

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 1, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: James R. Hart, Commissioner At-Large

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The meeting was called to order at 7:33 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 Keisha Strand as the new Deputy Clerk for the Planning Commission. On behalf of the Commission, he welcomed her to the staff.

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Chairman Murphy announced the promotion of Deputy Director Randy Bartlett to Director of the Department of Public Works and Environmental Services to begin on November 11, 2018. Deputy Director Bartlett will succeed Director James Patterson who is retiring.

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ZONING ORDINANCE AMENDMENT – OLDER ADULT ACCOMMODATIONS AND SERVICES – CONTINUING CARE FACILITIES, ADULT DAY HEALTH CARE CENTERS, AND RELATED PROVISIONS

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. Mr. Chairman, we had anticipated a vote tonight on the continuing care facilities zoning ordinance amendment, but we're going to defer for additional staff review and input. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CONTINUING CARE FACILITIES, ADULT DAYCARE

CENTERS, AND RELATED PROVISIONS TO NOVEMBER 8TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Strandlie: Second.

Chairman Murphy: Seconded by Mrs. Strandlie. Is there a discussion of the motion? All those in favor of the motion to defer the decision only on Zoning Ordinance Amendment, Older Adult Accommodations and Services, Continuing Care Facilities, Adult Daycare Health Care Centers, and Related Provisions, to a date certain of November 8th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Commissioners: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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SE 2017-PR-011 – MARTIN-LEPPERT-SIPES POST 9274, VFW & A/K/A FALLS CHURCH VFW CLUB & FRAT. ORDER OF POLICE NOVA LODGE 35, INC (Decision Only)
(Public Hearing on this application was held on October 11, 2018)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Due to staff and applicant continuing to work on the amendment to the development conditions for SE 2017-PR-011, I MOVE TO DEFER THE DECISION ONLY FOR THE APPLICATION TO A DATE CERTAIN OF NOVEMBER 15TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

Chairman Murphy: Second Mr. Sargeant. Is there a discussion of the motion? All of those in favor of the motion to defer SE 2017-PR-011, to a date certain – could you give me the date again, please?

Commissioner Sargeant: November 15th.

Chairman Murphy: November 15th, with the record remaining open for any comments, say aye.

Commissioners: Aye.

Chairman: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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PRC B-846-05/ PCA B-846-04/DPA HM-117-03– WOODFIELD ACQUISITIONS, LLC
(Decision Only) (Public Hearing on these applications was held on October 11, 2018)

(Start Verbatim Transcript)

Commissioner Carter: Woodfield – we deferred action on that till today. There has been lots of correspondence back and forth from the adjacent property called the Pond Building. We had some correspondence from the Reston Community Association and some of the other property owners. So I am going to defer this, but I would like a statement, if I could, so it's clearly what I'm looking for – to accomplish during this deferral period.

Chairman Murphy: Okay, we're on verbatim. Go ahead.

Commissioner Carter: Okay. The Woodland Project is located along Roland Clark Place between Sunrise Valley drive and the Dulles Toll Road and a little over a half-a-mile mile from the Wiehle Metro Station. We have a – 308 multifamily units and the retention of an existing office building on 6.5 acres at an FAR of 1.5 – 1.15 which is within the density of the Comprehensive Plan. Access to Sunrise Valley Drive is provided only from the existing Roland Clark Place. This area was originally approved for five office buildings with access from the public road of Roland Clark Place. A series of private streets and easements also provide easement. As an example, the existing Pond Building located adjacent to this development owns and maintains a private street for access to Roland Clark Place. The Comprehensive Plan recommends changing the land uses from all office use to mixed-use, 75 percent residential and 25 percent non-residential, with a grid of streets intended to improve access and connect the parcels together. This new development is intended transform the existing office park into a mixed-use area with publicly accessible open space and streetscaping that will encourage pedestrian activity to enliven the area throughout the day and evening. Three projects have already been approved in this area – the completed JBG condominiums to the west – they have a private street that does not allow access from this parcel to it. This makes it very difficult to complete that grid system that we wanted. And also, the Toll Brothers Townhouses under constructions and the Sekas Townhouses are located adjacent to the site that are presently under construction. And they have no access to the private street. Their only access is from Roland Clark Place. As you remember, I asked the staff whether that was going to be enough access. They thought that it was okay. Now, we heard testimony at the public hearing and here are the items that I would expect to be improved during this time of deferral.

- One, Roland Clark Place – this is access – complete the design of the extension of Roland Clark Place by providing a sidewalk, street trees, 30 feet on-center, landscape panel, and streetlights from the cul-de-sac to the Dulles Toll Road. This means both sides. We don't want to build half – half-a-street in these areas. We're trying to build this grid system and if we don't build it up front, we're going to have problems later.

