

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 6, 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
Julie M. Strandlie, Mason District
Phillip A. Niedzielski-Eichner, Providence District
Vacant, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District

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The meeting was called to order at 8:20 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

Chairman Murphy announced that that night's meeting was the second to last meeting of 2017. He then stated that the meeting of Thursday, December 7, 2017 would be the final meeting before the winter recess.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee would meet on Thursday, December 7, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the strategic plan for economic success and the revised Area Plans Review process. He added that the meeting was open to the public.

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Commissioner Hart announced his intent to defer the public hearing for the following items at the Planning Commission's meeting on Thursday, December 7, 2017:

- PA 2015-IV-MV4, Comprehensive Plan Amendment (Huntington Transit Station Area, Land Unit I);

- PA 2015-IV-MV5, Comprehensive Plan Amendment (Huntington Transit Station Area, Land Unit G pt.);
- PA 2017-IV-MV1, Comprehensive Plan Amendment (Sky View Drive); and
- RZ 2017-SU-025 and SE 2017-SU-022, JSF Management, LLC.

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RZ/FDP 2016-MV-028 – L & F WORKHOUSE, LLC

(Start Verbatim Transcript)

Commissioner Hart: Second, Mr. Chairman, we were supposed to have a public hearing in the Mount Vernon District tonight. Commissioner Flanagan is unable to be with us, although he's here in spirit. I MOVE, THEREFORE, THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2016-MV-028 AND FDP 2016-MV-028 TO A DATE CERTAIN OF JANUARY 10, 2018.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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MINUTES APPROVAL – OCTOBER 2017

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. First, I MOVE APPROVAL OF THE MINUTES OF OCTOBER 5, 12, 19, AND 26.

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 the minutes, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Flanagan was 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. CSP 2012-MV-007 – CRP BELVOIR, LLC
2. SE 2015-DR-027 – MAHLON A. BURNETTE, III AND MARY H. BURNETTE
3. RZ/FDP 2016-HM-034 – RENAISSANCE CENTRO 1801, LLC

This order was accepted without objection.

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CSP 2012-MV-007 – CRP BELVOIR, LLC – Appl. under Sect(s). 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2012-MV-007. Located W. of Backlick Rd. approx. 120 ft. N. of its intersection with Richmond Hwy. on approx. 5.81 ac. of land zoned PRM. Tax Map 109-1 ((1)) 16A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

In the absence of Commissioner Flanagan, Commissioner Hart 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 Hart for action on this case.

(Start Verbatim Transcript)

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Commissioner Hart: Thank you. Ms. Greenlief, could you come to the podium please? Could you confirm for the record that the applicant has read and understands and agrees to the proposed development conditions dated December 6th, 2017, with an amendment to the second line of Development Condition 2 to change the date to November 9th?

Lori Greenlief, Applicant's Agent, McGuireWoods, LLP: Yes. We have read those conditions and we agree with them with that change.

Commissioner Hart: Thank you. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2012-MV-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 6, 2017, WITH THE MODIFICATION IN DEVELOPMENT CONDITION 2 IN THE SECOND LINE, CORRECTING THE DATE TO NOVEMBER THE 9TH.

Commissioner Hart: Second.

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

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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SE 2015-DR-027 – MAHLON A. BURNETTE, III AND MARY H. BURNETTE – Appl. Under Sect. 9-610 of the Zoning Ordinance to permit a waiver of the minimum lot width requirement. Located at 631 Walker Rd., Great Falls, 22066 on approx. 4.0 ac. of land zoned R-E. Tax Map 7-4 ((1)) 47.
DRANESVILLE DISTRICT. PUBLIC HEARING.

Jane Kelsey, Applicant's Agent, Jane Kelsey & Associates, Inc., reaffirmed the affidavit dated August 18, 2016 and subsequently reaffirmed on October 26, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an attorney/client relationship with the Board of Directors of the Altavista Condominium in Arlington, Virginia within the past year and William Lawson, Jr., who was listed in the affidavit as an agent for the applicant, was a member of the Board. He then stated that, in lieu of that relationship, he would recuse himself from the public hearing.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of SE 2015-DR-027.

Commissioner Ulfelder explained that lot width waivers were permitted by special exception, subject to the guidelines articulated in a previously-approved Zoning Ordinance Amendment in 2007 that had extended such waivers to all R-Districts in the County. A discussion ensued between Commissioner Ulfelder and Ms. Lewis regarding the number of lot width waivers that had been granted since 2007, the frequency with which such waivers were requested, and the extent to which those waivers compared to those proposed in the subject application, wherein Ms. Lewis said that approximately 10 waivers had been approved since 2007 and the majority of

those waivers were similar to that of the proposal in that the purpose of the waiver was to permit a subdivision of the site.

Commissioner Ulfelder noted the extent of the waiver requested in the subject application, pointing out that the proposed lot width for Lot 47A would be 15 feet whereas the Zoning Ordinance required the width of an R-E District to be a minimum of 200 feet. He then asked for additional information regarding staff's evaluation of such a significant waiver. Ms. Lewis explained that the feasibility of the layout of the subdivided lots and its functionality with the surrounding community was evaluated. She then said that staff had concluded that the impact of the proposed layout on the community was minimal. She added that the additional lot on the site would not require significant modifications to the existing vegetation along Deerfield Pond Drive, which further minimized the impact.

In response to questions from Commissioner Ulfelder, Ms. Lewis confirmed that the proposed layout for the subdivision on the site did not violate the shape factor requirements prescribed by the County, which would be subject to additional evaluation at the time of site plan review. She also indicated that a lot width waiver would still be required to permit the subdivision of the site in the event that an access easement to the site was granted.

Referring to Development Condition Number 12 in Attachment 1 of the staff report addendum dated November 22, 2017, which articulated the green building provisions for the site, Commissioner Ulfelder asked whether the condition applied to both the dwelling unit that would be constructed on Lot 47B and any future unit on Lot 47A in the event that the existing units were demolished. Ms. Lewis stated that, since the language did not specify the lots to which the provision applied, those provisions of the development condition would apply to both lots. A discussion ensued between Commissioner Ulfelder and Ms. Lewis regarding the green building requirements that would apply to both lots on the site, wherein Ms. Lewis confirmed that each lot would be subject to those requirements.

Responding to questions from Commissioner Ulfelder, Ms. Lewis said that the site access road from Deerfield Pond Drive could not be utilized as a driveway or an additional access on Walker Road due to the width of the road. In addition, she stated that a subsequent special exception amendment would be required to permit such a modification to the access road.

Commissioner Sargeant pointed out that the language in Development Condition Number 12 articulated that the applicant would seek green building certification, but did not specify that obtaining such certification was necessary. He then asked whether such language was sufficient in requiring such certifications. Ms. Lewis noted that subsequent language within the development condition adequately articulated such requirements, but staff did not object to modifying that language to ensure that those requirements were sufficiently delineated.

When Commissioner Sargeant asked whether Alternate B, as depicted in Attachment 3 of the staff report addendum dated November 22, 2017, required approval from the Deerfield Pond Homeowners Association (DPHOA) to permit the installation of an ingress/egress point along Walker Road, Ms. Lewis confirmed that such an approval from DPHOA was required. A discussion ensued between Commissioner Sargeant and Ms. Lewis regarding the likelihood that

the DPHOA would approve the design for Alternate B and the amount of support required from DPHOA to approve such a design wherein Ms. Lewis indicated that Alternate B had been included to provide an avenue for considering such an option.

