

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, FEBRUARY 8, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District  
James R. Hart, Commissioner At-Large  
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  
Earl L. Flanagan, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Donté Tanner, Sully District  
Mary D. Cortina, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:35 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

APPROVAL OF THE LIST OF APPOINTMENTS TO THE FAIRFAX COUNTY PLANNING COMMISSION COMMITTEES

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. You should have received this afternoon, the list of committee appointments for 2018, which I think largely reflects pretty much what everybody wanted is pretty much what they got. I think there's not much more to say about that other than I would MOVE THAT THE COMMITTEE SLATE THAT WAS DISTRIBUTED THIS AFTERNOON BE APPROVED.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to ratify the committee assignments for 2018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Minor adjustments can be made as we go along in case there is a conflict or something like that, okay.

Commissioner Hart: Mr Chairman, I would say about that, I think – we historically have let everybody come to all the committee meetings and ask questions anyway. So, it really – you can participate in whatever committee you want.

Chairman Murphy: Yeah.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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SE 2015-DR-027 – MAHLON A. BURNETTE, III AND MARY H. BURNETTE

(Decision Only) (Original Public Hearing on this application was held on October 19, 2016; Subsequent Public Hearing on this application was held on December 6, 2017; Decision Only from January 18, 2018)

*(Start Verbatim Transcript)*

Commissioner Ulfelder: I have two items deferred decision this evening. One I'm gonna further defer at the request of the applicant's representative. So, and that's a lot width waiver SE application in Great Falls that has a – it's gonna some day take up the whole agenda. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-DR-027, MAHLON BURNETTE AND MARY BURNETTE, TO A DATE CERTAIN OF MARCH 1, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion on the motion? All those in favor of the motion to defer decision only on SE 2015-DR-027, to a date certain of March 1<sup>st</sup>, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Mr. Chairman, if I could be recorded as not voting on that case.

Chairman Murphy: Okay. Not voting, Mr. Hart. Thank you.

The motion carried by a vote of 11-0-1. Commissioner Hart recused himself from the vote.

*(End Verbatim Transcript)*

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PA 2017-II-M1 – COMPREHENSIVE PLAN AMENDMENT (MCLEAN COMMUNITY BUSINESS CENTER, SUB-AREA 12)



(Decision Only) (Public Hearing on this application was held on February 1, 2018)

*(Start Verbatim Transcript)*

Commissioner Ulfelder: Mr. Chairman, I have another matter for decision only this evening. This evening we are scheduled to recommend action on an amendment to the Comprehensive Plan for Subarea 12 of the McLean Community Business Center, or CBC. The proposed amendment was authorized by a unanimous vote of the Board of Supervisors on July 11, 2017. Under the current Plan, an additional 14,000 square feet of office retail space could be added to the existing 30,000 square feet of office retail space currently on the site. The proposed amendment would modify the Plan language to add an option for mixed-use to include office with ground floor retail and multi-family residential uses at an intensity up to 2.0 FR - FAR. A concurrent rezoning application, RZ/FDP 2017-DR-026, Benchmark Associates, LP, for an approximately 100,000 square foot condominium building on the large surface parking lot on the rear of the site, has been filed and is under review by County staff. It is currently scheduled for a Planning Commission hearing on April 18th, 2018. The Planning Commission has received a number of e-mails from residents of McLean, residents of the adjacent multi-family residential building and owners of businesses in on – in the onsite office retail building opposing the proposed amendment. The Commission also received a resolution in support of the amendment from the McLean Citizens Association, as well as a statement of support from the McLean Planning Committee. In my view, the comments opposed to the proposed amendment tend to fall into two categories. First, those that are opposed to the construction of a tall, multi-story residential building on the site and its concern about possible impacts on the surrounding area and adjacent office retail building. And, second, those who are opposed to any consideration at this time of an out-of-turn plan amendment that would result in a change in the possible uses on the site, particularly that would change the site from being characterized as a stabilization and enhancement area to a redevelopment area for the development of a multi-family, multi-story building. As the staff report points out, the expected impact of the proposed multi-family condominium building, even at the proposed maximum fifty units, is somewhat negligible. Six potential new students and some slight increase in a.m. and p.m. vehicle trips than would occur under the current plan for the site. As it turns out, the rezoning only proposes forty-four units, thus further reducing the potential impact of the proposed multi-family residences. Many of the other objections concerning impacts - concern impacts during construction, the size, bulk and appearance of the building, appropriate open space, parking for future residents as well as retail customers and patients, access to and from the redeveloped site as well as conformance with the McLean CBC Design Standards, are all being thoroughly reviewed and considered as part of the review of the concurrent rezoning application, as they should be. As the February 7th, 2018 staff memo, which is part of the record, points out, the Comprehensive Plan Policy Plan encourages the use of the concurrent review of plan amendments and zoning applications in right of revitalization districts such as the McLean CBC, in order to facilitate revitalization and redevelopment projects in those areas, and to be able to respond to market changes for uses in such districts. Similarly, the Comprehensive Plan for the McLean CBC specifically provides for the coordination of plan amendments and rezoning applications, if the development proposal demonstrates that it meets most of the revitalization objectives of the plan. Under the McLean CBC plan, higher intensity such as is proposed in this amendment, requires the applicant to fulfill additional criteria not currently applicable to this site, in order to receive approval of a higher density rezoning request. This includes maintaining the mix of land uses on the site,