- Pond Building Access – allow the installation of no parking signs along the Pond Access Road to prohibit cars from blocking the travel lanes. This is a two-lane road that extends back to the Pond Building. Ensure that the setback between the existing townhouses – this is the Sekas project – and the new apartments will match or exceed the setback of the townhouses located along both sides of Roland Clark Place so that we have a cross-section there that has ample room between the buildings, even though we know that the street is – is going to be just two lanes. Provide a sidewalk, street trees, 30 feet on-center, landscape panel along the property in a manner similar to the townhouses located on the opposite side of the street to ensure the necessary pedestrian connections between properties. On these private streets, it's not just about the travel-way. We need to have the sidewalks and the landscaping areas that – that goes – the street includes all of that, not just the travel-way.
- Crosswalks – provide crosswalks at the intersection along Roland Clark Place to provide access to the public open space. If you remember, public open space is on the adjacent property – the office building.
- Open space, number two, increase the open space along Roland Clark Place. Two is a child play area – designate a child play area.
- Transitions – this has been mostly discussed by the testimony. Transition between the Woodland Development and the Pond Building – improve the facade of the garage facing the Pond Building with textured and colored concrete and vertical railings or cables to screen the openings from the pond building, even though it's located approximately 200 feet away. Light poles on the garage – maximum 12 feet high with full cut-off fixtures on the top floor of the parking garage. Light fixtures will be located in the garage away from the perimeter facing the Pond Building. More importantly, improve the landscaping along the boundary with the Pond Building by adding trees, low plants, and a sidewalk along the entire boundary, including within the parking area located on the area, if permitted by the adjacent Pond Building. There's a small space between the existing parking and the property line that should be re-landscaping, as part of this – this development, even though they don't own that. Now, the Pond Building – they wanted a high wall, but that would prevent pedestrians from reversing into the Pond Building. I'm not recommending that. I would recognize, though, that the spaces there are up on a plinth of varying distance so there's no direct pedestrian access from the units down onto the Pond Building. So if this landscaping couldn't be done, I think it would accomplish that the – elements that the adjacent Pond Building would want.
- Transition between the residences and the sidewalk along Roland Clark Place and the private street – Ensure that the elevations and sections of the building match the grading shown on the engineer's site plan. I've been over that today with the applicant and they're going to make any changes that are necessary. And ensure that access from the building to the sidewalk will be provided to create a lively pedestrian-oriented street, as recommended in the Comprehensive Plan. In other words, from the units, you'll be able to get out onto the sidewalk in areas where it's appropriate and it will enliven the street.

- Four, Parking and Service, including Work Force Housing Units – Service Spaces, provide one full size – loading dock – provide two smaller service spaces in the garage for service vehicles and at least two parallel parking spaces along Roland Clark Place for short-term parking spaces for deliveries. Parking for WDUs must be included in the cost of each unit if it's a condominium, although we know this is going to be a rental project. And for these, the WDUs will have a 70 percent discount from the market.
- Utilities – because of the way this started, the utilities kind of wander across the site here and they'll be under the proposed building. So we want those relocated to make sure there are – no service would be disrupted. Usually, you have the wet utilities in this travel-way – the sewer and the water – and you put the dry utilities adjacent to the sidewalk. We just want them located in easements and we don't want any shut-offs.
- Construction Phasing – usually we wouldn't get into construction phasing at this time, but because we only have one way out, which is the Rolling Clark Place, and today – as the townhouses are building – being built – the construction materials are in the street. There's construction vehicles parked in the street and puts – places quite an imposition into this development. It's probably okay for now, although I'm not sure the Pond Building would agree. But in the future, when the townhouses are building – have been completed and people are in those units, we want to make sure that all the construction vehicles – all the construction debris, all the staging is outside this travel-way. So we'd like – like a proffer about that.
- And then, finally, the Phase 2 Development – new private street, we want to produce proffers – proffers and a combined site plan illustrating the connection of the northern private street from the Roland Clark Place to the private street on the JBG Condominiums and potentially to the property line of the Pond Building. This would help to complete that grid system. We want the trail system shown on the southern boundary and we want to make sure that when this comes in, as Phase 2, they're going have to meet all the requirements, including satisfying the open space for this residential area.

So those are my comments. My intent is to be clear and to respond to the testimony that we had. So if there's any other comments, I will proceed.

Chairman Murphy: Please.

Commissioner Carter: Okay. Thank you to Mary Ann Tsai. She has been barraged with my comments again. Thank you to the correspondence, including representatives from the Pond Building including their attorney and the condominium owners and Dennis Hayes, the President of the Reston Citizens Association. Thank you to the development team, including the property owners, the engineers, architects, and Cooley. I've got to know them all very well during this process. And finally, thank you to the Reston Planning and Zoning Committee for conducting their meetings, resulting in a recommendation of approval for this project. If the applicant agrees to these recommendations, then I will proceed with the motion. And – and I – I think they do. If you'd like to come down, Mark, and say...

Chairman Murphy: You will know momentarily. Mr. Looney?

Mark Looney, Applicant's Agent, Cooley, LLP: Thank you, Mr. Chairman. Mark Looney with Cooley, on behalf of the applicant. Generally speaking, we are in agreement with the spirit of what Commissioner Carter has outlined for you. We're working through the specific language of the proffers that need to get added with staff and we'll be prepared on the 15th to move forward with it. So thank you.

Commissioner Carter: Okay. So let's – let's give this project two weeks. I'm recommending deferral to a date certain November 15th, with – understanding the Board of Supervisors date is November 20th. This will give time for the applicant to respond to all these comments.

Chairman Murphy: Are we moving?

Commissioner Carter: Yeah, I – I recommend deferral to a date certain – so I move the Planning Commission defer the decision only with the – with the record remaining open for written comments for RZ/FDP 2016-HM-024 and parking reduction...

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Carter, the application number is PCA.

Commissioner Carter: I move, hold on, forget that – I MOVE THAT THE PLANNING COMMISSION DEFER, FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR PCA B-846-04, DPA HM-117-117-13 [sic], and PRC B-846-05 TO A DATE CERTAIN OF NOVEMBER 15TH. I recognize the Board of Supervisors is November 20th.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by...

Commissioner Carter: So I want to make it clear it's DPA HM-117-13 [sic].

