

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, DECEMBER 7, 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  
Earl L. Flanagan, Mount Vernon 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 8:18 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 was the final Planning Commission meeting for 2017. He said that the Commission's next meeting was scheduled for Wednesday, January 10, 2018.

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Commissioner Migliaccio stated that the Planning Commission's Land Use Process Review Committee had met earlier to discuss the new Area Plans Review process. He indicated that the Committee would meet again in January 2018 to continue that discussion on a date to be determined.

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Chairman Murphy commended the Planning Commission for their work in 2017. He then noted that starting from January 2018, Commission meetings would begin at 7:30 p.m. and would primarily occur on Thursday nights. He added that the Committee meetings would also begin at 7:30 p.m. and would be scheduled primarily on Wednesday nights.

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On behalf of the Planning Commission, Chairman Murphy commended staff from the Planning Commission's office, recognizing Jill Cooper, Director; Kimberly Bassarab, Assistant Director; John Cooper, Clerk to the Commission; Inna Kangarloo, Senior Deputy Clerk; Jacob Caporaletti, Deputy Clerk; Samantha Lawrence, Deputy Clerk; and Toni Denson, Planning Technician, for their work.

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On behalf of the Planning Commission, Chairman Murphy thanked the staff of Channel 16 and the Department of Planning and Zoning for their work over the past year.

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Chairman Murphy announced that Commissioner de la Fe would not pursue another term with the Planning Commission and would retire after tonight's meeting. He stated that Commissioner de la Fe had served on the Commission for 16 years, noting that he had served as Parliamentarian and Vice Chairman. On behalf of the Commission, he commended Commissioner de la Fe for his service to the Commission. Chairman Murphy described Commissioner de la Fe's history of public service with the County. He also indicated that the Commission would conduct a ceremony to honor Commissioner de la Fe's service.

Commissioner de la Fe thanked Chairman Murphy, the Commissioners, and staff for their work during his term with the Commission.

Commissioner Hart echoed Chairman Murphy's remarks regarding Commissioner de la Fe's service to the Planning Commission and to the County. He also commended the quality of his work and his principles in conducting himself as a Commissioner.

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PA 2017-IV-MV1 – COMPREHENSIVE PLAN AMENDMENT (SKY VIEW DRIVE)

*(Start Verbatim Transcript)*

Commissioner Hart: I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PLAN AMENDMENT 2017-IV-MV1 TO A DATE CERTAIN OF JANUARY 11, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of that motion, 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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PA 2015-IV-MV5 – COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA, LAND UNIT G pt.)

*(Start Verbatim Transcript)*

Commissioner Hart: Secondly, Mr. Chairman, I move the Planning Commission – this is Huntington TSA, Land Unit G – I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PA 2015-IV-MV5 TO A DATE CERTAIN OF JANUARY 11, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, 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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PA 2015-IV-MV4 – COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA, LAND UNIT I)

*(Start Verbatim Transcript)*

Commissioner Hart: I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PLAN AMENDMENT 2015-IV-MV4 TO A DATE CERTAIN OF THURSDAY, JANUARY 11, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, 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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RZ 2017-SU-025/SE 2017-SU-022 – JSF MANAGEMENT, LLC

*(Start Verbatim Transcript)*

Commissioner Hart: Fourth, Mr. Chairman, the JSF Management case, these concurrent cases were originally scheduled to come before the Planning Commission on December 7<sup>th</sup> tonight. However, the applicant needs more time to continue to work with staff to refine the application. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION DEFER RZ 2017-SU-025 TO JANUARY 11, 2018. I ALSO MOVE THAT THE PLANNING COMMISSION DEFER SE 2017-SU-22 TO JANUARY 11, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, 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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2232-Y17-40 – T-MOBILE, 3903 Fair Ridge Drive, Fairfax, VA 22033

*(Start Verbatim Transcript)*

Commissioner Hart: I have a “feature shown” somewhere. This is Fair Ridge Drive. Mr. Chairman, I MOVE THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION FOR APPLICATION 2232-Y17-40 THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY T-MOBILE LOCATED AT 3903 FAIR RIDGE DRIVE IN FAIRFAX IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” OF THE PLAN, PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in 2232-Y17-40, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Mr. Sargeant abstains.

The motion carried by a vote of 9-0-1. Commissioner Sargeant abstained from the vote. Commissioner Flanagan was absent from the meeting.

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT – ARTICLES 4, 5, 6, 7, 8, 9, 10, 11, 13, 17, 20, AND APPENDICES 1 AND 7; RESTAURANTS (Decision Only)

(The public hearing on this application was held on November 30, 2017.)

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. On November 30 the Commission held a public hearing on a second installment of the zMOD project, a proposed zoning ordinance amendment regarding restaurants. I want to thank the citizens who testified at the public hearing or submitted written comments to staff. I also want to thank County staff, specifically Carmen Bishop and Drew Hushour who are here tonight, and also our Zoning Administrator, Leslie Johnson, for their fine work on a difficult topic. The absence of opposition at the public hearing confirms the value of their analysis and the success of their outreach efforts to build the community consensus. I believe we have agreement among staff and industry representatives as to the bulk of the changes as set out in the staff report. This package is a positive step for clarification and simplification of a frequently confusing topic of zoning applications. I plan to move Option 2 in the staff report which has staff’s favorable recommendation as well as broad industry support, subject to one modification. The biggest remaining issue of uncertainty at the public hearing concerned parking requirements for outdoor seating. We were presented with a range of options and I think it is safe to say there is a corresponding range of opinions among the Commissioners all along the spectrum from zero to thirty-five seats to be exempt from parking calculations. My recommendation will be that we go with the staff recommendation of a maximum of twenty outdoor seats not requiring additional parking but for restaurants at 5,000 square feet or more that we allow a maximum of up to 32 seats. I believe after further review that a “one size fits all” approach does not sufficiently accommodate the variety of sizes and configurations of restaurants in Fairfax County. I believe this compromise also accommodates the objective of some Commissioners to allow more outdoor seating and activate outdoor spaces in existing

