

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 5, 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
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: None

//

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.

//

COMMISSION MATTERS

Chairman Murphy announced that Walter C. Clarke was appointed by Supervisor Daniel G. Storck to serve as the Hunter Mill District Planning Commissioner. Commissioner Clarke's term would commence immediately after the oath of office was administered. Commissioner Clarke would complete the unexpired portion of former Commissioner Earl L. Flanagan's term that would expire in December, 2022.

//

Gerarda M. Culipher, Deputy Clerk of the Circuit Court, performed the swearing-in ceremony for Commissioner Walter C. Clarke appointed by the Board of Supervisors.

Chairman Murphy thanked Ms. Culipher for presiding over the swearing-in ceremony.

//

PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LC

RZ/FDP 2016-HM-035/PCA 2009-HM-019 – CRS SUNSET HILLS, LC

(Decision Only) (Public Hearing on these applications was held on March 22, 2018)

(Start Verbatim Transcript)

Commissioner Carter: Okay. The public hearing for the following two projects was held on March 22nd...

Chairman Murphy: Microphone please.

Commissioner Carter: The next two items...

Chairman Murphy: Go ahead.

Commissioner Carter: One is Reston Station. It's a conceptual development plan amendment, final development plan amendment and proffer condition amendment. The second – that's located right at the Wiehle Reston East Metro Station. It's partially constructed. It has residential retail office and hotel space with direct connection to the Wiehle Reston East Metro Station. It's a large underground parking garage, bus and short-term parking facilities for Metro users as well as parking for tenants and the general public. The Reston Station Promenade, the second project, and we're gonna do both these together with separate motions at the end, is across the street from Reston Station. It's a conceptual/final development plan and proffer condition amendment. The Reston Promenade is – intends to rezone the subject property from the I-4 and plan development commercial PDC districts to the PDC district total for the whole thing. And replace existing office condominium – condominiums with mixed-use development including residential office, hotel and retail. Now at – at the last hearing, there were several concerns. Since that time, the applicant has revised the project. Main items of note, is improving the urban – the – the quantity and quality of open space. Now maybe I'll ask the staff to – to pin up the drawings of this. They've been working diligently in the last two weeks and that was a very constructive hearing I thought. And so, since the applicant knew pretty much what the marching orders were, they worked hard to – to achieve it. So – so here's the combination. On the bottom of the screen is the West Reston Station and to the left is the Reston Station and to the middle is the Reston Promenade. The two circle areas are the direct park improvements. So, in the Reston Station, the applicant is going to replace an existing surface parking lot along Sunset Hills Road, adjacent to building seven – building eight. With the public open space, approximately 14,500 square feet. If you remember there was a deficit of three tenths of an acre. This will achieve that. The open space – it's not just open space, it will include pedestrian pathways, seating areas, landscaping, public art and direct access to the adjacent stream valley. In addition, the applicant has also included three – three hundred thousand dollars for enhancements to the public plaza at the Metro Station. So, those are the changes for the Reston Station. On the Reston Promenade, the applicant has reduced the building footprint of Building D, if you can see that, and added a large open space along Reston Station Boulevard, directly across and connected by a crosswalk to the main stairway at Reston Station. So, uses will be able to come out of the Metro Station and go right down the steps and you will see this open space. It's an extension of the central open space and a pedestrian link through the project to the northeast corner, located at the intersection of Sunset Hills and Wiehle. Total open space is 1.69 acres that exceeds the requirements. Could you put up – may we'll do the Promenade and maybe the – there it is, on the right. So, you can see the applicant calls this the great room. Combination of building one, two, three and four. Now with the – with the Building D moved over, this is the sunlight will get into the space and of course the visibility will be much improved. We had central open space combined with additional open space will include four large open spaces. If you remember some of the