Chairman Murphy: Yes.

Commissioner Carter: Okay.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer decision – yeah, PC – PRC B-846-05/PCA B-846-04/DPA HM-117-03 to a date certain of November 15th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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SE 2018-MV-004 – GOBI GOPINATH

(Start Verbatim Transcript)

Commissioner Clarke: Yes sir. Thank you, Mr. Chairman. Good Evening. Motion to defer. Due to the deferral of a vote on and drafting of a resolution for SE 2018-MV-004 by the Mount Vernon Council Citizens Association, I MOVE TO DEFER THE HEARING OF THE APPLICATION TO THE DATE CERTAIN OF NOVEMBER 29TH, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. All those in favor of the motion to defer SE 2018-MV-004 – Gobi Gopinath to a date certain of November 29th, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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SEA 2006-LE-030 – PMIG 1009, LLC (Decision Only)

(Public Hearing on this application was held on October 25, 2018)

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. Last week, we had a public hearing on a gas station being converted into a carwash and a mini-mart, essentially. We had some discussion about the ingress/egress that was shared between gas station and the neighboring business behind it. I think the new development conditions capture what we said at the Planning Commission tonight – or last week, which was in essence not to block the other business with construction vehicles. And I hope that the development conditions do address those. And if there's no comments from fellow commissioners, I'll just move right into the motion.

Chairman: Yes, Mrs. Strandlie?

Commissioner Strandlie: I had some comments on one of the provisions of the conditions, Number 9, the language is a little awkward. So, if that could be addressed between now and the Board.

Commissioner Migliaccio: Mr. O'Donnell?

Commissioner Strandlie: I can pull up exactly what I said.

Commissioner Migliaccio: Mrs. Strandlie, would you share that with Mr. O'Donnell so we all know what it is?

Commissioner Strandlie: Yes, I had sent you an email and I just need to see if I can find exactly what I sent you. Actually, you should have it.

Commissioner Migliaccio: Unfortunately, I've been driving for the last hour.

Commissioner Strandlie: Sorry about that. Okay.

Chairman Murphy: Or not driving, as the case may be.

Commissioner Migliaccio: Sitting in my car.

Chairman Murphy: There was an accident on the Parkway.

Commissioner Strandlie: Sorry about that. Okay, I have it. Number 9, it is written as temporary. I should just read it. "Temporary promotional banners, balloons, flags, or rooftop displays must not be permitted on the site." It would – I think it would be more clear to just say, "are not permitted." And, also, the next sentence, "No promotional signage will be permitted." I think it should just say, "Promotional signage is not permitted." Thanks.

Chairman: Got it?

Commissioner Migliaccio: Okay.

Chairman Murphy: Okay.

Commissioner Migliaccio: Any others?

Chairman Murphy: Yes.

Commissioner Strandlie: It's the shall/must conversion that – this one did not work.

Chairman Murphy: Mr. Tanner?

Commissioner Tanner: Mr. Chairman, I was not present for the public hearing, but I did have a chance to review online afterwards. So, I will be voting Mr. Chairman.

Chairman Murphy: Okay. Mr. Migliaccio.

Commissioner Migliaccio: Thank you. And I – can I have the applicant’s representative come down please?

Keith Martin, Applicant’s Agent, Tramonte, Yeonas, Roberts & Martin PLLC: For the record, I am Keith Martin.

Commissioner Migliaccio: Thank you. Mr. Martin, do you agree with the development conditions dated October 31st, 2018, with the two small tweaks that we just made?

Keith Martin: I do.

Commissioner Migliaccio: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2006-LE-030, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 31ST, 2018, WITH THE TWO SMALL CHANGES WE MADE EVENING.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. Is there a discussion of that motion? All of those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2006-LE-030, say aye.

Commissioners: Aye.

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

Commissioner Carter: I’d like to abstain since I wasn’t here.

Chairman Murphy: Mr. Carter abstains, not here for the public hearing.

Commissioner Migliaccio: And one...one more motion Mr. Chairman.

Chairman Murphy: Okay.

Commissioner Migliaccio: I ALSO MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED NOVEMBER 1ST, 2018, THAT WAS PROVIDED TO YOU TODAY AND WHICH SHOULD BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you Mr. Chairman

Chairman Murphy: Thank you very much.

The motion carried by a vote of 10-0-1. Commissioner Carter abstained from the vote. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2016-HM-024 – JBG/1831 WIEHLE, LLC & EYA DEVELOPMENT, LLC
(Decision Only) (Public Hearing on this application was held on September 13, 2018)

(Start Verbatim Transcript)

Commissioner Carter: This is Midline. The public hearing for Midline was held and the action deferred to today. Midline has several features that make it different from other projects in the Hunter Mill District, including compact development within a four-block area across the street from the Wiehle Metro Station. Complete community with a mix of residential in a low-rise, high density form that has often been missing in recent projects in Reston. It includes three types of ownership townhouses, two types of low-rise multi-family units, independent housing for seniors, and assisted living units. It also includes local-serving retail and office space in close proximity to the Metro Station. The applicant and staff have tried to address the comments from the public hearing including the following: WDUs and ADUs Agreement –the applicant has agreed to integrate and disperse these units throughout the development and share some of the services from independent living units with units in other multi-family buildings – parking for WDUs at 70 percent of market-rate units. Because of the unique location and mix of unit types, the proposals in this development are not meant as precedents for future developments. Townhouses – three types of townhouses are proposed - this is a change from the public hearing - they're full-size townhouses. There are two smaller rate – smaller market-rate townhouses, and there are two townhouses with ADUs. With the remaining ADUs located as three-bedroom units in the adjacent multi-family units. This could be for anyway, from 1 to 5 units and these would be three-bedroom units. Multi-family units – two types are proposed, multi-family over retail and parking; multi-family and a podium format. There will be lower tiers for the WDUs 70, 80, and 100 percent of AMI instead of the normal 80, 100, and 120. Independent Living Development – this project proposed to locate the WDUs as 80 percent of the AMI for the independent senior housing in the adjacent multi-family building with access to some of the services provided in the independent living. If you remember, that was a discussion at the public hearing. Improved open spaces – dog parks have been adding for – added for each multi-family building and within each block of townhouses. Child play areas have been added – a variety of sizes and activities are proposed. Loading and services – service areas –s one full-size loading space per building, two spaces for smaller trucks and vans within the parking garage, at least one space near the front