Referring to the applicant's statement of justification, which was listed in Attachment 2 of the staff report addendum dated November 22, 2017, Commissioner Sargeant noted that the statement had removed the references to historically significant modifications, which had been mentioned in the previous statement contained in the original staff report dated October 5, 2016. Ms. Lewis concurred that such references had been removed, adding that staff had not identified historically significant features on the exterior of the unit and such features were not factors in evaluating a lot width waiver.

Ms. Kelsey deferred to William Lawson Jr., Applicant's Agent, The Law Office of William B. Lawson, PC, who gave a presentation wherein he explained the following:

- The existing outlet road on the site was installed in 1951 and, under the governing documents, could not have more than two owners;
- The applicant's deed to the site granted usage of the existing outlet road, but a later subdivision by the neighboring Deerfield Pond community created a strip of land along the southern border of the site identified as Outlot A that was owned by Deerfield Pond;
- The presence of Outlot A, which had not been conveyed to the applicant, necessitated approval of a special exception to permit a subdivision of the site;
- The applicant had coordinated with the Deerfield Pond community since the initial public hearing for the subject application that had occurred on October 19, 2016 to outstanding concerns regarding the proposal;
- The purpose of the subject application was to permit a lot with waiver that would allow a subdivision of the site and the subsequent construction of an additional dwelling unit;
- The applicant had coordinated with staff to modify the ingress/egress for the site that addressed concerns that had been raised at the previous public hearing; and
- The original staff report had been presented with a recommendation for denial at the previous public hearing, but the staff report addendum dated November 22, 2017 came with a recommendation for approval.

Mr. Lawson deferred to Ms. Kelsey, who continued the applicant's presentation wherein she stated the following:

- The applicant had been pursuing the subdivision of the site since 2012;

- The applicant had coordinated with staff since the initial public hearing for the proposal in October 2016 to address concerns to warrant a recommendation for approval;
- The provisions articulated in the staff report addendum dated November 22, 2017 were consistent with the standards for subdividing the lot, as prescribed by the Zoning Ordinance;
- The subject property had various environmental features and there were portions of the site certified as wildlife habitat;
- The preservation of the various environmental features on the site would provide significant benefits to the surrounding community;
- The removal of existing trees and vegetation on the site was necessary in order to develop the subject property in the manner favored by the Deerfield Pond community, but such provisions would incur a negative impact on the surrounding environment; and
- The applicant had sufficiently addressed staff's concerns to warrant approval of the subject application.

When Commissioner Ulfelder reiterated his question regarding the applicability of the green building provisions articulated in Development Condition Number 12 in the event that the existing dwelling unit on the site were rebuilt, Ms. Kelsey confirmed such provisions would apply to any subsequent unit constructed on the property.

Commissioner Ulfelder stated that the Commission had received correspondence from neighboring residents expressing concern regarding the hours of construction, which Development Condition Number 10 articulated as being limited to between 7:00 a.m. and 7:00 p.m. He then said that the residents had requested that the hours of construction be revised to limit activity between the hours of 8:30 a.m. and 7:00 p.m. to accommodate the bus schedule for nearby school facilities. Ms. Kelsey indicated that the applicant would evaluate the feasibility of revising those hours. A discussion ensued between Commissioner Ulfelder and Ms. Kelsey regarding the standard practices for construction activity in a residential neighborhood, the safety issues associated with school bus stops located near construction areas, and the pick-up schedule for the bus stops located near the subject property, wherein Commissioner Ulfelder encouraged the applicant to evaluate the issue prior to the Commission rendering a decision.

Ms. Kelsey pointed out that the applicant had expressed willingness to construct an additional dwelling unit on the site in a manner consistent with the character of the Deerfield Pond community. In addition, she said that the applicant did not object to incorporating the additional unit into the DPHOA, but such a measure was subject to a private agreement. Commissioner Ulfelder indicated that the DPHOA had requested that the decision only for the subject application be deferred to provide additional time to pursue such an agreement.

Commissioner Sargeant stated that previous efforts to preserve wildlife habitat on a site included measures such as removing a portion of a tree that was in poor condition to provide sufficient environmental features for migratory animals. A discussion ensued between Commissioner Sargeant and Ms. Kelsey, with input from Commissioner Ulfelder, regarding the possibility that the applicant could utilize such measures on the site, the importance of preserving wildlife habitats within the County, and the kinds of wildlife that utilized such features.

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

Brian Geoghegan, 604 Deerfield Pond Court, Great Falls, representing DPHOA, voiced opposition to the subject application because of the potential impact on safety, traffic, and the overall character of the Deerfield Pond community. He described the history of proposal and the DPHOA's involvement, noting that the application had been under review since October 2016. He also indicated that the majority of the residents of Deerfield Pond opposed the subject application. Mr. Geoghegan added that the DPHOA had utilized the services of a lawyer who specialized in land use to pursue a private agreement with the applicant. Mr. Geoghegan said that the DPHOA had met in October 2017 with the applicant representatives in attendance, but indicated that the community still opposed the proposal, absent such an agreement. He stated that the DPHOA would continue coordinating with the applicant to finalize an agreement. Mr. Geoghegan described the process of working with a land-use lawyer to address the community's concern, noting that the DPHOA had been evaluating the potential options for a private agreement. He also cited the challenges associated with pursuing such an agreement, noting the difficulty of securing sufficient consensus among residents of the Deerfield Pond community. Mr. Geoghegan pointed out the existing safety hazards around the subject property, citing the difficulty of making left turns onto Walker Road from Deerfield Pond Drive due to the presence of large trees impacting the sight lines. He then stated that the proposal did not sufficiently address that issue. In addition, he expressed concern that the proposed lot configuration for the subject property was not consistent with the character of the surrounding community. (A copy of Mr. Geoghegan's statement is in the date file.)

A discussion ensued between Commissioner Ulfelder and Mr. Geoghegan regarding the impact of Outlot A on the subject property, the DPHOA's efforts to coordinate with the applicant to secure an agreement that incorporated Outlot A into the site, and the difficulty of obtaining a consensus among the residents of the Deerfield Pond community for such an agreement.

Commissioner Ulfelder explained that the County prescribed standards regarding the shape factor of lots within a subdivision and staff had concluded that the proposal was consistent with those standards, adding that the implementation of that configuration would not incur a significant visual impact on the surrounding community. He added that the origin of Outlot A and the location of previous access roads were not relevant factors for the Commission to consider in rendering a decision.

Commissioner Ulfelder said that the Zoning Ordinance articulated guidelines for granting lot width waivers and such guidelines include the preservation of existing vegetation, topography, historic resources, and/or other environmental resources to the greatest extent practical. He then requested additional information regarding the basis for DPHOA's opposition to the subject

application within the context of those guidelines. Mr. Geoghegan acknowledged the guidelines articulated in the Zoning Ordinance and staff's evaluation of the proposal, but indicated that DPHOA's position was that the configuration of the lots was not consistent with those guidelines. He added that the lots would not be incorporated to the DPHOA, which limited the community's ability to address outstanding concerns with the lot. In addition, he expressed concern regarding the impact that the sale of the lots or a change in ownership of the subject property would incur. A discussion ensued between Commissioner Ulfelder and Mr. Geoghegan regarding the difficulty of subdividing the subject property with the presence of Outlot A, the challenges associated with providing sufficient access to the lots on the site, the DPHOA's efforts to coordinate with the applicant on a feasible configuration for the lots, the scope of the Commission's authority in rendering a decision on the proposal, and the DPHOA's inability to secure an agreement with the applicant, wherein Mr. Geoghegan supported deferring the decision only for the subject application to provide additional time for the DPHOA to secure a private agreement with the applicant.