reducing surface parking, providing substantial pedestrian improvements, providing substantial landscape and streetscape amenities and placing utilities underground, and making a major effort toward achieving the revitalization objectives of the CBC plan. Reclassifying an area such as Subarea 12, which is located adjacent to an area currently classified as a redevelopment area, Subarea 11, and developed with a multi-story, multi-tenant condominium, is consistent with the expectations and need for flexibility in implementing the overall McLean CBC plan. The plan should not be seen as a set of small, inflexible subareas that dictate what can and cannot be developed in each of them. Rather, each of the subareas are part of a larger living, breathing community-serving area where individual redevelopment proposals should be carefully evaluated based on their proposed location, and whether or not they are in accord with the overall objectives and goals of the CBC plan. In this case, the proposed new plan language for Subblock A of Subarea 12, establishes clear and appropriate criteria for the possible development of multi-family residential development at an intensity up to 2.0 FAR. I, however, will include in my motion an amendment to reduce the maximum height of any residential building to ninety feet from the proposed one hundred feet. Otherwise, I believe the proposed criteria along with the additional criteria applicable to redevelopment areas in the McLean CBC, will result in a high quality project consistent with the goals and objectives of the Comprehensive Plan for the McLean CBC. The amendment, as recommended in the staff report dated December 27th, 2017, would modify the plan language for Tax Map Parcels 30-2((9))73, to add an option for mixed-use to include office with ground floor retail and multifamily residential uses at an intensity up to 2.0 FAR, with a condition that the height for any new residential building not exceed one hundred feet. The language distributed this evening with my motion dated February 8th, 2018, includes changes to the staff recommendation that reduces the maximum height to ninety feet for any new residential building. That is the only change I'm proposing in the staff proposal. My proposal - my proposed change is noted in bold italics and highlighted. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE TO THE STAFF'S RECOMMENDATION FOR PLAN AMENDMENT 2017-II-M1, AS SHOWN ON TONIGHT'S HANDOUT DATED FEBRUARY 8TH, 2018.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion on the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Planning Commission alternative to Plan Amendment PA 2017-II-M1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Tanner: Please note, I abstain from that vote.

Chairman Murphy: Yes, Mr. Tanner abstains. Thank you.

Commissioner Ulfelder: Thank you.

The motion carried by a vote of 11-0-1. Commissioner Tanner abstained from the vote.

*(End Verbatim Transcript)*

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SE 2017-BR-023 – DANIEL AND MATTHEW INVESTMENTS LP

(Decision Only) (Public Hearing on this application was held on January 25, 2018)

*(Start Verbatim Transcript)*

Commissioner Hurley: Thank you, Mr. Chairman. After a great deal of coordination between the applicant and various elements of the staff, this evening I will put forth a motion to move this case forward, but first we need to clarify a few points. This is Daniel and Matthews Investments LLP [sic], which is SE 2017-BR-023. First, Ms. Atkinson, does the staff agree that the childcare center is an appropriate use for this site?