entrance for each building, as on-street parking. I want to add a proffer that would ask for coordination of streetscape and wayfinding signs. This would be an agreement to work with the other applications along Reston Station Boulevard to coordinate the street trees, street lights, and my favorite curbs and wayfind signage, subject to agreement from VDOT - that would be added. So with that, it's in conformance with the Comprehensive Plan; has the right mix of units; full contribution to the road fund, housing fund, public facilities, and athletic fields; full commitment for school funding; meets the requirements for funding for park and recreational facilities on-site; transportation - Reston Station Boulevard will be extended through the site. this would allow all the parcels access to a public street. Then we know there - that public street is augmented by a grid system of private streets. On-street parking provided throughout the projects, bikeways will be provided. Wide sidewalks will be provided with closely spaced street trees, street lighting, and street furniture. A pedestrian connection to the W&OD Trail will be provided along Wiehle Avenue with wayfinding signs. And four - funding of four preemption devices for traffic signals will be provided. Public recreation facilities and open space - there's a front porch park with a large one, four other open space areas. The Weihle Avenue Promenade that gives you the connection to the W&OD Trail and there are private amenity spaces within the buildings. Environment - tree canopy has been provided as required. Stormwater Management including: best management practices, green roof areas, bio-retention areas are - proposed to meet the stormwater. Green buildings are also - have been provided. So, with that, I'd to thank the design team, EYA with McLean Quinn and JBG with Brady - Bailey Edelson, for their outstanding work in providing a diversity of low-rise high density housing types, and their coordination with the adjacent parcels. Again, thanks to Mary Ann and staff and the Planning and Zoning Committee for the constructive comments and suggestions that resulted in a 9to-1 approval. So, with no comments, I'm prepared to make a motion.

Chairman Murphy: Before you do that, I think the applicant should come forward. Please identify yourself for the record and re-affirm your agreement with the proffer that was introduced and anything else that you might like to add to this.

Brian Winterhalter, Applicant's Agent, Cooley LLP: Thank you Mr. Chairman, we don't have anything to add. I'm Brian Winterhalter with Cooley, on behalf of the applicant, we are in agreement with adding a proffer described by Commissioner Carter.

Chairman Murphy: Okay, thank you very much. Mr. Carter.

Commissioner Carter: Mr. Chairman, I request that the applicant confirm for the record agreement to the proposed development conditions dated October 25, 2018, which they have just done.

Chairman Murphy: You want to come back? I mean this is a - you just want more TV time? Is that...

Brian Winterhalter: Still Brian Winterhalter, we agree with the development conditions. Thank you.

Chairman Murphy: That's why I asked you to...

Commissioner Carter: Just making sure, just making sure.

Chairman Murphy: Okay.

Commissioner Carter: One, I MOVE THAT THE PLANNING COMMISSION RECOMMEND, RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-HM-024 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 17TH, 2018, WITH THE ONE AMENDMENT.

Commissioner Sargeant: Second

Chairman Murphy: Seconded Mr. Sargeant. Is there a discussion of the motion? All of those in favor of the – . oh, Ms. Hurley?

Commissioner Hurley: Overall I think this is a...a good application. I am continued to be concerned about the potentially precedent setting, although you said it wouldn't be precedent setting, the 70-percent rate for parking, how much parking should be facilitated close to metro, etcetera remains my concern. And, also, the reduce WDU tiers, which I believe should be go through a formal process through the housing authority etcetera So, because I don't want this to be precedent-seating, and we've seen it case after case coming from your district, I...I will abstain.

Commissioner Carter: Okay.

Chairman Murphy. All of those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed. Motion carries. One abstention.

Commissioner Carter: Okay, number two, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP -, FDP 2016-HM-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 25TH, 2018, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2016-HM-024.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. Is there a discussion of that motion? All of those in favor of the motion to approve FDP 2016-HM-024, subject to the Board's approval of the re-zoning and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Number three, I MOVE THAT THE PLANNING COMMISSION RECOMMEND...

Chairman Murphy: One abstention?

Commissioner Hurley: No, I'll vote for....

Chairman Murphy: Will vote, okay.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REQUESTED WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING.

Commissioner Sargeant: Second.

Chairman Murphy: Second by Mr. Sargeant. Is there a discussion of that motion? All of those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PARKING REDUCTION #3729-PKS-007-03, SUBJECT TO THE CONDITIONS CONSISTENT WITH THOSE DATED SEPTEMBER 13, 2018, AS AMENDED.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I abstain the vote.

Chairman Murphy: And Mrs. Hurley abstains on that one. Okay.