shopping centers without requiring additional applications or parking spaces which may be difficult and expensive to provide. Other location requirements will continue to apply so the outdoor seating will not be able to block the sidewalk or traffic. I believe the amendment is ready to forward to the Board with our modifications the outdoor seating provisions. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING RESTAURANTS, AS SET FORTH IN THE MEMORANDUM DATED NOVEMBER 15, 2017, WITH THE STIPULATION THAT OPTION 2 IS RECOMMENDED WERE DIFFERENT OPTIONS ARE PRESENTED, AND FURTHER THAT PARAGRAPH 9 OF SECTION 11-104, OUTDOOR SEATING, BE REVISED TO READ AS FOLLOWS "AS REQUIRED FOR RESTAURANT, RESTAURANT WITH DRIVE-THROUGH OR SHOPPING CENTER, EXCEPT THAT PARKING IS NOT REQUIRED FOR OUTDOOR SEATING THAT IS ACCESSORY TO ANY RESTAURANT OR RESTAURANT WITH DRIVE-THROUGH UP TO A MAXIMUM OF 20 OUTDOOR SEATS FOR AN ESTABLISHMENT WITH A GROSS FLOOR AREA OF LESS THEN 5,000 SQUARE FEET, AND UP TO A MAXIMUM OF 32 OUTDOOR SEATS FOR AN ESTABLISHMENT WITH A GROSS FLOOR AREA OF 5,000 SQUARE FEET OR MORE. PARKING IS REQUIRED FOR OUTDOOR SEATING THAT EXCEEDS THE NUMBER OF SEATS STATED ABOVE BASED ON THE SQUARE FOOTAGE OF THE EXCESS SEATING IN ACCORDANCE WITH THE APPLICABLE PARKING REQUIREMENTS FOR SUCH USES." I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE GRANDFATHER PROVISIONS, AS SET FORTH IN THE STAFF REPORT, AND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. THE DAY FOLLOWING ADOPTION.

Commissioner: Migliaccio: Second.

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

Commissioner Ulfelder: I think I'm one of the ones who had raised some concerns. To me - I know there are some restaurants with seasonal outdoor seating that are in older smaller shopping center areas where the parking is already limited and that was what kind of drove my concern about this because to me if there are seats, people come and people drive, whether they are seating outdoors or whether they are seating indoors. But I think in some of these restaurants the option is to either sit outdoors or indoors and people are choosing to do it, to sit outdoors during the season where that's appropriate and it's really not having a significant impact on the parking and traffic in the parking areas. So with that I plan to support this amendment.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment Articles 4, 5, 6, 7, 8, 9, 10, 11, 13 and 17 and 20, regarding - and Appendices 1 and 7, regarding restaurants, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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FDPA 2011-PR-017 – MCLEAN PHASE I L/CAL, LLC (Decision Only)  
(The public hearing on this application was held on November 30, 2017.)

*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I'd like to address the FDPA 2011-PR-017, McLean Phase I L/CAL, LLC application. Mr. Chairman, the applicant requests that the County amend the Final Development Plan for the Commons Development in Tysons to permit temporary hotel use for up to two years of a nearly completed phase one multifamily residential tower. The hotel use is to be coordinated and managed by a third-party contractor. Guests are to have access to the building's parking garage and other building amenities, such as fitness center and swimming pool. Thus interim use is very similar to its permanent use, only minor modifications to the building and property are necessary. Only market rate units will be eligible for hotel use. In addition, the proposed interim hotel use will be paying all applicable transient occupancy taxes. The Commons Transport Development Plan management program will be tailored to this interim use while adhering to the thirty percent target for hotel employees to use non-single occupancy transportation modes to commute to and from their employment. The related development condition is now modified in recognition that this goal achieving is to be secured to employees at the centers. The TDM plan must be viewed and accepted by Fairfax DOT. Regarding the scope of the hotel interim use, the applicant has agreed in the development conditions to limit the non-residential use permit the non-RUP to no more than 115 market rate units in for no longer than 24 months and has agreed to comply with uniform statewide building code prior to the issuance of the non-RUP for the hotel use. So with regard to the non-RUP use, normally an applicant would be expected to contribute a per unit fee to the housing fund. This matter was first raised at the public hearing and has not been subjected to detailed staff review. I believe decision is worthy of analysis and consideration. I am comfortable however that the applicant's proffered commitment of twenty percent of total units to workforce dwelling units is a proportionate and meaningful contribution which conforms to our workforce housing policy. Further, the applicant proffers - proffered units for lower income tiers and, finally, staff recommend approval of the application and confirms that the proposed amendment is in conformance with the Comprehensive Plan and all applicable Zoning Ordinance provisions. Therefore, Mr. Chairman, I plan move for approval of this application but before doing so, the discussion last week's - at last week's public hearing was productive as this application became a catalyst for, first, learning that the interim hotel use by apartment owners is not new. It's just being done today, sub-rosa and without any regulatory oversight. Second, we learned that interim hotel use much like Airbnb is another example of our Zoning Ordinance needing to catch up to a disrupted market. And finally, I understood the zoning administrator to state that the staff is already taking steps to bring interim hotel non-residential use into the zMOD process for consideration and transit area rezoning or special exception applications. And just learned this evening, that staff has already prepared a draft strawman to address this specific need. In mind of

these points and after consideration of this application, I will offer a follow on motion recommending that the Board of Supervisors add interim hotel non-residential use to the zMOD priorities. In this regard the applicant has agreed as a development condition to assist the County with its research regarding the short-term rentals by providing performance data to the Department of Planning and Zoning and further that staff incorporate the Planning Commission's recommendation into next week's December 12 presentation to the Supervisors' Development Process Committee. In closing, with this follow on motion I encourage my colleagues to see this application not as precedent setting but a pilot project while certainly benefiting the applicant in help ensure that the zMOD processing is informed by the applicants on the ground direct experience. With that, I just ask Ms. Strobel, if you would come and confirm for the record the applicant's agreement to the proposed development conditions dated December 7<sup>th</sup>.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, the applicant agrees with the conditions. Thank you.