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning: Kelly Atkinson, Department of Planning and Zoning. Yes, we do agree that it is an appropriate use for the site.

Commissioner Hurley: But I should point out that this – the staff still recommends denial based upon the intensity of the building? Is that...

Ms. Atkinson: Yes, staff still recommends denial of the application based on the size of the building, the playground area, the parking, the overall intensity of the site.

Commissioner Hurley: Thank you. Second, the Planning Commission has received many communications from the community expressing concern that this childcare center would add up to a thousand vehicles a day to the Holly-Leehigh-Village Road network. If I could have the applicant, Ms. Stagg address the Planning Commission? Could you introduce yourself?

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, ma'am. My name is Inda Stagg. I'm a Senior Land Use Planner with Walsh Colucci and we represent the applicant in this application.

Commissioner Hurley: Thank you. Ms. Stagg, how is the applicant addressing the concern of additional traffic on the Holly Leehigh Village drive roadway?

Ms. Stagg: I have handed out a map that indicates the road network that's been the subject of discussion in the correspondence received since the Planning Commission hearing. As shown on the graphic, it is approximately 1.3 miles for a vehicle to traverse Village Drive, Leehigh Drive and Holly Avenue to use that route to go to or from the property. It's approximately one half a half mile for a vehicle to traverse from Village Drive to Holly Avenue. And with the improvements on Lee Highway, the existence of traffic lights east and west of the intersection, and the with existence of a one hundred and ninety-foot-long dedicated left turn lane from Lee



Highway onto Holly Avenue, it's more practical that vehicles will chose this route, over the circuitous route through the neighborhood. Although approximately six hundred and eighty-five daily trips are anticipated to be generated by this childcare center daily, it's estimated that only four percent, will use Holly Avenue daily. But in order to address community concerns, the applicant has agreed to construct a right-turn lane from Holly Avenue into – onto Lee Highway. Construct that portion of the service drive along that property's frontages. Install a no left turn sign at the service drive's connection to Holly Avenue, if permitted – permitted by VDOT. And, provide yearly notices, in writing, to parents requesting that they utilize Lee Highway in lieu of Holly Avenue, Leehigh Drive and Village Drive, and that they not park on the service drive or Holly Avenue.

Commissioner Hurley: Thank you. Ms. Atkinson, ideally, we understand the eventual plan is for the service drive to connect through to the east, but that is beyond the control of the applicant. In the meantime, does staff agree that the applicant is mitigating the traffic impact that they're creating and also improving the Holly Avenue intersection with Lee Highway?

Ms. Atkinson: Yes ma'am.

Commissioner Hurley: Ms. Stagg, can you briefly – briefly, very briefly, explain the sewer line issue.

Ms. Stagg: Yes. It was suggested in the public hearings that a connection to public sewer may be available to the east of the property. However, the elevation of that sewer is higher than the property and a pumping station would be required to use that. As shown in the Option 1 on the SE plat, the applicant intends to file a site plan assuming that public sewer will be available to the west, when the by-right commercial development is constructed across Holly Avenue. If this is the case, then the childcare center's play area will be constructed as shown on the SE plat for this option, which is rectangular in shape. However, if the commercial use's construction is delayed, then the applicant will file a site plan for Option 2, which provides for a septic field on the property, and a less conventionally shaped playground. In either instance, we are confident that unconventionally shaped playground - in either instance we are confident that adequate light and air will be available for the children.

Commissioner Hurley: Thank you. And, Ms. Stagg before you leave. Is the applicant willing to prepare a revised plat for presentation to the Board of Supervisors to address the FDOT comments that remain applicable from their letter dated 2 February 2018? Specifically, A. The SE Plat should be revised to reflect an optional entrance to Holly Avenue in the event the VDOT Access Management Waiver is not approved. B. The SE Plat should be revised to reflect a VDOT approved turnabout for the service drive, or additional right of way dedication. And, C. The entrance should be revised to forty feet wide, or as needed to satisfy VDOT requirements to accommodate larger service vehicles and buses.