A discussion ensued between Commissioner Hurley and Mr. Geoghegan regarding the kind of agreement the DPHOA was pursuing with the applicant, the extent to which Outlot A hindered the finalization of an agreement, the intentions of such an agreement, and the timeframe for securing that agreement wherein Mr. Geoghegan explained the following:

- The DPHOA supported incorporating Lot 47B into the community while maintaining the existing status of Lot 47A for as long as the applicant resided in the existing dwelling unit;
- The DPHOA had evaluated multiple variations of a private agreement to address the Deerfield Pond community's concerns; and
- The DPHOA's efforts to secure an agreement with the applicant had accelerated since the October 2017 meeting.

When Commissioner Hurley asked for additional information regarding the start times for the local schools and the bus pick-up schedule for those schools in the morning, Mr. Geoghegan stated that the buses picked up middle school students at approximately 6:25 a.m. and elementary school students were picked up at approximately 8:40 a.m. A discussion ensued between Commissioner Hurley and Mr. Geoghegan regarding the standard pick-up/drop-off practices for school age children in the area and the associated traffic impact of such practices.

A discussion ensued between Commissioner Sargeant and Mr. Geoghegan regarding the efforts to improve the sight lines for vehicles attempting a left turn from Deerfield Pond Drive onto Walker Road, the role of the Virginia Department of Transportation (VDOT) in such efforts, the impact of covenants on the lot shapes on the site, and the benefits of incorporating the lots on the site into the DPHOA wherein Mr. Geoghegan stated the following:

- The DPHOA's had been informed by VDOT that the trees located along the intersection of Deerfield Pond Drive and Walker Road were on the applicant's property; and

- The DPHOA would review and evaluate the community's existing covenants on lot shape requirements during the deferral period.

Ms. Lewis addressed Mr. Geoghegan's concerns regarding the lot shapes that would be utilized under the proposal, pointing out the various lot shapes of the Deerfield Pond community and reiterating that staff had concluded that the proposed lot shapes were consistent with the character of the community. A discussion ensued between Commissioner Sargeant and Mr. Geoghegan regarding the various configurations of the lots within the Deerfield Pond community and the usage of covenants to establish guidelines for such lots wherein Commissioner Sargeant expressed support for utilizing covenants to address concerns about lot shapes.

A discussion ensued between Commissioner Strandlie and Mr. Geoghegan, with input from Commissioner Ulfelder, regarding the location that school buses utilized for pick-up/drop-off, the pick-up/drop-off procedures, and the potential safety issues associated with parents parking vehicles along the road while children waited for the bus, wherein Mr. Geoghegan stated that the bus stop was located at the corner of Deerfield Pond Drive and Walker Road.

Rand Bailin, 9907 Deerfield Pond Drive, Great Falls, spoke in opposition to the subject application because it would establish a precedent for granting lot width waivers to sites that negatively impacted the character of surrounding communities. He acknowledged the applicant's intent in pursuing a lot width waiver, but did not concur with staff's conclusion that the necessary criteria prescribed by the Zoning Ordinance had been met. Mr. Bailin added that the proposal would not preserve sufficient open space and environmental features on the site. He also echoed remarks from Mr. Geoghegan regarding the proposed lot shapes that would be utilized on the site, stating that such a configuration would be inconsistent with those of the surrounding community. In addition, Mr. Bailin said that he favored pursuing an alternative for subdividing the site and supported incorporating the site into the DPHOA. (A copy of Mr. Bailin's statement is in the date file.)

Cynthia Berry, 9915 Deerfield Pond Drive, Great Falls, voiced opposition to the subject application, aligning herself with remarks from previous speakers regarding the proposed lot configuration's incompatibility with the surrounding area. She noted the proximity of her property to the subject property. She also echoed remarks from Mr. Geoghegan regarding the need for a private agreement to address the Deerfield Pond community's concerns and recommended that the Commission deny the subject application to provide incentive for the applicant to pursue such an agreement. In addition, Ms. Berry aligned herself with remarks from Mr. Bailin regarding the criteria for granting a lot width waiver on the site, as prescribed by the Zoning Ordinance, stating that the applicant had not met those criteria. She also indicated that the proposal would incur a negative impact on the surrounding area because the dwelling units on the site would not be compatible with the character of the Deerfield Pond community. She added that the subject property was located at the entrance to the Deerfield Pond community and the visual impact of the dwelling units on the site generated a significant impact on the community. Ms. Berry added that such negative impacts would affect the property values of Deerfield Pond. She also noted the extent of the lot width waiver that would be permitted by the subject application and the applicant's provisions for stormwater management, tree preservation, school contributions, and environmental impact did not justify such a waiver. Ms. Berry favored

denial of the subject application or a deferral of the decision only to provide additional time for the applicant to secure a private agreement with the Deerfield Pond community.

A discussion ensued between Commissioner Ulfelder and Ms. Lewis regarding the trail requirements that would be incumbent upon the applicant if the site were to subdivide the site by-right, wherein Ms. Lewis indicated that the County could not include such a requirement in that instance.

Scott Schnell, 606 Deerfield Pond Court, Great Falls, spoke in opposition to the proposal, echoing remarks from the previous speakers regarding the applicant's inability to adequately justify granting a lot width waiver on the site under the standards and criteria prescribed by the Zoning Ordinance. He added that the proposed ingress/egress for the site was insufficient and supported securing a private agreement with the applicant that would provide the necessary easement to construct another access. Mr. Schnell also acknowledged the applicant's intent to pursue a lot width waiver. In addition, he described the prevalence of wildlife in the area and stated that the applicant's efforts to preserve wildlife areas on the site did not warrant approval of the proposal. Mr. Schnell suggested pursuing alternative methods for developing the site and echoed remarks from previous speakers regarding the benefits of utilizing a private agreement to address community concerns.

Commissioner Ulfelder pointed out that the Commission could provide the applicant and the surrounding community additional time to secure a private agreement, but the Commission could not direct those discussions because such matters were beyond the scope of the proposal. He also acknowledged that staff's support of the proposal had an impact on negotiations for such an agreement, but encouraged the community to continue coordinating with the applicant.

Bruce Dunigan, 602 Deerfield Pond Court, Great Falls, voiced opposition to the subject application. He commended staff and DPHOA for their efforts to secure a feasible agreement that addressed the surrounding community's concerns. Mr. Dunigan also requested that references to the spite strip in the background section of the staff report addendum dated November 22, 2017 be removed, stating that such a reference was immaterial to the proposal and conveyed negative connotations to the DPHOA.

