable housing component and extensive road improvements, which included construction of a third lane on Route 29, the service drive along the site's frontage and a ten-foot wide shared use trail, all of which were on the Virginia Department of Transportation's (VDOT) plans for Route 29. There would also be a right-turn lane into the site;
- The applicant committed to the construction of a permanent cul-de-sac for Crouch Drive to the south, an important issue to the communities south of the proposed location; and
- The applicant conducted extensive outreach to the community. Multiple meetings were held with the citizens of Hampton Woods I Homeowners Association, Hampton Woods II Homeowners Association, Hampton Forest Homeowners Association, Willowmeade Civic Association and Crystal Springs Civic Association. The applicant received a letter of support from Christopher Companies, the developer of the Reserve at Hampton Springs. The applicant had several meetings with the Springfield Land Use Committee and they were in support of the application.

There being no listed speakers, Vice Chairman de la Fe called for speakers from the audience and recited the rules for testimony.

Carl Bauersfeld, 5386 Summit Drive, Fairfax, indicated his property was located on the adjacent road of the proposed development. With the plan to increase the length of the access road, Mr. Bauersfeld asked for the direction of the access road. Vice Chairman de la Fe informed Mr. Bauersfeld his question would be addressed during the applicant's rebuttal.

There being no additional speakers from the audience, Vice Chairman de la Fe asked staff to address Mr. Bauersfeld's question. In response, Ms. Atkinson stated the service drive was part of VDOT's plan, which would extend along Lee Highway. After the extension, the entrance would be closed. The applicant was in the process of constructing the service drive along their frontage, and there would be a condition in place to extend it in either direction during VDOT's

improvement process. In terms of what VDOT's improvements would entail, Vice Chairman de la Fe informed Mr. Bauersfeld the Commission was not in a position to provide additional information, and that VDOT would answer any questions during their process.

Vice Chairman de la Fe called for a rebuttal statement from Ms. Greenlief, who declined.

Commissioner Flanagan stated the proposed entrance sign sated "Assisted Living" and asked if the sign should be changed to "Independent Living." In response, Ms. Atkinson stated there were ninety-two independent living units and seventy-eight assisted living units, and would all be located at one facility. Ms. Atkinson stated the applicant provided signage to staff as an example of what their signage would be after construction of the proposed facility.

There being additional speakers, further comments or questions from the Commission, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this application.

//

(Start Verbatim Transcript)

Commissioner Murphy: Thank you very much, Mr. Chairman. I've several people I would like to thank. I wanna thank the folks from the neighborhood that came out. Claudette, no connection to Tractor Lane, okay? Let me just get that straight. And thank you for coming up and not reminding me of that. But Claudette's been to all our meetings and so have a lot of other citizens. And I always want to thank Marlae Schnare at Supervisor Herry's office for setting up our meetings and our liaisons with the neighborhoods. And I always give the staff – excuse me, the applicant direction of go out and do missionary work. They did it extremely well. So we have this application before us this evening and only one speaker who had a question on the road off Lee Highway. So thank you very much to all you folks for coming out. We want to thank Marlene Blum too, who is the Health Care Advisory Board Director. She is wonderful. She has worked with us before. She recommends approval of this application. I want to thank Kelly Atkinson, our staff person who did a great deal of work on this. It sounded pretty simple, but we have not yet got grounded with how we handle in an land use venue senior citizen housing. And we're working on this and every time we have an application, it gets easier and easier for the next guy or the next gal on the Commission, thanks to work that Kelly did and some other folks – Marlae Schnare again – to make this more simplified. The light at the end of the tunnel is – and I think it's very important that our largest growing demographic now in Fairfax County is senior citizens, sixty to sixty-five. And we have to have senior citizen housing of all kinds in Fairfax County. And I think we're really going to make this thing work very smoothly when we tackle the Zoning Ordinance and address the language of senior citizen housing of all types in the Zoning Ordinance to give us really specific, reasonable guidance, as to how we should be handling these applications. The only problem I have is, I have four "must" in the development conditions and when I make that motion, I'm just gonna reference to the fact that all "shall" shall become "must" magically, before it get to the...

Vice Chairman de la Fe: Must become, they shall...must become shall...

Commissioner Murphy: They – they shall become must. Or they must become must, whichever you like. And you heard an articulation of the proffers and it's a really solid package of proffers. One of the statements that staff made that I think is worth repeating – staff said the applicant has provided a unique architectural design that fits within the character of the adjacent neighborhood. Further, the applicant has provided significant areas of tree preservation, berms, and supplemental landscaping to buffer the use from the adjacent residential properties. And also, we have some great road fund proffer. We have a great proffer that donates money to Patriot Park so – it has a great set of proffers. So obviously I'm going to – it's in conformance with the Plan, which the Planning Commission sent to the Board several months ago, and the Board unanimously passed. It was based on that plan amendment that had its genesis, actually, in Fairfax Forward. So, therefore, since it's in conformance with the Plan, Zoning Ordinance, and the applicable standards, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ 2017-SP-017, AND ITS ASSOCIATED CDP, SUBJECT TO THE PROFFERS DATED NOVEMBER 9TH, 2017.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Yes.

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning: The applicant need to agree to the...

Commissioner Murphy: I'm getting to that.

Ms. Atkinson: Oh, sorry.

Commissioner Murphy: I'll get through the rezoning first. Is that okay?

Ms. Atkinson: Sorry, I doubted you.

Vice Chairman de la Fe: Okay.

Commissioner Murphy: That's alright.

Vice Chairman de la Fe: 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. Yes, Mr. Murphy.

Commissioner Murphy: Yeah, would the applicant please come forward now please, and we're gonna do the CDP and we have development conditions.

Lori R. Greenlief, Applicant's Agent, McGuireWoods LLP: Yes, the applicant agrees to the FDP conditions dated November 1st in the staff report, with – with musts.

Commissioner Murphy: Will all the musts?

Ms. Greenlief: Yeah.

Commissioner Murphy: Thank you. Appreciate that. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-SP-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 1ST, 2017, AND SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING AND CDP APPLICATION.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none. All those in favor of please signify by saying aye.

Commissioners: Aye.

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

Commissioner Murphy: And with that motion, we will change all the "shalls" to "must". And I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND/OR MODIFICATIONS, SHOWN ON THE ATTACHMENT DATED NOVEMBER 16TH, 2017, AND ALSO IN THE STAFF REPORT.

Commissioner Hart: Seconded.

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

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

(End Verbatim Transcript)


//

The meeting was adjourned at 9:16 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