The first and third motions carried by a vote of 10-0-1. Commissioner Hurley abstained. Commissioner Hart was absent from the meeting.

The second and fourth motions carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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CSPA 2010-PR-021 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION
(Decision Only) (Public Hearing on this application was held on October 18, 2018)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I'd like the applicant to come forward please for the Capital One comprehensive sign plan amendment. Mr. Murphy, I plan to move for approval of Capital One's comprehensive sign plan amendment application this evening, but with two amendments to the staff recommended development conditions that accompanied the staff report addendum dated today, November 1st, 2018. Recognizing that this is somewhat unorthodox, does the applicant confirm for the record it's agreement to the development conditions dated November 1st, 2018, should the commission make the following modifications. One, if Condition Number 13 is removed that specifies only one of the two screens depicted in the CSPA are permitted to operate in any given time. And two, if the following language is added to the last sentence of Condition Number 16 regarding the programming of the video screens as follows, "notwithstanding the foregoing the audio for the video screens must be coordinated so that they do not concurrently generate sound."

Steven Gardner, Zoning Evaluation Division, Department of Zoning and Planning:
Commissioner Niedzielski-Eichner, the applicant does agree to those should the Planning Commission opt to pass them.

Commissioner Niedzielski-Eichner: Thank you. Mr. Chairman, we have before us this evening a decision only on a comprehensive sign plan amendment, requested by Capital One to permit modifications to the number, size, and location of approved signage. No members of the public addressed the commission at the October 18th public hearing on this application. Staff this afternoon issued an addendum to its report along with changes to development conditions – along with changes to development conditions. I regret the lateness of the addendum and changed conditions in the need to move this evening on the amendments to those conditions. Two key issues arose at the public hearing following the applicant and staff presentations. The first had to do with the visibility of the street level signage that will encourage public use of the sky park and will inform the public about activities programmed for this unique elevated park space. This matter is resolved with the addition of a condition specifying that the verbiage on – on the street level screen will be viewable by a person from the curb of the sidewalk adjacent to the screen. The second issue is the matter of the large video screens proposed for Block B, Building 3, as its Capital One's newly constructed headquarters, and Block C, Building 8, overlooking the performing arts center terrace. Staff has crafted a condition that specifies that only one of these two screens can operate at any given time out of concern for what they call "visual clutter." I will be proposing that we delete this limitation and that – and insert a constraint only on the audio portion of the video, such that only one screen has audio playing in any one time. Visual clutter is an inherently subjective consideration. I do not share staff's concern in this regard. The screens will be perpendicular to each other. The screen on the performing arts center will not have sight lines from the sidewalk beneath the terrace. Further out, the sight lines are

only of the partial screen. Noise on the other hand cannot be avoided and dueling audio is of much greater concern to me. I do regret, Mr. Chairman, the last minute nature of this matter, but I do believe that it is important that we move forward with – on this application this evening. With this as background, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2010-PR-021, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 1st, 2018, BUT WITH THE FOLLOWING MODIFICATIONS: ONE, THAT CONDITION NUMBER 13 BE REMOVED, AND TWO, THAT THE FOLLOWING LANGUAGE BE ADDED TO THE LAST SENTENCE OF CONDITION NUMBER 16, “NOTWITHSTANDING THE FOREGOING, THE AUDIO OF THE VIDEO SCREENS MUST BE COORDINATED SO THAT THEY DO NOT CONCURRENTLY GENERATE SOUND.”

Commissioner Tanner: Second.

Chairman Murphy: Seconded, Mr. Tanner. Is there a discussion? Mr. Migliaccio?

Commissioner Migliaccio: Chairman, as was pointed out by Commissioner Niedzielski-Eichner last at the public hearing, we are the final arbiter of this. I still would like to see some more information about the visual clutter. So, I am going to abstain on this because we are it. So, it goes no further. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to approve CSPA 2010-PR-021 as modified, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries. One abstention.

Commissioner Migliaccio: Abstain.

Chairman Murphy: Mr. Migliaccio abstains.

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Commissioner Strandlie: Mr. Chairman, I'd like to change my vote on the Capital One case to abstain. Um I wish we had had some more time to discuss it and there are some things that I would have liked to explore a little bit more on the visual clutter. So, I apologize for not voicing that before, but if you could change that to abstain I'd appreciate it.

Chairman Murphy: Okay. Jacob okay? Okay.

The motion carried by a vote of 9-0-2. Commissioners Migliaccio and Strandlie abstained from the vote. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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PA 2018-II-F1 – COMPREHENSIVE PLAN AMENDMENT (ROBERTS ROAD)
(Decision Only) (Public Hearing on this application was held on October 25, 2018)

(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman. And the – my second case – I will begin with a reminder that we are here to vote on a proposed Comprehensive Plan Amendment. Because this amendment involves possible residential use, it could implicate *Virginia Code* 15.2-2303.4, which the Virginia General Assembly enacted in 2016. That statute restricts local authority regarding proffers in certain residential rezonings. Although this hearing doesn't – does not involve a rezoning application, we want to be certain that nothing said or done here could in any way raise an issue under that statute. So, in an abundance of caution, even though the Planning Commission is not the locality and we are not considering the residential rezoning application tonight, we will discuss and consider only the impacts of any potential development of the subject property and not any proffers that a rezoning applicant might make to address those impacts. Nothing in our discussion here should be construed as a request, suggestion, or requirement for any proffer. Due to the statute and the uncertainty over its application, our discussion of certain issues may be more constrained than has been the case, historically. In the past, we've had open collaborative discussions not only about the impacts of proposed development, but also about how those impacts might be addressed. Unfortunately, the new statute does not encourage such open dialogue. And this case – now, we're talking about the Roberts Road case that we discussed last week – and the – there are three changes from the staff report in my recommendation to – or are in accord with what the Braddock Land Use Committee wanted. The – to strike the pedestrian access to the university park – the last bullet of the staff's recommendation – and, also, to change the wording about the trees – rather than saying "preserves" as much as possible – to change the wording, instead, to "in consultation with the Fairfax County Urban Forest Management Division." And I believe the staff has no problems with either of those changes?