Commissioner Niedzielski-Eichner: Thank you very much. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2011-PR-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 7<sup>TH</sup>, 2017.

Commissioner Hart: Second.

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

Commissioner Migliaccio: Thank you, Mr. Chairman. I brought up a few of the items last week at the public hearing. I will be supporting this motion by Commissioner Niedzielski-Eichner. I appreciate the time that he gave staff to look at this and I understand we'll be looking at greater non-residential fee later on through the zMOD process. I think that Condition Number 7 is going to be very very valuable to the County as we move forward and I think that alone is getting my support but I'll be voting "yes" on this. Thank you.

Chairman Murphy: Further discussion. Mr. Ulfelder, please.

Commissioner Ulfelder: Thank you, Mr. Chairman. After the public hearing and I have been thinking about – I was in anticipation of this motion. I was planning to vote against it and made the recommendation that the application be further deferred rather than denied. However, in reviewing the agenda for the Development Process Committee of the Board, it's going to be meeting on Tuesday, I discovered what I think the Zoning Administrator was referring to at the public hearing which is an actual strawman titled "Proposed Short-Term Lodging Provisions in Rental Multiple-Family Dwelling Unit Developments." And – which would as part of the overall short-term lodging Zoning Ordinance amendments that are being considered would address specifically among other things the question of multiple dwelling-unit buildings like this during their initial startup period being allowed to engage in short-term lodging/rentals. And with conditions that are fairly consistent with what is being proposed in this case and in this case the applicant has chosen to go forward on the hotel use and pursue that route and operate in that fashion for two years. And for that reason, I think that the County is moving forward to address this issue particularly with other rental unit multiple family buildings that aren't filing as for FDPA for hotel use but are in fact perhaps engaging in short-term lodging ... issues. And I think

it's important to County move forward as rapidly as possible with addressing this issue cause it's a reality on the ground now. It means the sooner we can get some answers and have some language that we can apply the better we will be. But in the meantime, I'm happy to support this –your motion and this application.

Chairman Murphy: Further discussion. Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I had concerns about how this might be confused with Airbnb and the applicant clarified that this was going to be handled by third-party operator. I would feel more comfortable supporting this if in Condition Number 7 the language – it refers to “devoted to short-term rentals” – if that would be changed to the language that we are using, which is “devoted to interim hotel use,” so that we are consistent with how we are phrasing this.

Commissioner Niedzielski-Eichner: If I could ask staff, if staff has any concerns with that...

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: No, no.

Commissioner Niedzielski-Eichner: And the applicant? So, for the record the friendly amendment to the development conditions that “interim hotel use” in place of “short-term rental.”

Chairman Murphy: Alright. Ms. Cortina.

Commissioner Cortina: Oh yes, I was also concerned about the precedent that this one set as an example for subsequent applications for high-rise residential development in Tysons Corner. This applicant has several more buildings. I've heard of the development and they – and other developers may want similar accommodations. So, your motion with the specific language about a pilot, I think is very important. And while this is reported to be a temporary hotel, the lack of signage, branding, services, etcetera, make it more similar to short-term rentals. Regulations are not in place yet for short-term rentals and it would be premature to grant a change from residential rental to the additional temporary hotel use for two years for what is essentially a short-term rental. While the community is still in the midst of work through the regulations that may be decided in the next six months to a year, I am glad to see that they will be paying the hotel tax. So because of this concern I have, I will not be voting for this.

Chairman Murphy: Further discussion of the motion. All those in favor of the motion to approve FDPA 2011-PR-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed. Motion carries.

Commissioner Cortina: Abstain.

Chairman Murphy: Ms. Cortina votes “no.”

Commissioner Niedzielski-Eichner: So, Mr. Chairman, I do have a follow on motion. It's Mr. Ulfelder's research identified the staff's ahead of this – ahead of us on this but I think would be helpful to have the Planning Commission on record in support what staff's put together in the strawman version that Mr. Ulfelder referenced. So I go ahead and make this motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO ADD INTERIM USES WITHIN MULTIPLE FAMILY DEVELOPMENT – I'M SORRY – MULTIPLE FAMILY DWELLING UNIT DEVELOPMENTS TO THE ZMOD PRIORITIES AND FURTHER THAT STAFF INCORPORATE THE PLANNING COMMISSION'S RECOMMENDATION IN THE NEXT WEEK'S DECEMBER 12 PRESENTATION TO THE SUPERVISORS' DEVELOPMENT PROCESS COMMITTEE.

Commissioner Ulfelder: Second.

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

Commissioner Migliaccio: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Migliaccio: Just on one item that Commissioner Niedzielski-Eicher said that we support staff's position right now. You just want the open dialog?

Commissioner Niedzielski-Eichner: That's correct.

Commissioner Migliaccio: Okay. I support that as long as it's not supporting the strawman as written.

Commissioner Ulfelder: Support the presentation...

Commissioner Migliaccio: Yes, as we normally do.

Commissioner Niedzielski-Eichner: So this motion, just to clarify, it is to recommend that it – that the Board of Supervisors add this topic to the zMOD priorities not to support the strawman.

Commissioner Migliaccio: Thank you for the clarification.

Chairman Murphy: Further discussion of the motion. All those in favor of the motion as articulated by Mr. Niedzielski-Eichner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 9-0-1. Commissioner Cortina abstained from the vote. Commissioner Flanagan was absent from the public hearing.

*(End Verbatim Transcript)*

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PRC C-378/SE 2016-HM-024 – KENSINGTON SENIOR DEVELOPMENT, LLC (Decision Only) (The public hearing on these applications was held on November 30, 2017.)