A discussion ensued between Commissioner Ulfelder and Mr. Dunigan regarding the scope of the subject application, the process of finalizing the language in the staff report, the Commission's ability to modify a staff report after publication, wherein Commissioner Ulfelder indicated that the language in that particular section of the staff report could not be modified because it had been crafted by the applicant.

Continuing his testimony, Mr. Dunigan requested that Sheet 5A in Attachment 2 in the staff report addendum dated November 22, 2017 be corrected to show that it depicted Alternate A and not Alternate B, noting that the label was an error by the surveying company. He then suggested that references to Alternate B be removed to mitigate potential confusion, adding that the option was contingent on the DPHOA granting an easement on Outlot A.

A discussion ensued between Commissioner Ulfelder and Mr. Dunigan regarding the continued presence of the error on Sheet 5A in Attachment 2 in the staff report addendum dated November 22, 2017 and the benefits of correcting it prior to the Commission rendering a decision on the proposal.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Kelsey, who deferred to Mr. Lawson. Mr. Lawson then explained the following:

- The applicant had hired landscapers to trim the trees located at the intersection of Walker Road and Deerfield Pond Drive to address the safety concerns expressed by the surrounding community;
- The proposed configurations of the lots on the site had been shaped to accommodate the presence of the septic field and the presence of that septic field restricted the applicant's ability to modify configuration;
- The applicant acknowledged the benefits of incorporating Lot 47B into the DPHOA, which would provide greater flexibility in configuring the lots on the site;
- The applicant favored retaining Alternate B to account for the possibility of securing a private agreement to incorporate Lot 47B into the DPHOA;
- The applicant had reviewed the covenants for the DPHOA, but incorporating both lots on the site into the community was challenging because the existing dwelling unit on Lot 47A did not fully comply with the provisions of those covenants;
- The applicant had coordinated with the DPHOA to pursue a private agreement, but had been unable to secure a consensus on such an agreement due to the applicant's intent to remain in the existing dwelling unit on the site; and
- The applicant would continue coordinating with the DPHOA to pursue such an agreement.

Answering questions from Commissioner Niedzielski-Eichner, Ms. Lewis stated the following:

- The DPHOA owned Outlot A and would have to sell that land to the applicant to permit a subdivision;
- The DPHOA providing an easement on Outlot A was not sufficient to permit a subdivision on the site because the frontage for such a subdivision had to be part of the subject property;
- The applicant and the DPHOA had discussed the possibility of purchasing Outlot A since the original public hearing on October 19, 2016, but no agreement had been secured; and

- The price for selling Outlot A would be determined by the DPHOA and the process for approving such a sale had proved challenging.

Commissioner Niedzielski-Eichner aligned himself with remarks from Commissioner Ulfelder regarding the scope of the subject application and the limits of the Commission's authority, stating that Commission could not influence the process for securing private agreements between the applicant and the DPHOA. He then said that he supported pursuing such an agreement to address the concerns of the Deerfield Pond community. In addition, Ms. Lewis cited a previously-approved lot width waiver in the Dranesville District that had been beneficial to the community.

Chairman Murphy called for closing remarks from Ms. Lewis, who declined. Commissioner Sargeant expressed concern regarding the DPHOA's ability to achieve a consensus on a private agreement with the applicant. He acknowledged the issues with the subject property, but stated that such issues could be addressed by an agreement with DPHOA, noting the benefits of utilizing a homeowners association to resolve those issues. In addition, Commissioner Sargeant supported a coordinated effort between the applicant and DPHOA to address concerns regarding tree preservation provisions on the site. He also recommended that the applicant and DPHOA continue such coordination during the deferral period.

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

(Start Verbatim Transcript)

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Commissioner Ulfelder: I just want to say I became aware that the – the Burnettes and their representatives asked the County staff – they made a new submission and asked the County staff in July to reactivate what had been indefinitely deferred. And when I came back after the August break and was told about this, I immediately notified the GFCA, Jim Mraz, and others that they had requested that they – that it be taken out of indefinite deferral and that it be considered. And there was an addendum published and I – Addendum I, I guess – and they passed that on. And Addendum II was published later and I passed that on. So I, frankly, feel that there were adequate – I gave some of the key people adequate notice when we had found out that they wanted to proceed with this case. That being said, and based on everything and the issues that have been raised, I am going to – move to defer this and I'm going to defer it to a date in January. And I can't force the parties to do anything, but I'm going to suggest strongly that they try to sit down and see exactly where they can go and how far they can go with – with seeking an agreement, based on the current circumstances and the current information that we have. And the – for that, I'm going to make a motion, Mr. Chairman. And – Mr. Chairman, I MOVE TO DEFER THE DECISION ONLY FOR SE 2015-DR-027 TO A DATE CERTAIN OF JANUARY 18TH, 2018, WITH THE RECORD REMAINING OPEN FOR FURTHER WRITTEN COMMENT.

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 defer SE 2015-DR-027 to a date certain of January 18th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioner Hart recused himself. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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The Commission went into a recess at 9:57 p.m. and reconvened in the Board Auditorium at 10:11 p.m.

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RZ/FDP 2016-HM-034 – RENAISSANCE CENTRO 1801, LLC –
Appls. to rezone from C-3 to PRM to permit residential use with an overall density of 100 dwelling units per acre (du/ac) and approval of the conceptual and final development plan and modification of the minimum district size requirement. Located on the W. side of Old Reston Ave., S. side of Temporary Rd. and E. of Reston Pkwy, on approx. 1.51 ac. of land. Comp. Plan Rec: Residential Planned Community Mixed Use. Tax Map 17-2 ((1)) 20B and 20C. HUNTER MILL DISTRICT. PUBLIC HEARING.

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lebeley & Walsh, PC, reaffirmed the affidavit dated November 13, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Painter'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.

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of RZ/FDP 2016-HM-034 because the applicant's provisions for workforce dwelling units (WDU) were not consistent with the WDU policy guidelines prescribed by the Comprehensive Plan and were not supportive of the Board of Supervisors' goals for affordable housing.

Commissioner Hart expressed concern regarding the potential precedent that the subject applications would establish for future redevelopments in the Reston area that utilized Planned Residential Mixed-Use Districts (PRM).

Commissioner Hart expressed concern regarding the potential uncoupling of WDUs from the parking provisions on the site, noting that there were no provisions that required the applicant provide the residents of those units with parking. He then pointed out that the parking for the proposed development would be provided at market rates and such rates would be cost-prohibitive for residents of WDUs. He also cited certain professions, such as teachers and fire fighters, which would qualify individuals for WDUs, but still required the use of a vehicle. Commissioner Hart also stated that there were no other developments in the County that had utilized a similar policy with parking for WDUs. A discussion ensued between Commissioner Hart and Ms. Tsai regarding the applicant's parking provisions for the site, the parking provisions for WDU, the importance of providing adequate parking for WDUs, and the manner in which parking would be provided to residents of the proposed development, wherein Ms. Tsai stated that if parking were provided to the market rate units within the proposed development, then the applicant was required to provide similar accommodations for WDUs.

When Commissioner Hart asked for additional information regarding the availability of street parking in the area, Ms. Tsai pointed out that North Shore Drive, which was located to the east of the site, could be utilized for parking.