Jonathan Buono, Planning and Development, Fairfax County Park Authority: We do not.

Commissioner Hurley: And the – I'm sorry, would you introduce yourself, please?

Mr. Buono: Yes, it's Jonathan Buono with the Park Authority, on behalf of DPZ.

Commissioner Hurley: Thank you. The third change is to – the staff recommendation is a redevelopment option for single – single-family detached residential use at three to four dwelling units per acre may be appropriate, with a set of conditions. And I would like to change that to three to five dwelling units per acre based on its unusual location that it's one to two to three dwelling units per acre in a couple directions. And there's a very large dormitory across the street in another direction and townhouses up to R-20 in the – across the street, on the other side of Braddock Road. So it really is more of a transition for this particular piece of land to go in a three to five range, I believe. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE STAFF RECOMMENDATION FOR THE COMPREHENSIVE PLAN AMENDMENT 2018-II-F1 ON PAGE 16 OF THE STAFF REPORT DATED 4, OCTOBER, 2018 TO THE BOARD OF SUPERVISORS WITH THE MODIFICATIONS SHOWN IN THE HANDOUT DATED 1, NOVEMBER, 2018.

MODIFICATIONS INCLUDE RAISING THE REDEVELOPMENT OPTION, AS I MENTIONED, AND – BUT TO THREE TO FIVE DWELLING PER ACRE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? Mr. Tanner.

Commissioner Tanner: Mr. Chairman, I was not present for the public hearing, but I did review and I will be voting on this matter.

Chairman Murphy: Thank you very much. Mr. Niedzielski-Eichner, please.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I made a plan to vote no on this proposed Comprehensive Plan Amendment, due to its inadequate attention to the future size and public access to University Park. Under the Comp Plan, University Park is designated a community park. For all intents and purposes, approval of this amendment will create an orphan community park with such limited accessibility that will be predominately benefit – it will predominately benefit only those few households whose yards back up onto the park. I regret not being able to explore this matter further with the transparency and openness I believe is appropriate, due to the constraints imposed by the proffer law. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor – yes, Mr. Carter.

Commissioner Carter: I was not here. I will not be...

Chairman Murphy: Mr. Carter was not present for the public hearing. He'll abstain. Anyone else? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2018-II-F1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Carter abstains. Mr. Niedzielski-Eichner abstains – oh, votes no. I'm sorry.

The motion carried by a vote of 9-1-1. Commissioner Niedzielski-Eichner voted in opposition. Commissioner Carter abstained from the vote. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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2232-B18-9 – AT&T, 12011 Government Center Parkway (Pennino Building) Fairfax, VA 22035

(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman. Easiest order first.

Chairman Murphy: The mic.

Commissioner Hurley: Easy one first. The – We are all here using a company known, doing business as AT&T on our iPads here. The building, more or less, across the street from here needs some more antennas on the top of it. So, this case is about a 2232-B18-19 [sic], New Singular Wireless, PCS, LLC, d/b/a AT&T. And again, it's a simple case of adding some more antennas on top of the Pennino building. Nobody is going to see it. We need it. So, is there any discussion about that? If not, I will – I concur with the staff's conclusion that the proposal by New Singular Wireless PCS, LLC, d/b/a AT&T to construct the telecommunications facility to install 6 rooftop-mounted panel antennas behind concealment screening and associated equipment, located at 12011 Government Center Parkway satisfies the criteria of location, character, and extent as specified in *Virginia Code* section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE SUBJECT APPLICATION 2232-B18-19 [sic] SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Eichner – Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to concur with the feature shown determination in 2232-B18-19 [sic], say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Thank you Mr. Chairman.

The motion carried by a vote of 11-0. Commissioner Hart was absent from the public hearing.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. CSPA 2010-PR-022-02 – M.C. DEAN, INC.
2. RZ 2016-DR-027/FDP 2016-DR-027/PCA-C-637-04 – POMEROY/CLARK I, LLC
3. RZ/FDP 2017-DR-028/PCA 79-C-037-08/PCA C-696-12/FDPA C-696-05 – W-MRP LP OWNER A VIII, LLC
4. PA 2018-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (CONTINUING CARE FACILITIES)

The order was accepted without objection.

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CSPA 2010-PR-022-02 – M.C. DEAN, INC. – Appl. Under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan Amendment with RZ 2010-PR-022. Located on the E. side of Leesburg Pike, 1,000 ft. S. of its intersection with Westpark Dr., on approx. 4.19 ac. of land zoned PTC, HC and SC. Tax Map 29-3 ((15)) 4E2, 4F1, 4G and 29-3 ((36)) 1A pt. and 3 pt. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Niedzielski-Eichner 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 Niedzielski-Eichner for action on this case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I do request that the applicant confirm for the record their agreement to the proposed development conditions dated October 18th, 2018.

David Schneider, Applicant's Agent, Holland and Knight: Good evening, Mr. Chairman, members of the Planning Commission. My name is David Schneider with Holland and Knight, representing the applicant, and we agree to the development conditions.