*(Start Verbatim Transcript)*

Commissioner de la Fe: Thank you very much, Mr. Chairman. Mr. Chairman on November 30<sup>th</sup> we held a public hearing on PRC C-378 and concurrent with that a Special Exception 2016-HM-024 and with Kensington Senior Development, LLC. This is to provide assisted living for seniors, something which the Health Care Advisory Committee looked at and has recommended that it be approved. The applicant has worked for a long time with the Reston Association Design Review Board and has after many changes and substantial reductions in the size and height of the facility obtained their conceptual approval. The public hearing, the neighboring residential neighborhood unanimously everyone that's spoken, everyone that's sent in their comments opposed this development as being too large and inconsistent with, you know, being adjacent to such a relatively small townhouse development. Having lived in Reston for 45 years, I know that large apartment buildings, larger than this, adjacent to the smaller residential neighborhoods are not unique in Reston. This occurs regularly. In this case, the assisted living facility will be replacing a daycare or nursery school. I can't remember exactly what they call themselves. But that has been there for almost forty years. And it – it was time for the owners to redevelop this property. The assisted living facility when you look at the location of the building itself and the configuration of the neighboring residential neighborhood, bulk of the closest part of the building to the residential neighborhood, it doesn't – it actually abuts green space and driveways – a street. And the closest stick of townhouses is, I would say, sort of at a forty-five degree angle and there is, you know, they do not directly, you know, it isn't like they are looking into the – the new development. As I drove by tonight, I - when coming here I drive by this site all the time. The – it seemed to me that the height of this building - and I believe it's being now capped at thirty-eight feet, is not that this similar to the apparent height of the convenience center next door. Actually the managing partner of the convenience center has recommended that this, you know, in favor of this proposal. I realize that the neighbors – just I'm not quite sure what they would be satisfied with next door in a redevelopment situation. I guess that could be townhouses or could be something else. But I don't think, you know, that is not what is before us now. What we have now is what I believe a needed facility in Reston. I don't believe that it is precedent setting. We were at least one person that testified said that this was precedent setting to develop similar facilities, or industrial facilities, or institutional facilities all along this side of Sunrise Valley Drive as opposed to the other side of Sunrise Valley Drive. This is not precedent setting. If somebody want convenience center along this part of Sunrise Valley Drive between Reston Parkway and Wiehle. So this is the only place with this. What happened I don't think it's precedent setting in that – in that discussion. So, I think the applicant has worked diligently with the Reston Association to get this building to the point that the Design Review Board is comfortable in granting their conceptual. But they never approve until the actual, you know, drawings and sight plans and so on. So this is as positive as they get mainly because the applicant has accepted many if not all, I think, almost all of their recommendations for reducing the size of the building, the height of the building, the materials and for that reason and also the

fact that as I stated before that the Healthcare Advisory Committee believes that it's necessary facility and the facility has committed to providing the four percent units for the grant program for, you know, lower income folks that need this. And since the public hearing the applicant has changed their commitment to – has added a commitment and a contribution for pedestrian and bicycle improvements in the area which they have not done before and this was something that was asked for by some of the emails that I received. And also subject to securing all the necessary easements and approvals, they – the applicant will work with the neighboring residential community to provide supplementary landscaping to further, you know, further buffer the property. With that, Mr. Chairman, could I ask the applicant to come forward? And do you confirm for the record your agreement to the proposed development conditions now dated December 6, 2017 for SE 2016-HM-024 and PRC C-378?

Mark Looney, Applicant's Agent, Cooley, LLP: Mr. Chairman, Mark Looney, on behalf of the applicant and we agree with the development conditions.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-HM-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 6, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I left early from that meeting and I missed actually being here but I live here in Braddock District. I drove straight home and I watched that on television. So I did observe the public hearing and I will be voting on the motion.

Chairman Murphy: Thank you. Mr. Hart.

Commissioner Hart: Yes, thank you. Mr. Chairman, I appreciated Commissioner de la Fe's comments and his usual thoughtful approach to this. This was a close case, I think going into it, I could've gone either way. These are some very difficult issues that we've seen over the past year in several situations. We started with the Silas Burke House case a few months ago which was difficult. It had – it was a larger site but it had some of the same complications with – with proximity to neighbors and opposition. We worked through that with some modifications to it. That one was approved. We did the Sunrise case about a year ago which was a smaller site embedded in a residential area. Again, a lot of residential opposition. We recommended denial. The Board denied it and the applicant, I think, took away from that the perception that we work against senior housing, we were against senior housing in residential neighborhoods, that sort of thing. The – the Arden Courts case we did earlier this year – we – and again, neighbor opposition of the large building up against townhouses. We recommended approval of a scaled down version. It was withdrawn before it went to public hearing with the Board. So that one never went forward. Then we had this case. And again, some of the same dynamics - a large building up against townhouses, neighbor opposition and difficulties fitting this kind into the fabric of the community. This is a growing need in Fairfax County or we wouldn't be seeing so many applications for this type of use. We also are running out of sites to do anything. And the sites

that are left are going to be difficult. We've got to find ways to mitigate the impacts from these uses. The biggest issue for me on this case was the scale of the building, not the materials, not the size of it necessarily compared to other things on the plan, but the proximity to the townhouses. I think that the applicant has sufficiently dealt with that issue and I would point particularly to Sheet 802 in the plans. These buildings are not going to be viewed from the roof. They are going to be viewed from the side. And showing the elevations, the modulation of these facades, the scale of these little gables, these little bump outs is all sort of townhouse size, townhouse size windows. This building, the rhythm of it is not all that different from a stick of townhouses or perhaps an apartment building which might be adjacent to townhouses. As Commissioner de la Fe has pointed out as well, there is going to be landscaping added. I think it would have been an easier case if it were a smaller building but it doesn't. It meets all of the requirements in the Plan and in the Ordinance. And I think this is the type of case that has to be approvable if we're going to be accommodating senior facilities like this in residential neighborhoods. And for those reasons I'm going to be supporting the motion. Thank you.

Chairman Murphy: Further discussion of the motion. Yes, Mr. Cortina.