In response to questions from Commissioner Hart, Ms. Tsai confirmed the following:

- The existing parking area on the site, which served a commercial development, was frequently utilized for overflow parking by residents of the Harrison multi-family residential development to the north;
- The proposed development would preclude the site from being utilized for overflow parking by residents of the Harrison development; and
- The residents of the Harrison development would be required to utilize other areas for overflow parking, such as the street parking along North Shore Drive.

Commissioner Hart reiterated his concern regarding the uncoupling of parking provisions from WDUs, stating that the cost of market-rate parking on the site would be prohibitive to residents of WDUs.

When Commissioner Hart asked whether there had been an instance in which the County granted a waiver for the minimum district size requirement in a PRM, Ms. Tsai indicated that such a waiver had been granted at a development located near the Huntington Metrorail Station that was less than two acres. A discussion ensued between Commissioner Hart and Ms. Tsai regarding the rationale for the two-acre minimum requirement for PRM Districts and the feasibility of permitting high-intensity development on sites with limited acreage, wherein Ms. Tsai noted that other districts, such as Planned Development Housing, utilized a similar requirement.

Commissioner Hart asked for additional information on the previously-approved development near the Huntington Metrorail Station where the minimum district size requirement for a PRM District had been waived. William Mayland, ZED, DPZ, said that the development in Huntington had been approved on a site that was approximately one acre in size, which also had a significant amount of grade. He then stated that the development had consisted of a multi-level residential building, but the height of the building had been tapered to accommodate the grade. In addition, Mr. Mayland pointed out that the applicant for the development at Huntington had decoupled parking from WDUs, but included a provision that provided parking for residents of WDUs at a reduced rate. Ms. Tsai added that the building had been seven stories in height.

Commissioner Sargeant pointed out that Section II, Sub-Section A, of the applicant's revised proffers dated December 4, 2017 included language that permitted the applicant to revise parking provisions without the approval of an amendment to the final development plan or the conceptual development plan. He then requested additional information on how such a policy would be implemented. Ms. Tsai explained that the intent of the language was to provide flexibility for the applicant to modify the parking provisions for the proposed development, adding that the language specified that additional parking had to be located below-grade to ensure that the height of the garage did not increase. She also pointed out that the applicant could pursue a parking reduction on the site because the existing provisions exceeded the requirements prescribed by the Zoning Ordinance. A discussion ensued between Commissioner Sargeant and Ms. Tsai, with input from Mr. Mayland, regarding the method for calculating the parking requirements for the proposed development and the criteria for which staff would determine the feasibility of a parking reduction wherein Ms. Tsai and Mr. Mayland stated the following:

- The parking requirements had been calculated on the basis that the proposed development would contain a maximum of 150 dwelling units with WDUs;
- The overall number of units would be the primary basis for evaluating a parking reduction, along with other factors, such as proximity to Metrorail stations;
- The presence of WDUs was not a criterion for evaluating a parking reduction;
- The applicant's parking provisions included flexibility to add or reduce the number of parking spaces; and
- The Zoning Ordinance required that the proposed development utilize parking provisions at a rate of 1.6 spaces, per dwelling unit.

(A copy of the revised set of proffers is in the date file.)

Commissioner Sargeant asked for additional information regarding the language articulated in Section VI, Affordable & Workforce Housing, in the revised set of proffers that articulated that the applicant would enter into a binding agreement with the County in providing WDUs with the proposed development. Ms. Tsai said that such language was standard for proposals that included WDUs, adding that the provisions permitted the applicant to pursue separate agreements to comply with the affordable housing requirements. Commissioner Sargeant suggested that staff

and the applicant provide additional information regarding the method and criteria for calculating the amount of WDUs that would be included in the development.

Referring to the first sentence of the second paragraph on page 8 Commissioner Niedzielski-Eichner, which stated, “While the proposed development does not generate affordable dwelling units through the Affordable Dwelling Unit Program in the Zoning Ordinance due to the construction type of the building, which is exempt from the ordinance, the development does generate the need for workforce housing,” he asked for additional information on how staff had rendered such a conclusion. Ms. Tsai explained that the Zoning Ordinance specified certain building heights, such as high-rise residential developments like the one proposed by the applicant, were exempt from including affordable housing, but were not exempt from providing workforce housing.

Commissioner Niedzielski-Eichner stated that PRM Districts had been implemented to benefit transit-oriented development, such as those located near Metrorail stations, and permit greater intensity. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Tsai regarding the subject property’s proximity to a Metrorail Station, the purpose for zoning surrounding sites as Planned Residential Community (PRC) District, and the extent to which staff had considered the zoning of neighboring sites in rendering a conclusion for the proposal wherein Ms. Tsai said the following:

- The site was located beyond the half-mile radius of the planned Reston Town Center Metrorail Station, but was within a transit station area, as identified in the Comprehensive Plan;
- The surrounding properties had been historically zoned as PRC Districts whereas the site had been zoned as a C-3 District; and
- The applicant had opted to pursue a rezoning to the PRM District because PRC Districts limited development on the site to approximately 75 dwelling units.

Mr. Painter gave a presentation for the subject applications wherein he explained the following:

- The proposal would permit a redevelopment of the subject property from an office development to a 20-story residential development;
- The proposed development would be consistent with other planned development for the area, as depicted in the Comprehensive Plan;
- The proposed development would consist of condominiums and the existing supply of such development within the Reston area was limited;
- The proposed development would provide the most for-sale WDUs in Reston to date;
- The proposal would complete the redevelopment of a significant portion of the area located around the intersection of Reston Parkway and Temporary Road;

- The applicant had resolved each of staff's outstanding concerns, except for the concerns regarding the WDU provisions;
- The applicant had established multiple high-density residential developments in the Reston area;
- The proposed development would create opportunities for homeownership in the Reston area, which had been developed primarily with residential rental properties;
- The presence of condominiums on the site would provide additional opportunities for homeownership in the Reston area and subsequently improve the character of the surrounding community;
- The applicant supported the use of WDUs within the Reston area and the proposed development was consistent with the Comprehensive Plan's guidelines for WDUs, which supported locating such units within a development;
- The proposal would reserve 16 percent of the dwelling units within the development as for-sale WDUs;
- The applicant had requested flexibility in the 10 percent size restriction between bonus-rate market units and corresponding WDUs to accommodate differences in operation associated with for-sale units, as opposed to rental units;
- The County had no documented instance of a high-rise residential development providing for-sale WDUs, as depicted in the proposal;
- The applicant had not pursued providing off-site WDUs and would assume the financial risk of providing such units with the proposed development;
- The proposed development would not increase the amount of peak-hour traffic generated by the site;
- The proposal included various transportation improvements, such as bicycle lanes, bicycle storage facilities, and a contribution to the Reston Road Fund;
- The proposal included a commitment to construct a crosswalk at the intersection of Reston Parkway and Temporary Road, but would provide a cash contribution in the event that such a crosswalk was not approved by the Virginia Department of Transportation (VDOT);
- The applicant had committed, after coordination with VDOT and the Fairfax County Department of Transportation (FCDOT), to installing a right-turn lane on Temporary Road;

- The design for the proposed development was consistent with the character of other developments planned for the areas along the Reston Parkway;
- The proposed development would contribute to efforts to establish the character of the Reston Parkway as that of an urban parkway;
- The proposed development would reserve approximately 45 percent of the site as open space, which would be developed with park-like features;
- The shape of the subject property and the presence of major roads created various constraints on the site, which required greater flexibility for redevelopment;
- The proposed development was at a scale similar to that of the planned developments for the area along Reston Parkway;
- The design of the proposed development was intended to be iconic, modern, and environmentally sustainable;
- The density of the proposed development would be focused along the frontage of the Reston Parkway and would taper towards Old Reston Avenue;
- The footprint of the proposed development was smaller than most of the existing residential development in the area;
- The height of the proposed development was greater than that of the existing development in the area, but was comparable in scale and necessary to preserve a smaller footprint;
- The applicant had met with residents of the surrounding area, which had expressed concern regarding the traffic, density, safety, and parking impact of the proposed development;
- The applicant had met with the Reston Planning and Zoning Committee, but had not secured a recommendation of support by a vote of 6 to 5;
- The residents of the surrounding community and the members of the Reston Planning and Zoning Committee had not objected to the scale or design of the proposal; and
- The proposed development would contribute to the overall character of the Reston while also improving the transportation, character, and economic value of the area.