Commissioner Niedzielski-Eichner: Thank you Mr. Schneider. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2010-PR-022-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 18TH, 2018.

Commissioner Tanner: Second.

Chairman Murphy: Seconded Mr. Tanner. Is there a discussion? All of those in favor of the motion to approve CSPA 2010-PR-022-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2016-DR-027 – POMEROY/CLARK I, LLC – Appls. to rezone from I-5 and PDC to PDH-20 to permit-mixed use development with an overall Floor Area Ratio (FAR) of 1.09 and a density of 25.62 du/acre including bonus density associated with ADU/WDU and approval of the conceptual and final development plan. Located in the N.W. quadrant of the intersection of Sunrise Valley Dr. and Frying Pan Rd. on approx. 43.76 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 25 and 26A. (Concurrent with PCA-C-637-4) DRAINESVILLE DISTRICT. PUBLIC HEARING.

PCA C-637-04 – POMEROY/CLARK I, LLC – Appl. to delete land area from RZ-C-637. Located in the N.W. quadrant of the intersection of Sunrise Valley Dr. and Frying Pan Rd. on approx. 37.70 ac. of land zoned I-5. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 26A. (Concurrent with RZ/FPD 2016-DR-027) DRAINESVILLE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated September 27, 2018.

There were no disclosures by Commission members.

Kelly Atkinson, 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 applications RZ/FDP 2016-DR-027 and PCA C-637-04.

Mr. Riegle gave a presentation on the subject application.

There was a discussion between Gregory Riegle and multiple Commissioners on the following issues:

- Clarifying the proffer language to articulate how workforce dwelling units would be distributed throughout the building; and
- Determining the recourse in the event issues arose with soil and stormwater features.

The discussion resulted in no changes.

Chairman Murphy called for speakers from the audience but received no response.

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

(Start Verbatim Transcript)

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Commissioner Ulfelder: The – as has been pointed out, there's some significant contributions that are being made that are key and important to the continuing development of this part of Land Unit A. And I very much appreciate that were able to work those out with the – with the applicant. And I think that they are very worthy and important contributions. And I think that the overall plan for this site has been laid out well within the staff report and by the applicant this evening and the staff presentation. And I'm not going to go into detail or depth about that. So I'm just going to go ahead and say I – how much I appreciate all the work that's gone into this. It's taken some time and a lot of effort by staff and by the applicant. And I appreciate everyone's input. So with that, Mr. Chairman, I'M GOING TO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2016-DR-027 – 027 AND ITS ASSOCIATED CDP, SUBJECT TO PROFFERS DATED OCTOBER 12TH, I BELIEVE, 2018.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-DR-027, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I FURTHER MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-DR-027, SUBJECT TO THE DEVELOPMENT CONDITIONS – I guess, yes.

Chairman Murphy: We have to do the PCA, Mr. Riegler?

Commissioner Ulfelder: Yeah. Do – we don't have to have Mr. Riegler agree to the conditions for the FDP?

Gregory Riegler, Applicant's Agent, McGuireWoods, LLP: Yes sir, we do.

Commissioner Ulfelder: Yeah – DATED OCTOBER 17TH, 2018, AND SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING AND CDP APPLICATION. THAT'S A MOTION.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: And does the PCA have any conditions? None? Okay, so we don't need approval for that. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA C-637-04.

Commissioner Niedzielski-Eichner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND/OR MODIFICATIONS SHOWN ON PAGES 1 AND 2 OF THE STAFF REPORT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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RZ 2017-DR-028 – W-MRP LP OWNER A VIII, LLC – Appl. to rezone from I-4 to PDC to permit mixed-use development with an overall Floor Area Ratio (FAR) of 1.70 to include bonus density association with ADUs and WDUs. Located in the S.W. quadrant of the intersection of Sunrise Valley Dr. and Dulles Technology Dr. on approx. 33.65 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((1)) 34B and 16-3 ((1)) 4D, 32D and 40. (Concurrent with PCA 79-C-037-08, PCA-C-696-12, FDPA-C-696-05 and FDP 2017-DR-028). DRAINESVILLE DISTRICT. PUBLIC HEARING.

PCA 79-C-037-08 – W-MRP LP OWNER A VIII, LLC – Appl. to amend the proffers for RZ 79-C-037 previously approved for industrial uses to permit

deletion of land area associated with RZ 79-C-037. Located in the S.W. quadrant of the intersection of Sunrise Valley Dr. and Dulles Technology Dr. on approx. 33.65 ac. of land zoned I-4. Comp. Plan Rec: Mixed Use. Dranesville District. Tax Map 15-4 ((1)) 34B and 16-3 ((1)) 4D, 32D and 40. (Concurrent with RZ 2017-DR-028, PCA-C-696-12, FDPA-C-696-05 and FDP 2017-DR-028). DRAINESVILLE DISTRICT. PUBLIC HEARING.

PCA C-696-12/FDPA C-696-05 – W-MRP LP OWNER A VIII, LLC – Appls. to amend the proffers, conceptual, and final development plan for RZ C-696 previously approved for commercial development to permit construction of a roadway and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.00. Located S.E. of the intersection of Sayward Blvd. and Dulles Station Blvd. on approx. 11.72 ac. of land zoned PDC. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((5)) 3B. (Concurrent with RZ 2017-DR-028, PCA 79-C-037-08 and FDP 2017-DR-028). DRAINESVILLE DISTRICT. PUBLIC HEARING.