Commissioner Cortina: Yes, the senior tsunami is definitely heading their way in need to integrate senior living options with respect to dignity and quality of life for the elderly. But I am conflicted about this application because of the need for – because of the need for senior living options. However, if we overlook the constraints on this site and grant the waivers, we impact the quality of life for the elderly residents as well as their neighbors. The main issue here is the size of the facility relative to the size of the property. Because a facility was reduced in height to satisfy concerns by the neighbors, it was stretched out leaving no room for a buffer from a busy road, no amenities other than the back terrace. There is no crosswalk, although I hear now that the funding will be provided. But no other place for these residents to go, except for a convenience store. While I understand from the Healthcare Advisory Board's report that there is demand for the proposed facility, there are many other criteria that have not been met. A problem related both to the PRC and the lack of clear planning language that could help provide guidance to communities and to developers for senior living, assisted living and senior housing options. PRCs have no minimum lot area requirements, no width requirements, no maximum building height and no regulations for open space or percentage of lot coverage. The proposed facility does not contain dwelling units but beds and, therefore, is not subject to PRC density requirements. Furthermore, the staff report says that it's not a nursing facility, it's not a hospital and all the usual mechanisms are bypassed and residents have no say in the potential density of a development such as this when neither the density nor the dwelling units can be regulated and it relies on a subjective compatibility test where a .85 FAR is in the eye of the beholder. I support senior living and assisted living environments and all the ways we can support seniors as they age. So I regret that I cannot support this application. But I am a new member who have not had the benefit of working on this for these many years. But I do have these concerns about senior living in general. And we need to find the way to humanely integrate these hybrid facilities into our communities. So I'm abstaining on this vote.

Chairman Murphy: Further discussion of the motion.

Commissioner de la Fe: Mr. Chairman.

Chairman Murphy: Yes, Mr...

Commissioner de la Fe: I would just like to – in reference to some of the comments we just heard, read a paragraph from the Chairman of the Healthcare Advisory Committee which is the organization which looks at all these things and it sort of makes their recommendation and we all look to it as to when they're doing it after having reviewed this. They summarize by saying "given this information," what they have said above with relationship to the size, and number of beds and so forth, "the HCAB believes that the applicant has demonstrated a need for developing an assisted living facility and that the application is reasonable in terms of access, need, operations and financial stability – financial accessibility." So I - I just wanted to say that.

Chairman Murphy: Further... Mr. Ulfelder.

Commissioner Ulfelder: I want to realign myself with Commissioner Hart's comments. I was troubled by the size – the coverage of the building within this small lot. And, however, in looking at the range of cases, recent decisions which he referenced, if you look at them, they each presented a different – there is some similarities but they also each represented differences that made a difference in terms of the Planning Commission's recommendation and the Board's decision in terms of each site. And I think that was something that was overlooked by some of the people attacking the Planning Commission after our Sunrise decision not understanding that it wasn't a bias against these types of facilities in residential neighborhoods or abutting residential neighborhoods. We look at each of these one-by-one. And they each represent – present different issues, and problems, and accommodations and often have – need modifications and - in order to fit. But the fact is we all agree with the need. HCAB – HCAB doesn't swing it for me because HCAB is looking at the need for these facilities and not looking at the land use impact of the facility. That's our job and the Board's job. And – but in this case I will support the motion and I will do it because I think they've added some additional landscaping and I think they are trying very hard to meet some of the concerns of the neighbors and to make their facility not an overwhelming battleship sailing next to the residential subdivision. And – but they can't make it invisible. So with the revised conditions and the situation, I'm planning to support the motion.

Chairman Murphy: Further discussion. All this conversation is another good reason why I am very thankful that the staff is reviewing the Zoning Ordinance amendment. And this is on the top of the list, senior housing, because we do need them and we need to have a better handle on the rules and regulations surrounding the senior developments in this County it's the largest growing demographic in Fairfax County now, ages 60 to 65. So, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-HM-024 [sic], say aye.

Commissioners: Aye.

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

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC C-378, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 6, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC C-378, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And one abstention, Ms. Cortina.

Commissioner de la Fe: Mr. Chairman, I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS LISTED IN THE HANDOUT DATED NOVEMBER 30<sup>TH</sup>, 2018 [sic] and distributed earlier tonight which shall be 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. Same abstention.

Commissioner de la Fe: Okay. That's it. Thank you very much.

Chairman Murphy: Thank you.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, Chairman Murphy, I just want to make sure on the record that the special exception number was referenced as 2016 and not 2017.

Commissioner de la Fe: I'm sorry, did I say 17? It's 2016.

Mr. O'Donnell: I think it was summarized as 2017 but I just want sure it's 2016. Sorry.

Chairman Murphy: Okay. So noted.

Mr. O'Donnell: Sorry.

Chairman Murphy: Thank you. Appreciated.

The motions carried by a vote of 9-0-1. Commissioner Cortina abstained from the vote. Commissioner Flanagan was absent from the public hearing.

*(End Verbatim Transcript)*

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PUBLIC FACILITIES MANUAL AMENDMENT – ESRC CHARTER UPDATE
2. PCA 87-C-060-14/FDPA 87-C-060-09-03 AND PCA/FDPA 93-H-045 – FAIRFAX COUNTY SCHOOL BOARD (Hunter Mill District)

This order was accepted without objection.

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PUBLIC FACILITIES MANUAL AMENDMENT – ESRC CHARTER UPDATE – Proposed Amendment to the Public Facilities Manual (PFM) and Engineering Standards Review Committee (ESRC) Charter to Update the ESRC’s Membership - Amend Chapter 1 (General Information) of the PFM, Section 1-0300 (Establishment of the ESRC), Section 1-0301 (ESRC Charter), by revising Paragraph 1-0301.1, to read as follows:

1-0300 ESTABLISHMENT OF THE ESRC

1-0301 ESRC Charter. On Dec. 11, 1963, the Board established a Continuing Review Committee to evaluate the original Policies and Guidelines for the Preparation of Subdivision and Site Plans. On March 5, 1973, the Board adopted a charter establishing the Engineering Standards Review Committee (ESRC). On Aug. 17, 1983, the charter was amended and adopted by the Board.