Commissioner Hart reiterated his concern regarding the decoupling of the parking provisions from the WDUs and asked for additional information on how parking would be purchased by residents of the proposed development. Mr. Painter indicated that the applicant had not finalized the parking policies of the development, but added that such parking policies would be applied equally to both market rate units and WDUs. A discussion ensued between Commissioner Hart

and Mr. Painter regarding the extent of the applicant's parking provisions for the proposed development, the availability of parking throughout the area, the process for modifying the amount of parking at the development, the location of the parking areas on the site, the mechanism that would be utilized to distribute parking to residents, the availability of parking for residents of WDUs, and the cost of parking spaces wherein Mr. Painter stated the following:

- The applicant had committed to providing approximately 1.96 parking spaces per dwelling unit, which was consistent with the standards prescribed by the Zoning Ordinance;
- The amount of parking that would be provided at the proposed development was greater than that of surrounding residential developments;
- The applicant had not concurred with requests by staff to reduce the amount of parking on the site due to concerns from residents of the surrounding neighborhood about the possibility of overflow parking;
- The existing practice of utilizing the site for overflow parking by residents of the surrounding development would cease upon completion of the proposed development; and
- The nearest area with available street parking for the proposed development was located along North Shore Drive.

Commissioner Strandlie pointed out that a similar residential development in the Mason District had also encountered issues with providing parking for residents of the affordable dwelling units on the site, noting that the applicant for that development had not sold parking spaces at market rates to those residents. She then aligned herself with Commissioner Hart's concerns regarding the lack of provisions for ensuring that residents of the WDUs at the proposed development had adequate parking. She recommended that the applicant modify the parking provisions accordingly, adding that charging market rates for parking spaces to WDUs was not feasible and limited parking availability at the site would also impact street parking throughout the area. Mr. Painter said that the applicant would evaluate the parking provisions to determine an appropriate policy for managing parking at the proposed development. He also reiterated that the proposed development's overall parking provisions were greater than the minimum requirement prescribed by the Zoning Ordinance, adding that those provisions could be subsequently modified.

Commissioner Niedzielski-Eichner pointed out that staff had expressed concern regarding the applicant's Reston Road Fund contribution, favoring a contribution consistent with the guidelines prescribed by the Board of Supervisors. He then asked for additional information regarding the applicant's position on that concern. Mr. Painter explained that the applicant had revised the proffers after the publication of the staff report, indicating that the language in the revised set stated that a road fund credit would not be sought. He added that the revision had adequately addressed staff's concern and staff did not object to that statement.

A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Painter regarding the concerns raised by staff on the language for Proffer VII, which articulated the applicant's commitment for an athletic field a contribution, and the applicant's concerns for determining the contribution, wherein Mr. Painter indicated that staff's concerns had been sufficiently resolved and the applicant had committed to a \$1.72 per gross square-foot contribution, adding that such a commitment was consistent with those of similar developments.

When Commissioner Sargeant asked for additional information regarding the applicant's method for calculating the amount of WDUs that would be provided with the proposed development, Mr. Painter stated the following:

- The designs for the proposed development and the WDUs had not been finalized;
- The dimensions and configuration of the dwelling units had not been finalized; and
- The applicant had requested flexibility for the designs of the WDUs to ensure sufficient compatibility with the overall development.

A discussion ensued between Commissioner Sargeant and Mr. Painter regarding the possible modifications to the subject applications that could be made to address staff's concerns with the WDU provisions and the County's policies for WDUs within high-rise residential development, wherein Mr. Painter said that the applicant did not object to such modifications and there would be subsequent coordination with staff to address the issue.

Mr. Painter addressed Commissioner Hart's concerns regarding the applicant's preference for a PRM zoning, as opposed to the PRC zoning utilized by surrounding development, wherein he indicated that staff had opted to pursue a PRM District because it provided the necessary standards for realizing the recommendations articulated in the Comprehensive Plan for the subject property. He added that while the site was surrounded by multiple PRC Districts, it had not been intended for such a zoning. In addition, Mr. Painter said that the PRM provided adequate density and accommodated the necessary amount of dwelling units for the development, noting that such developments in PRC Districts were limited to a maximum of 50 dwelling units per acre. He also pointed out that developments at other PRM Districts throughout the County were similar to that of the proposal in terms of location, character, and overall development standards. Mr. Painter acknowledged that there had been only one previous instance in which the Board of Supervisors had granted a waiver for the minimum district size requirement, but pointed that PRM Districts had not been utilized in the County prior to 2001 and such waivers were common for developments located within sites that could not be consolidated with neighboring development. In addition, he noted that PRM Districts provided greater flexibility for the proposed development, which was necessary to pursue the recommendations of the Comprehensive Plan.

Commissioner Hurley expressed concern regarding the possibility that parking on the site would be sub-leased by residents of WDUs that did not own a vehicle and suggested that the applicant modify the parking provisions to address that issue.

Commissioner Hurley pointed out that staff's recommendation for denial had been rendered due to concerns that the bonus market rate units would be greater than 10 percent larger than the WDUs. She then requested that the applicant address those concerns. Mr. Painter explained the following:

- The applicant had evaluated the County's WDU policy to determine the appropriate size and dimensions for such units within the proposed development;
- The applicant had coordinated with the Department of Housing and Community Development to establish minimum unit sizes for the WDUs;
- The challenges associated with high-rise residential construction necessitated greater flexibility in designing the WDUs;
- The minimum unit sizes of the WDUs were consistent with the standards and guidelines that would warrant a waiver of the requirement that the bonus market rate units be no greater than 10 percent the size of the WDUs;
- The applicant's design for the WDUs would utilize appropriate bedroom proportionality, compared to the market rate units;
- The WDUs for the proposed development would be provided on-site and the subject application contained no provisions for providing such units off-site; and
- The WDUs would be appropriately distributed throughout the proposed development to promote a mixing of incomes.

A discussion ensued between Commissioner Hurley and Mr. Painter regarding the different designs of the WDUs compared to the market rate units wherein Mr. Painter confirmed that the dimensions for the WDUs would be smaller than that of the market rate units, but noted that the number of bedrooms would be similar and such designs were consistent with the standards prescribed by the County.