Ms. Stagg: Yes, the applicant is willing to do so.

Commissioner Hurley: Alright, thank you. That's all I have, Mr. Chairman.

Chairman Murphy: Okay. Are you gonna ask her to concur with the development conditions?

Commissioner Hurley: No, I was waiting to see if anybody has...anybody else?

Chairman Murphy: Any other comments before we go on?

Commissioner Hurley: No?

Chairman Murphy: Alright. Ms. Hurley.

Commissioner Hurley: Alright. Thank you, Mr. Chairman. Then, I request the applicant state on the record their acceptance of the development conditions dated 8 February 2018.

Ms. Stagg: The applicant does accept these conditions.

Commissioner Hurley. Thank you. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2017-BR-023 SUBJECT TO THE DEVELOPMENT CONDITIONS DATED 8 FEBRUARY 2018.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-BR-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Strandlie: Mr. Chairman.

Commissioner Ulfelder: I abstain. I was not present.

Chairman Murphy: Okay, Mr. Ulfelder – motion carries.

Commissioner Strandlie: Mr. Chairman, I abstain also. I wasn't present.

Chairman Murphy: Okay. Ms. Strandlie and Mr. Ulfelder abstain, not present for the public hearing.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: If I can be recorded as not voting on this.

Chairman Murphy: Without objection. Mr. Hart not voting.



Commissioner Hurley: I further MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND OR MODIFICATIONS SHOWN ON PAGES SEVEN AND EIGHT OF THE STAFF REPORT ADDENDUM DATED 6 FEBRUARY 2018.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention and same no vote.

Commissioner Hurley: And lastly, Mr. Chairman, as I indicated at the beginning, this application has taken a great deal of coordination with many parties. Most noteworthy have been the input of many neighbors, the cooperation of the applicant, and the efforts of Marcia Pape from the office of Braddock District Supervisor John Cook, and especially the efforts of Ms. Atkinson, both of whom are here tonight. Thank you all.

Chairman Murphy: Okay, thank you very much. And, Tom McDonald, we can't forget him sitting up there. Braddock Land Use Committee.

The motion carried by a vote of 9-0-3. Commissioners Ulfelder, Strandlie and Hart abstained from the vote.

*(End Verbatim Transcript)*

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Commissioner Migliaccio stated the Land Use Process Review Committee met on February 7, 2018, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the pending Zoning Ordinance Amendment on signs and the proposed Plan Amendment regarding office building repurposing. He further announced that the next Land Use Process Review Committee meeting will be held on March 14, 2017. The topic of discussion would be the new Site-Specific Plan Amendment Process.

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Commissioner Migliaccio stated the Planning Commission received minutes for November and December of 2017, and he intended to move the approval of those minutes at the March 7, 2018 public hearing.

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#### ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:



## 1. SE 2017-SU-008 – VIGARIO MANAGEMENT CORP.

This order was accepted without objection.

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*SE 2017-SU-008 – VIGARIO MANAGEMENT CORP. – Appl. under Sect. 4-804, 7-607, 9-601 and 9-610 of the Zoning Ordinance to permit a fast food restaurant with a drive through window in a Highway Corridor Overlay District and waiver of minimum lot area and lot width requirements. Located at 13839 Lee Hwy., Centreville, 20121 on approx. 27,540 sq. ft. of land zoned C-8, WS, SC and HC. Tax Map 54-4 ((1)) 103 and 103B. SULLY DISTRICT. PUBLIC HEARING.*

Keith Martin, Applicant's Agent, Tramonte, Yeonas, Roberts & Martin PLLC, reaffirmed the affidavit dated December 18, 2017.

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of SE 2017-SU-008.

Commissioner Tanner stated he appreciated staff's clarification regarding the ongoing discussion with the Virginia Department of Transportation (VDOT) related to the ingress/egress access to Route 29. He asked whether a follow-up meeting with VDOT was scheduled. Ms. Atkinson stated a meeting would be scheduled in the near future. Commissioner Tanner inquired about the need for an archeological study. Ms. Atkinson stated staff from the Cultural Resources Division with the Park Authority and the historic preservation planners with the Department of Planning and Zoning felt the study was not necessary.