1-0301.1 This committee now consists of one representative from each of the following organizations:

Citizens-at-Large (three four)  
 Northern Virginia Regional Council of the Virginia Society of Professional Engineers Virginia  
 Association of Surveyors (Mount Vernon Chapter)  
 Northern Virginia Building Industry Association  
 Fairfax County Federation of Citizens Associations  
 Fairfax County Bar Association  
 League of Women Voters  
 Northern Virginia Chapter of Heavy Construction Contractors Association  
 VDOT, Fairfax District (Advisory)  
 Associated Builders and Contractors  
 Northern Virginia Soil and Water Conservation District  
 Washington Area Council of Engineering Laboratories

National Association of Industrial and Office Parks (Effective 2-13-89)  
Citizens Committee on Land-Use and Transportation (Effective 2-13-89) Engineers & Surveyors  
Institute (Effective 12-13-93)  
Members serve for three years and may be reappointed.  
COUNTYWIDE. PUBLIC HEARING.

Commissioner Sargeant 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 Sargeant for action on this item.

*(Start Verbatim Transcript)*

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Commissioner Sargeant: Thank you, Mr. Chairman. This is a very straightforward amendment – a PFM document, based on a request by the Board of Supervisors earlier this year to consider updating their charter to replace the citizens committee on land use and transportation appointment that’s now non-operational. And as a result, the addition of one more at-large citizen appointment has been recommended in this amendment. Very quickly, I’d like to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS IN THE PUBLIC FACILITIES MANUAL ENGINEERING STANDARDS REVIEW COMMITTEE CHARTER, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 21<sup>ST</sup>, 2017. AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON JANUARY 24<sup>TH</sup>, 2018.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion? All those in favor of the motion...

Commissioner Strandlie: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Strandlie: Hi, I just – hi, sorry. I just noticed an error in this. Under F, it’s listed as Fairfax County Bar Association. It’s actually Fairfax Bar Association. So if that can be updated either by amendment or before this goes to the Board, that would be advisable.

Commissioner de la Fe: It’s the – five?

Commissioner Strandlie: 5F. And also in the proposed amendment, it's Fairfax Bar Association, not Fairfax County Bar Association.

Chairman Murphy: Did you get that?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I hate to rebut. Commissioner Strandlie is exactly right, except that might be outside the scope of the advertising – if it's not something that we advertise we were going to change. Maybe we should fix that before the Board.

Commissioner Strandlie: It's just correcting the name of it. It's not changing the entity.

Commissioner Hart: I'm just pointing that out.

Commissioner Strandlie: Okay, because Fairfax County Bar Association doesn't exist.

Commissioner Hart: I – you're right, but we have to advertise things before we change them.

Chairman Murphy: All right.

Commissioner Sargeant: Mr. Chairman, I believe we can – we can make that amendment prior to its submission to the Board of Supervisors.

Chairman Murphy: Could we have an audio and an identification on that, please, just for the record?

Commissioner Sargeant: So...

Commissioner Strandlie: People are shaking heads one way or another.

Thakur Dhakal, Site Code Research & Development Branch, Land Development Services: This is Thakur Dhakal from Land Development Services. Well, like Commissioner said, it was advertised and we'll check to see if we can change before the Board of Supervisors public hearing.

Commissioner Strandlie: Okay.

Chairman Murphy: All those in...

Mr. Dhakal: Thank you.

Chairman Murphy: I'm going to go ahead with this, no matter what. All those in favor of the motion to recommend to the Board of Supervisors that it adopt Public Facilities Manual Amendment, ESRC Charter Update, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: I'm going to vote "no." I'll vote "no" on this one.

Chairman Murphy: Okay, Ms. Strandlie votes no.

The motion carried by a vote of 9-1. Commissioner Strandlie voted in opposition. Commissioner Flanagan was absent from the meeting.

*(End Verbatim Transcript)*

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PCA 87-C-060-14/FDPA 87-C-060-09-03 – FAIRFAX COUNTY SCHOOL BOARD – Appls.to amend the proffers, conceptual, and final development plan for a portion of RZ 87-C-060 previously approved for a Public School with ballfields to allow an expansion of the public school and other associated modifications to proffers and site design with a Floor Area Ratio (FAR) of 0.341 on the subject property and an overall 0.345 FAR on the entire school property. Located on the E. side of Thomas Jefferson Dr. approx. 300 ft. N. of Coppermine Rd. on approx. 13.87 ac. of land zoned PDH-16. Comp. Plan Rec: Mixed use. Tax Map 16-3 ((1)) 41. (Concurrent with PCA/FDPA 93-H-045). HUNTER MILL DISTRICT. PUBLIC HEARING.

PCA/FDPA 93-H-045 – FAIRFAX COUNTY SCHOOL BOARD – Appls.to amend the proffers, conceptual, and final development plan for RZ 93-H-045 previously approved for ballfields associated with a public school to allow an expansion of the public school and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.381 on the subject property and an overall 0.345 on the entire school property. Located on approx. 1.36 ac. portion of the school site (E. side of Thomas Jefferson Dr. approx. 300 ft. N. of Coppermine Rd.) on of land zoned PDH-8. Comp. Plan Rec: Mixed use. Tax Map 16-3 ((7)) C. (Concurrent with PCA 87-C-060-14 and FDPA 87-C-060-09-03). HUNTER MILL DISTRICT. PUBLIC HEARING.

John McGranahan, Jr., Applicant's Agent, Hunton & Williams, LLP, reaffirmed the affidavit dated November 2, 2017.

Commissioner Cortina disclosed that Jeffrey Platenberg, who was listed on the affidavit as an agent of the applicant, was the brother of her brother-in-law. However, she indicated that there were no financial relationships or dependencies; therefore, it would not affect her ability to participate in the joint public hearing.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of PCA 87-C-060-14, FDPA 87-C-060-09-03, and PCA/FDPA 93-H-045.