Mr. Mayland pointed out that the applicant had previously included a buyout option for the WDU requirement within the subject application, but subsequently removed that option within the revised set of proffers. He added that staff supported the applicant's commitment to reserve 16 percent of the dwelling units within the proposed development for WDUs with provisions to ensure that the size and bedroom mix of the units was appropriate. Mr. Mayland explained that staff's outstanding concern was that the proposed development would have a floor area ratio (FAR) of 3.6, which was greater than the 3.0 FAR recommended by the Comprehensive Plan, and the applicant's WDU proffer did not provide provisions to ensure that the size of the WDUs would be similar to those of the bonus market rate units. He stated that the absence of such a provision did not provide sufficient certainty that the WDUs would be appropriately sized compared to the bonus market rate units to warrant staff's recommendation of approval. A discussion ensued between Commissioner Hurley and Mr. Mayland regarding the Policy Plan's guidelines for WDUs, the standards for permitting bonus density in accord with a WDU

commitment, and the buyout option for WDUs that had been previously included in the subject applications, wherein Mr. Mayland indicated the Policy Plan's guidelines utilized FAR in calculating the bonus market rate units, relative to the WDUs provided by an applicant, and reiterated that those guidelines articulated that the size of those bonus market rate units could not be greater than 10 percent of that for the WDU.

Commissioner Strandlie expressed support for the applicant's commitment to contribute to the installation of traffic signal pre-emption devices, as articulated in Proffer II, Section K. A discussion ensued between Commissioner Strandlie and Mr. Painter regarding the possibility that short-term rentals would be permitted within the proposed development, wherein Commissioner Strandlie noted that the Commission had received correspondence from the Federal Housing Authority requesting that the applicant certify that short-term rentals would not be permitted with the development.

Commissioner Cortina expressed concern regarding the potential safety issues for pedestrians crossing the intersection of Reston Parkway and Temporary Road. She then asked for additional information regarding the applicant's provisions for addressing that issue. Mr. Painter stated that the applicant had committed to constructing a crosswalk at that intersection, adding that there had been subsequent coordination with FCDOT on that provision. He pointed out the absence of crosswalks at certain portions of the intersection at Reston Parkway and Temporary Road. He then indicated that the applicant would evaluate the timing mechanisms of the pedestrian crosswalk signals to ensure that pedestrians had sufficient time to cross. In addition, Mr. Painter said that the applicant would escrow the necessary funds for improving the pedestrian safety features at the crosswalk in the event that VDOT did not approve the proposed measures.

Replying to questions from Commissioner Cortina, Mr. Painter confirmed that the bicycle sharing features would be located along Temporary Road and there was sufficient space to accommodate the bicycle sharing stations. He added that the applicant had coordinated with staff to determine an appropriate location for those stations. In addition, he said that the applicant did not object to modifying the location of the bicycle sharing stations if FCDOT determined that another location was necessary.

Chairman Murphy called the first listed speaker.

Kenneth Lanfear, 11776 Stratford House Place, Apartment 1003, Reston, indicated that he was president of the Stratford Condominium Association. He then spoke in opposition to the subject applications. Mr. Lanfear acknowledged the need to redevelop the site and commended the applicant for coordinating with the surrounding community, but stated that the density and building height of the proposed development was not consistent with that of the surrounding development. He aligned himself with Commissioner Hart's concerns regarding the parking provisions for the proposed development, but added that those provisions did not contain adequate accommodations for guest parking, noting the limited availability of street parking along North Shore Drive. Mr. Lanfear also expressed concern that overflow parking from the proposed development would negatively impact the surrounding residential development. He then recommended that the applicant reduce the density of the proposed development. In addition, he favored modifying the designs of the development to reduce the amount of glass utilized on the façade to ensure compatibility with the surrounding buildings. Mr. Lanfear also

expressed concern regarding the noise and environmental impacts of construction activity on the site. He then suggested that the proffers be revised to limit the hours for construction activity to mitigate the impact. In addition, Mr. Lanfear noted the cost of market rate parking in nearby communities. He also echoed remarks from Mr. Painter regarding the Reston Planning and Zoning Committee's opposition to the proposal and favored denial of the subject applications until the outstanding issues were resolved. (A copy of Mr. Lanfear's statement is in the date file.)

Phyllis McCulley, 11776 Stratford House Place, Reston, voiced opposition to the subject applications, aligning herself with remarks from Mr. Lanfear regarding the height and density of the proposed development. In addition, she expressed concern regarding the safety and traffic impact of the development, noting the existing congestion that frequently accumulated at the intersection of Reston Parkway and Temporary Road. She also pointed out the existing pedestrian safety issues around that intersection. Ms. McCulley described the existing traffic patterns around the intersection of Reston Parkway and Temporary Road, noting the difficulty of making turns onto Temporary Road due to the presence of ingress/egress points for the neighboring Harrison residential development. In addition, she stated that the proposed bus shelter and bicycle sharing stations would subsequently increase the congestion along Temporary Road. In addition, Ms. McCulley noted the location of the loading entrance for the proposed development and expressed concern regarding the potential for additional congestion along Temporary Road.

Marvin Singer, 11776 Stratford House Place, Reston, spoke in opposition to the proposal. He acknowledged the growth of the Reston area and supported redevelopment of the subject property, but did not support the proposed development due to concerns regarding the density of the development and the subsequent traffic impact on the surrounding area. He echoed remarks from Ms. McCulley regarding the existing traffic congestion in the surrounding area. In addition, he pointed out the location of an existing daycare center near the site, which was subject to significant peak hour traffic. Mr. Singer also noted the proximity of other planned residential developments in the area, which would further contribute to traffic congestion throughout the area. In addition, he expressed concern regarding the limited availability of parking for service trucks for both the proposed development and neighboring residential developments. He then suggested that parking be reserved on-site for such vehicles. Mr. Singer described the peak-hour traffic along Reston Avenue, noting the various safety issues at the intersection with Temporary Road. He then stated that the traffic impact of the proposed development would intensify the congestion along Reston Avenue and negatively impact the character of the surrounding area. (A copy of Mr. Singer's statement is in the date file.)

George Toop, 11776 Stratford House Place, Apartment 808, Reston, voiced opposition to the subject applications. He indicated that while he supported redevelopment of the site, he did not support the proposal because the density and height of the building was not consistent with that of the surrounding community. Mr. Toop described the existing residential development around the site, noting that those developments had been zoned PRC and were of a similar density. He then stated that the proposed development was not consistent with that character, adding that the Comprehensive Plan recommended that higher-density developments be constructed on sites west of the Reston Parkway. In addition, he pointed out that the proposed development greater than 0.5 miles from a planned Metrorail station and not consistent with transit-oriented development. Mr. Toop described the designs of existing development to the west and east of

Reston Parkway, noting differences in density of such developments. He then said that the density of the proposed development was not appropriate for a site located east of the Reston Parkway. In addition, Mr. Toop expressed concern regarding the setback of the proposed development from Reston Parkway, stating that such setback was inconsistent with that of similar residential developments in the area. He also said that the applicant's proposed design for the open space was not consistent with recommendations for a linear green character along the Reston Parkway, as prescribed by the Comprehensive Plan. He then suggested that the setback for the proposed development be increased to address that issue. Mr. Toop indicated that the proposed development was not consistent with the residential development criteria for the communities located east of the Reston Parkway or the recommendations of the Comprehensive Plan, which favored redeveloping the site in a manner consistent with that of the nearby Stratford House development. In addition, he expressed concern that approval of the subject applications would establish a precedent for higher-density development in the surrounding area and with other PRC zonings throughout the County. (A copy of Mr. Toop's statement and presentation is in the date file.)