Commissioner Hart asked if a driver was on route towards Braddock Road, or coming from the Fairfax County Parkway, what would prevent them from making a turn into the nearby ExxonMobil gas station, versus going to Pickwick Road. Ms. Atkinson stated the operational analysis submitted contemplated a traffic use involving the Exxon station. All southbound traffic would go through the Exxon station. Fairfax County Department of Transportation (FCDOT) staff was concerned that a left turn exit through the Exxon station would require vehicles to wait for a gap in traffic's northbound and southbound lanes. This would put the drivers at risk. An agreement was made with VDOT regarding an access location that would allow vehicles to exit the back of the left turn lane. Traffic signals would provide a number of opportunities to safely make a left turn. Commissioner Hart asked what would prevent a driver from simply turning left at the nearest driveway. Ms. Atkinson stated this may be the case with the revised entrance. Commissioner Hart inquired about the status of the narrow strip between the end of the court and the International House of Pancakes (IHOP). Ms. Atkinson stated the applicant had not yet acquired ownership. The last update received was information regarding a tax auction for lack of tax payments. She deferred to the applicant for additional information.

Commissioner Flanagan stated there was a disconnect between the plan showed for traffic pattern and visual on Page 6 of the staff report. Ms. Atkinson stated the elevation on Page 6 of the staff report was a conceptual rendering provided by the applicant. Parking in front of the



building was discouraged. A picnic table would be housed in front of the building and not parking spaces.

Commissioner Cortina stated there was a go-trail that went towards the school. Staff recommended converting the go-trail to a formal trail. Commissioner Cortina inquired about the applicant's response to the formal trail. Ms. Atkinson stated the applicant was willing to consider a pedestrian connection, however, with the layout and size of the site, there was no safe location for a sidewalk. The applicant provided staff with drawings that showed a sidewalk connection in the event they were able to acquire the adjacent vacated right-of-way.

Commissioner Carter stated the application had a number of waivers. He stated one of the qualifications for a waiver was that it had to be in conformance with the Comprehensive Plan. He asked how a district size waiver was in conformance with the plan. Ms. Atkinson stated the applicant was asked to provide documentation as to when the lot was created, to determine whether a waiver of the lot size would be required in the lot width requirement. Staff was not able to determine based on the information provided, therefore, staff included the waivers. The property was not subjected to any further dedication by the applicant. The applicant dedicated additional right-of-way in accordance with the Comprehensive Plan which would further restrict the lot area and lot width requirement. Improvements were being made that were envisioned with the Comprehensive Plan and Zoning Ordinance. The land use and building height were in conformance with the Comprehensive Plan.

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

- The Fairfax County Department of Tax Administration approved the sheet sale of the strip and the applicant would take steps to acquire;
- Design issues, parking, landscaping and stormwater management with the site had been resolved. The applicant went through many iterations and operational analysis with VDOT and answered all questions. After numerous meetings with VDOT, they had determined there was limited access from Lee Highway and were in the process of rethinking the entrance; and
- The applicant and FCDOT believed the proposed design was the safest.

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

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*(Start Verbatim Transcript)*

Commissioner Tanner: Thank you, Mr. Chairman. As you heard earlier there are some concerns with VODT to make sure we get the entry right. I appreciate staff and all your hard work for making this happen with the applicant. Thank you for your patience. For now, it is best to defer – defer decision of a little bit, just to make sure we get this right and plan those meetings. So, with



that, Mr. Chairman, I MOVE TO – I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2017-SU-008, TO A DATE CERTAIN OF MARCH 15TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioners Migliaccio and Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio, Mr. Hart. Is there a discussion of the motion? All those in favor we recommend defer decision on SE 2017-SU-008 to a date certain of March 15, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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The meeting was adjourned at 8:12 p.m.

Peter F. Murphy, Chairman Murphy

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, Virginia 22035.

Minutes by: Samantha Lawrence

Approved on: May 17, 2018



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