FDP 2017-DR-028 – W-MRP LP OWNER A VIII, LLC – Appls. to amend the proffers, conceptual, and final development plan for RZ C-696 previously approved for commercial development to permit construction of a roadway and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.00. Located S.E. of the intersection of Sayward Blvd. and Dulles Station Blvd. on approx. 11.72 ac. of land zoned PDC. Comp. Plan Rec: Mixed Use. Tax Map 15-4 ((5)) 3B. (Concurrent with RZ 2017-DR-028, PCA 79-C-037-08 and FDP 2017-DR-028). DRAINESVILLE DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated October 22, 2018.

There were no disclosures by Commission members.

Sharon Williams, 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 approval of applications RZ 2017-DR-028, PCA 79-C-037-08, PCA C-696-12, FDPA C-696-05, and FDP 2017-DR-028.

There was a discussion between Ms. Williams; Ryan Stewart, Planning and Development, Fairfax County Park Authority; William O'Donnell, ZED, DPZ; and multiple Commissioners on the following:

- Discussion of details about the park turf, lighting, and spectator section;
- Discussion of pedestrian and bike access to the Metro from the development;
- Discussion of the community's ability to utilize the athletic field;
- Discussion of the possibility to modify language to include high end grass field;
- Discussion of the necessity of a fence between the spectators and field;

- Discussion of parking options for patrons visiting the field; and
- Discussion of agreement of waivers and proffers.

The discussion resulted in no changes.

Ms. Mariska gave a presentation on the subject applications.

There was a discussion between Ms. Mariska; Mr. O'Donnell; Mr. Stewart; and multiple Commissioners on the following:

- Discussion of dog parks and their proximity to the neighborhood; and
- Discussion of stormwater management options.

Chairman Murphy called for speakers from the audience, but received no response; therefore, no rebuttal statement was necessary. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on these cases.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Now that Mr. – now that Mr. Sargeant has made it a necessity that we come back next – on the 8th, I think I'm going to move to defer this for a week. And we will address some of these issues in the meantime. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 79-C-037-08, RZ 2017-DR-028, FDP 2017-DR-028, PCA C-696-12, AND FDPA C-696-05 TO DATE CERTAIN OF SEPTEMBER – OF NOVEMBER 8TH.

Commissioner Niedzielski-Eichner: Second.

Commissioner Sargeant: With the record remaining open?

Commissioner Ulfelder: And the remaining...

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. All those in favor of the motion to defer these decisions to a – these applications, rather, to a date certain of November 8th, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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PA 2018-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (CONTINUING CARE FACILITIES) – Proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment #2018-CW-1CP is a Comprehensive Plan amendment that proposes new county-wide policy guidelines for the development of a continuing care facility (CCF), a community service facility offering a continuum of accommodation, service, and care options to facilitate the opportunity to age in place or move within levels of support as care needs change. CCFs may be established in areas planned for institutional, residential, mixed use, or commercial development, or where those uses are compatible with the Comprehensive Plan, or where the Comprehensive Plan guidance recommends establishment of an independent living facility, assisted living facility, or other medical care facility. Performance criteria proposed to guide the review of continuing care facilities include land use compatibility; transportation; site and building design; affordability; environmental protection and enhancement; noise and light mitigation; and provision of parks and recreation and other public facilities. The maximum recommended floor area ratio would be based on the land use recommendation in the Plan for a CCF or on the land use recommendation for other uses, as modified by the intensity conversion table in the Zoning Ordinance. The amendment proposes that each CCF contribute \$3.00 per square foot of total new development intensity to be paid into a fund used for affordable accommodations. COUNTYWIDE. PUBLIC HEARING.

Marianne Gardner, Director, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application PA 2018-CW-1CP.

There was a discussion between Ms. Gardener; Donna Pesto, Planning Division, DPZ; Abdul Hammod, Department of Housing and Development; and multiple Commissioners on the following:

- Discussion of the recommended \$3 per square-foot contribution, as articulated in the proposed Plan text.

The discussion resulted in no changes to the amendment.

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

Shelia Dunheimer, 10505 William Terry Drive, Vienna, VA spoke in support to the subject application because more facilities were needed in close proximity of hospitals, first responders, metro stations, and major highways.

Lynne Strobel, 2200 Clarendon Boulevard, Suite 1300, Arlington, VA spoke in support of the subject application because it would promote affordable adult care centers and encourage the inclusion of park and recreation amenities for their residents.

Scott Sawicki, 701 Maiden Choice Lane, Baltimore, MD spoke in support of the subject application because adult care centers should be affordable.

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

Chairman Murphy called for closing remarks from staff, who provided a closing statement on the following issues:

- The feasibility of the \$3 per square-foot contribution and the possibility of creating a tiered payment for different areas in the county.

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

(Start Verbatim Transcript)

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Commissioner Sargeant: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION DEFER ITS DECISION ON PLAN AMENDMENT 2018-CW-1CP TO A DATE CERTAIN NOVEMBER 8TH, 2018, WITH THE RECORD REMAINING OPEN FOR TESTIMONY.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All of those in favor of the motion to defer the decision only on PA 2018-CW-1CP to a date certain of November 8th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Hart was absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 11:29 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, Secretary

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

Minutes by: Keisha Strand

Approved on: June 26, 2019



Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

**Toni Michele Denson
NOTARY PUBLIC
Howard County, Maryland
My Commission Expires 6/14/2022**

My Commission Expires 6/14/2022
Howard County, Maryland
NOTARY PUBLIC
Toni Michele Benson