Commissioner Hart expressed concern regarding the landscaping around the perimeter of the proposed elementary school building, noting the constraints on the northeast portion of the site. He then asked whether the applicant had requested a modification or waiver that reduced the required screening or buffering along that portion for the neighboring residential community to the east. Mr. O'Donnell explained that the applicant had not requested such waivers or modifications. He then indicated that the transitional screening requirement for that portion of the site would be met. In addition, he said that proposed building was required to provide a 25-foot landscaped area and a six-foot high chain link, pursuant to the transitional screening requirements prescribed by the Zoning Ordinance. Mr. O'Donnell stated that the only portion of the site for which the applicant had requested a modification was the screening and barrier requirements along Fox Mill Road because the requirements articulated by the Zoning Ordinance were not feasible for that area. He added that staff had concluded that the applicant had met the intent of the Zoning Ordinance's requirements for transitional screening.

A discussion between Commissioner Hart and Mr. O'Donnell ensued regarding the design of the proposed elementary school building, the impact the building would incur on the surrounding residential neighborhood, and the applicant's provisions for mitigating that impact, wherein Mr. O'Donnell said the following:

- The building would consist of three stories with a maximum height of 50 feet;
- The height of the building had not been finalized;
- The space between the building and the nearest residential dwelling unit was approximately 75 feet; and
- The evaluation by staff had concluded that the applicant's measures for mitigating the visual impact of the building on the surrounding residential community was sufficient, but did not object to requesting that the applicant supplement the landscaping of the transitional screening.

Commissioner Migliaccio stated that the applicant's stormwater management provisions included the pursuit of off-site best management practices (BMP) credits, but staff had suggested

that additional provisions be implemented on-site. He then asked for additional information regarding potential on-site measures for stormwater BMPs, noting the constraints of the subject property. Mr. O'Donnell indicated that there were multiple measures that the applicant could pursue, such as modifications to the athletic fields to improve stormwater runoff absorption and the implementation of additional tree plantings. He also said that staff had recommended a development condition that would permit the evaluation of other portions of the subject property for possible on-site stormwater management provisions at the time of site plan review. A discussion ensued between Commissioner Migliaccio and Mr. O'Donnell regarding the adequacy of the applicant's stormwater management provisions, the treatment of stormwater runoff from the site, and the applicant's pursuit of off-site BMPs, wherein Mr. O'Donnell indicated that such pursuit of off-site BPM credits was permitted by the public facilities manual.

Commissioner Ulfelder expressed concern regarding the impact that the removal of athletic fields on the site would incur on the surrounding area, noting that the proposed development would replace two soccer fields and a baseball diamond with a play area. He then asked for additional information regarding the open athletic field that would be implemented with the development. Mr. O'Donnell indicated that the size of the open athletic field was consistent with a U-10 field, which was approximately half the dimensions of an adult-sized field. In addition, he stated that such fields provided flexibility for optimal use among school-age children. However, he acknowledged that the open athletic field would not replace the capacity of the existing fields on the site. A discussion ensued between Commissioner Ulfelder and Mr. O'Donnell regarding the usage of the existing athletic fields on the site, the impact that reducing the number of athletic fields in the area would incur on the surrounding community, and the limited opportunities for expanding school capacity in the area, wherein Mr. O'Donnell noted the challenges associated with identifying sites for expanding school capacity in the Dulles Suburban Center. Commissioner Ulfelder acknowledged the need for increased capacity in the area.

When Commissioner Strandlie asked for additional information regarding the areas on the site that would be utilized for School Age Child Care (SACC) programs, Mr. O'Donnell said the existing building would continue to accommodate such programs. A discussion ensued between Commissioner Strandlie and Mr. O'Donnell regarding the existing capacity of schools in the surrounding area, the growing need for additional capacity of elementary schools, and the challenges associated with expanding capacity in the Dulles Suburban Center wherein Mr. O'Donnell pointed out that the existing school building on the site was operating beyond the capacity it had been built to accommodate.

Commissioner Cortina suggested that the applicant evaluate the possibility of including additional stormwater BMPs on-site, such as supplemental plantings or modifications to the parking lot areas. She added that such features provided educational opportunities for students. Mr. O'Donnell stated that staff had encouraged the applicant to pursue such efforts.

Mr. McGranahan addressed Commissioner Hart's concern regarding the distance between the proposed elementary school building and the nearest residential dwelling unit to the east, noting that such distance was adequate. He also echoed remarks from Mr. O'Donnell, stating that the applicant would not seek a waiver or modification of the transitional screening requirements. In addition, he noted the presence of existing landscaping between the site and the nearby

residential development, which would be preserved and supplemented under the subject applications. Mr. McGranahan also indicated that the height of the proposed building would be approximately 47 feet and the height of the existing townhouse units in the area were between 35 and 40 feet. He then described the visual impact that the proposed building would incur on the nearby residential development to the east, noting the extent of the setback between the dwelling units and the building.

Mr. McGranahan addressed concerns from multiple Commissioners regarding the applicant's pursuit of off-site BMPs, noting that the soil conditions on the site were not conducive to on-site BMPs and the area had significant remediation prior to the construction of the existing elementary school building. He indicated that the applicant would evaluate additional opportunities for on-site BMPs at the time of site plan review, adding that any off-site BMP provisions would be implemented in a manner consistent with the guidelines of the public facility manual.

Mr. McGranahan addressed Commissioner Ulfelder's concerns regarding the impact of removal of the existing athletic fields on the site, noting that the size and flexibility of the centrally located field that would be implemented with the proposed development. He said that the field would be approximately 150 feet by 180 feet and would provide significant green space for the site. He acknowledged the loss of athletic field capacity in the area, but indicated that the proposed field would provide sufficient recreational opportunities for students on the site.

Mr. McGranahan addressed Commissioner Strandlie's questions regarding the operation of SACC programs on the site, stating that such programs would continue operating within the existing elementary school building.

A discussion ensued between Commissioner Strandlie and Mr. McGranahan regarding the areas within the existing building that would be utilized for SACC programs and the extent to which such areas were utilized exclusively for SACC, wherein Mr. McGranahan indicated that the proposed development would not impact the operation of such programs.