Kate Hanley, 11776 Stratford House Place, Apartment 1109, Reston, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding the proposed development's incompatibility with the character of the surrounding neighborhood. She described existing residential development around the subject property, noting the character of the development located to the east of the Reston Parkway, which was less dense than that of development to the west. Ms. Hanley also pointed out that the site was not located within a transit station area and the surrounding properties were zoned PRC, which made the density of the proposed development inappropriate. In addition, she said that the character of the development was not consistent with the recommendations for development located along Reston Parkway, as prescribed by the Comprehensive Plan. Ms. Hanley also noted that the Comprehensive Plan recommended that the site be redeveloped on a scale similar to that of the nearby Stratford House development and the proposal was not consistent with that language. She described the design of the Stratford House development and compared it to that of the proposed development, noting that the building was significantly taller, contained more dwelling units, and had less setback. Ms. Hanley echoed remarks from previous speakers regarding the existing traffic congestion around the site and the potential traffic impact of the proposed development, noting the constraints and pedestrian safety concerns at the site. In addition, she suggested revising the applicant's environmental perseverance commitments to ensure that the proposed development achieved LEED Silver Certification. Ms. Hanley also echoed concerns from previous speakers regarding the limited availability of loading spaces on the site. In addition, she recommended further review of the applicant's WDU commitments to ensure that such provisions did not establish a negative precedent. Ms. Hanley noted the difficulty of measuring the effectiveness of the transportation demand management provisions that had been implemented by the nearby Harrison development and expressed concern that there would be similar issues with the proposed development. In addition, she said that she did not favor zoning the site as a PRM District because the proposed development was not consistent with the standards of such districts. She also noted the visual impact of the development and recommended that the site be redeveloped in a manner consistent with the guidelines prescribed by the Comprehensive Plan and the standards of a PRC District. (A copy of Ms. Hanley's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Pattie Erickson, 1800 Jonathan Way, Reston, spoke in support of the proposal because it would redevelop the site in a manner consistent with the urban character of the surrounding area. She also commended the applicant for previous developments, noting the lack of availability for condominiums in the Reston area. She added that she supported the urban design of the proposal.

Derryl Harris, 1800 Jonathan Way, Reston, voiced support of the subject applications because the proposed development would contribute to the urban character of the surrounding area. He also echoed remarks from Ms. Erickson regarding the lack of availability of condominiums in the Reston area, adding that there was significant demand for such development in Reston. In addition, Mr. Harris indicated that the proposal was consistent with the character of a pedestrian-friendly, high-density residential development. He also said that the applicant's traffic mitigation provisions would sufficiently address the traffic impact of the proposal.

David Taylor, 1800 Jonathan Way, Reston, spoke in support for the proposal. He acknowledged the concerns of previous speakers regarding the existing traffic congestion in the area, but stated that the applicant's traffic mitigation provisions were sufficient to address the expected impact of the proposed development. Mr. Taylor also echoed remarks from previous speakers regarding the limited availability of condominiums in Reston and recommended that the applicant continue coordinating with staff to address the outstanding concerns.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Painter, who stated the following:

- The density of the proposed development was consistent with the recommendations of the Comprehensive Plan for development located to the east of the Reston Parkway;
- The Comprehensive Plan included site-specific recommendations for the site, which included guidelines for redeveloping with a density of 3.0 FAR and provisions for permitting bonus density with the inclusion of WDUs;
- The applicant would coordinate with staff to ensure that the bonus density included in the proposed development was appropriate within the context of the Comprehensive Plan;
- The subject property was located within the Reston Transit Station area and the applicant would pay taxes associated with Metrorail Tax Districts;
- The amount of dwelling units that would be included with the proposed development, relative to the size of the building, was appropriate;
- The subject property had not been intended for redevelopment as a PRC District;
- The scale of the proposed building was appropriate and utilized a smaller building footprint compared to that of surrounding residential development;

- The design and height of the proposed development provided sufficient space between neighboring residential development, which improved the visual impact of the development;
- The height of the building ensured greater preservation of open space on the site, which was subject to various constraints;
- The proposed development would improve the character of the frontage along the Reston Parkway and utilize a smaller footprint, compared to the existing office development on the site;
- The setback of the proposed multi-level residential building was consistent with that of neighboring residential development;
- The majority of the density of the proposed development would front along Reston Parkway;
- The designs of the neighboring residential development were not appropriate for the subject property due to the larger footprint and FAR that such designs would utilize;
- The applicant had committed to mitigating the reflectivity of the glass that would be utilized for the façade of the building and those commitments were articulated in Proffer I, Section F, Subsection x in the revised set;
- The spacing and buffer included in the proposed development were sufficient to mitigate the visual impact of the development on neighboring properties;
- The applicant had committed to provide a crosswalk at the intersection of the Reston Parkway and Temporary Road to address the safety concerns raised by the community;
- The applicant had committed to improving the trails and vegetation on the site;
- The loading dock for the proposed development was located in an enclosed area and contained sufficient turning area for large trucks;
- The implementation of for-sale condominiums with the proposed development would reduce the amount of truck traffic, compared to that of rental developments;
- The parking provisions for the proposed development were adequate and provided greater capacity than that of surrounding developments;
- The applicant had committed to providing sufficient landscaping, as recommended by staff and the Office of Community Revitalization; and
- The amount of dwelling units that would be included in the proposed development were consistent with the recommendations of the Comprehensive Plan.

Mr. Painter deferred to Kevin Fellin, Applicant's Agent, M.J. Wells and Associates, Inc., for additional information regarding the applicant's transportation provisions. Mr. Fellin then explained that the proposed development would generate a similar number of trips compared to the existing commercial development on the site, noting that residential developments generated fewer peak-hour trips compared to commercial development. In addition, he said that the provisions articulated in Proffer II, Transportation Demand Management, would further reduce the number of trips generated by the development.

In conclusion, Mr. Painter stated that the applicant had coordinated with staff to resolve the various outstanding issues and there would be subsequent coordination to address the concerns regarding the WDU provisions. He also indicated that staff would continue to coordinate with residents of the surrounding community to address their concerns.

A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Painter regarding the amount of trips that would be generated by the site if it were developed as a PRC District instead of a PRM District, as proposed.

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 de la Fe for action on these cases.

(Start Verbatim Transcript)

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Commissioner de la Fe: Thank you very much. I want to thank everybody that came out and to speak, both for and against – and all of the questions that were asked by the Commission. I had promised to myself that I would not leave things hanging for my successor, but I think this is one that I will do so because I'm not ready to make a recommendation at this point. I think there are some things that have to be worked out. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN, ON RZ/FDP 2016-HM-034 TO A DATE CERTAIN OF JANUARY 25TH, 2018.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ/FDP 2016-HM-034 to a date certain of January 25th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And I echo Mr. de la Fe's comments. Thank you very much. It was well-done this evening, well-reasoned, and very professionally done. Thank you very much. We appreciate it.

The motion carried by a vote of 10-0. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 12:08 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: March 7, 2018



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