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

- The existing elementary school facility on the site had been operating beyond capacity;
- The proposal would install an additional elementary school building on the site;
- The proposed building would preserve the pedestrian-friendly character of the area;
- The proposed building included areas that could be utilized for community use;
- The design of the proposed building had been subject to multiple reviews by members of the community and subsequent modifications had been made to address various concerns;

- The Hunter Mill District Land Use Committee had reviewed the proposal and had recommended approval of the subject applications;
- The proposal would preserve significant green areas within the central portion of the site;
- The kiss-and-ride for the proposed building would operate separately from the busses and the existing kiss-and-ride located near the other building on the site; and
- The architecture of the proposed building was consistent with the character of the existing building on the site.

Commissioner Sargeant pointed out that making a left turn from the site onto Fox Mill Road had been identified as a concern by staff and additional signage was recommended to improve that condition. He then pointed out that Proffer Number 10, Fox Mill Road Access, in Appendix 1 of the staff report, articulated that in the event that the signage for exiting vehicles onto Fox Mill Road was determined to be inadequate, the applicant would coordinate with the Fairfax County Department of Transportation (FCDOT) to implement the appropriate mitigation measures. He then asked for additional information regarding the extent to which the issue of left turns onto Fox Mill Road was related to signage. Mr. O'Donnell explained that staff had expressed concern regarding vehicular circulation within the site around the access area to Fox Mill Road. He then said that staff supported the language in Proffer Number 10 because it provided subsequent opportunities to evaluate the issue and implement appropriate measures. Mr. McGranahan acknowledged the difficulty of making left turns onto Fox Mill Road from the site and stated that the applicant intended to install appropriate signage to address the issue. He also stated that the applicant would coordinate with FCDOT to address the issue if it were determined that the signage was inadequate. A discussion ensued between Commissioner Sargeant and Mr. O'Donnell regarding the process for determining whether additional signage would adequately address the issues raised by staff, wherein Mr. O'Donnell said that the purpose of Proffer Number 10 was to provide additional opportunities to evaluate the issue in the event that the applicant's signage was not sufficient.

Commissioner Strandlie pointed out that the affidavit, which had been notarized on November 2, 2017, did not list former Sully District Commissioner Karen Keys-Gamarra as a member of the Fairfax County School Board, who had been sworn in in September 2017. A discussion ensued between Commissioner Strandlie and Mr. McGranahan regarding Ms. Keys-Gamarra's absence from the affidavit.

Answering questions from Commissioner Hurley, Mr. McGranahan said the following:

- The perimeter of the site was surrounded by an existing chain link fence;
- The subject applications did not include any modifications to the existing elementary school building on the site;
- The proposal included subsequent landscaping around the existing building on the site;

- The construction schedule of the proposed elementary school building would be organized to ensure that an outdoor play area remained operational for the children occupying the existing building;
- The usage of certain open space and athletic fields would be restricted during the construction process for the proposed building, but the paved play areas would remain accessible;
- The applicant would schedule the majority of construction activities for the proposed building during the summer to minimize the impact on the existing school facility; and
- The applicant had planned to begin construction of the proposed building in late 2018 and the building was expected to begin operation in September 2020.

Commissioner Hurley asked for additional information regarding the parking provisions for the site and the potential that the limited availability of parking would negatively impact the surrounding residential community. Mr. McGranahan indicated there were no existing parking areas on the portion of the site where the proposed elementary school building would be constructed. He then stated that the proposal would not impact the existing parking areas on the site, adding that those areas would be utilized until the construction of the building and the associated parking area was complete. Mr. McGranahan said that the applicant had not been made aware of negative impacts associated with parking issues for the existing school facility.

A discussion ensued between Chairman Murphy and Mr. O'Donnell regarding the impact of the affidavit issue raised by Commissioner Strandlie during the public hearing and the Commission's ability to render a decision in lieu of such an issue, wherein Chairman Murphy announced that the Commission would go into recess to determine an appropriate recourse for the issue.

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The Commission went into recess at 9:39 p.m. and reconvened in the Board Auditorium at 10:01 p.m.

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Upon returning from recess, Chairman Murphy announced that, after consultation with the County Attorney's office, the public hearing for the subject application could not proceed. Therefore, he recognized Commissioner Sargeant for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: Okay, Mr. Sargeant.

Commissioner de la Fe: Our Parliamentarian.

Commissioner Sargeant: Mr. Chairman, thank you very much. After conferring with the County Attorney on the issue of the affidavit and other matters, we're going to not continue with this hearing tonight. And I'm going to make three motions to help us reschedule this hearing – this public hearing for another date certain, which gives us time to address issues that have been raised during this public hearing. Mr. Chairman, I MOVE THAT WE DECLARE THIS HEARING FOR PCA 87-C-060-14/FDPA 87-C-060-09-03 AND PCA/FDPA 93-H-045, FAIRFAX COUNTY SCHOOL BOARD, A NULLITY. I FURTHER MOVE THAT WE ASK – WE DIRECT STAFF TO RE-ADVERTISE THIS PARTICULAR APPLICATION FOR ANOTHER PUBLIC HEARING AND ALSO MOVE THAT STAFF RESCHEDULE THE PUBLIC HEARING FOR THIS APPLICATION TO A DATE CERTAIN OF JANUARY 18<sup>TH</sup>, 2018.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? Just to point – the reason we are doing this is because there is a problem with the affidavit and once we learn that problem existed, we can go no further with this application. And that is why we're taking this action. And I want to thank the County Attorney for giving us his advice and our Parliamentarian, Mr. Sargeant. Yes, Mr. McGranahan?

John McGranahan, Jr., Applicant's Agent, Hunton & Williams, LLP: Mr. Chairman, I would like to apologize to all the members of the Planning Commission and the staff and, particularly, to the members of the public who are here this evening to speak on this application. It's unfortunate, but I will take the blame for it and I'm sorry about that. And we will get it right and get back here on January 18. And in the meantime, we really appreciate an opportunity to discuss the application with the members of the public who were here this evening.

Chairman Murphy: Okay. Yeah, no harm, no foul, okay? Yeah – all those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And our apologies to the citizens to – we certainly didn't – we got to make it legal, okay? 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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The meeting was adjourned at 10:12 p.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



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