questions, a child play area will be included, large community green, smaller lawn areas, plaza areas, seating landscaping and public park will be included. The central open space will also have adjacent retail, pedestrian access from all four locations and vehicular access through the what was called the woonerf or mixed-street that runs east way west through the project. So again, the main addition was space for – and then being a little more articulate on what was to be included in that. In addition to those four spaces, there were two small urban spaces. Park 5 on the drawing, is across from – from the open space located in the Aperture Building, which is the existing residential building next – so you will have a passive – more of a passive park there and kind of a nice entrance way for the project. Park 6 will be located at the intersection of Sunset Hills Road and Wiehle Avenue with the stairway to the central open spaces, canopy lighting, this is overhead lighting, perhaps on wires, plazas for interactive games, public art and landscaping. In addition to those public open spaces, there are private open spaces. The applicant has changed the proffers and included interior spaces and rooftop areas for dog parks, community rooms, rooftop pool areas, recreation spaces and a large active rooftop – rooftop space, adjacent to Building C, that you can see on the drawing – there it is. The commitment to workforce housing remains, the commitment to loading service and delivery remains. The last thing of note would be perhaps the way-finding scheme. There is a proffer in there that provides a commitment to a comprehensive sign plan later when they understand what tenants are going in there and it will be – be able to find your way to the buildings, to the open space within the project, but also the nearby public facilities, such as the W&OD trail, other building projects in Reston, the trail system in Reston and open spaces in Reston. Now, we have two issues that – that at the testimony. One was at the testimony and we have a new letter already. One is a concern by one of the owners of the office condominium. I did reach out to the County Executive and to the County Attorney. They have no concerns about this. They see it, it's a contract between Comset [sic] and the condominium association itself. The – the testimony was from an owner of one of the condominium offices. So, their recourse is with the condominium association directly. So, the executive has no concern. They are a partner in this – or somewhat silent partner and there should be no concern about us affecting the – whatever agreements are going to be between the owners and – and the condominium association. So, that resolves that in my mind. The second item you heard – you have a letter about the bikeway route. It seems to be resolved. We – we there are lots of bikes in this. There's a whole bike place, repair, and storage on that. So, I think that's resolved. If you want more detail, I've got Mike Garcia and William O'Donnell here to take about that if – if up to you. Want to do that?

Chairman Murphy: That's fine, unless there are any questions? Okay, go ahead.

Commissioner Carter: Okay. So, at that point, if there is no further discussion, I can proceed with the motions on Reston Station and Reston Promenade.

Chairman Murphy: Oh, Ms. Hurley. Hold on.

Commissioner Hurley: Just one quick question for Mr. O'Donnell. I had a question about the staff policy on parking for the workforce units when they are literally on top of the Metro Station. If you could address that please.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning: Sure, the workforce housing units are part of the overall residential units and the Zoning Ordinance

requires every unit to have a parking space, actually 1.3 spaces per two-bedroom and you know, it up to 1.6 for three bedrooms. In this case, you know, at this TOD area, people are gonna need to use their cars to get to other services and, you know, to be able to limit the amount of parking spaces to the 1.4 as the applicant has, staff has no problem with the proposal.

Commissioner Hurley: Thank you.

Commissioner Carter: Okay, at this point, I would like to thank particularly William O'Donnell. He's a true packager in that department over there which is always hard to find in any planning department. So, I appreciate what he did. Also, Gayle Hooper, the park advocate. So, you can see when people know what they want, we can actually get it. Certainly, Comstock and then the legal team, Mark Looney you all know and Jill Parks is the author of the of many of the proffer items and we appreciate that work. And then the architect, Mike Nicholas, who I know very well from other projects and the HKS team and the landscape architects of Mahan Rykiel, who I also know, although I didn't – don't know the person working on this. So, outstanding team, we got a lot done in two weeks, I thought.

Chairman Murphy: Great.

Commissioner Carter: So, to proceed for the motion, before I move on these applications, I request that the applicant confirm for the record to the proposed final development plan amendment conditions published in the staff report addendum and dated April 4th, 2018.

Mark Looney, Applicant's Agent, Cooley, LLP: Mark Looney on behalf of the applicant, we agree with the conditions for both the Reston Station project and Reston Promenade.

Commissioner Carter: Thank you. Number one, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA 2009-HM-019-02 AND CDPA 2009-HM-019, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 4TH.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor the motion to recommend to the Board of Supervisors that it approve PCA and CDPA 2009-HM-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: This is of course on the Reston Station project. Secondly, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2009-HM-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 4TH, 2018 AND TO THE BOARD'S APPROVAL OF THE CONCURRENT PCA APPLICATION.

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 Clarke: Mr. Chairman...

Chairman Murphy: Oh yes, Mr....

Commissioner Clarke: Walter Clarke, I was not here during those hearings, so I abstain.

Chairman Murphy: Thank you very much. Mr. Clarke abstains for the entire...

Commissioner Carter: Three, I MOVE THAT THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DISCUSSED IN THE STAFF REPORT. A SUMMARY LIST OF THESE MODIFICATIONS ARE ON YOUR DESK – WE COULD GO THROUGH THOSE, OTHERWISE WE’LL JUST PROCEED – DATED APRIL 5TH, 2018, AS PROVIDED TO YOU TODAY AND WILL BE MADE PART OF THE RECORD OF THIS CASE.

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. Same abstention.

Commissioner Carter: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A PARKING REDUCTION REQUEST FOR RESTON STATION, 6132 PKS 001, PURSUANT TO PARAGRAPH 5 A OF SECTION 11-102 OF THE ZONING ORDINANCE, BASED ON PROXIMITY OF A MASS TRANSIT STATION AND SUBJECT TO THE CONDITIONS DATED FEBRUARY 26TH, 2018, CONTAINED IN APPENDIX 15 OF THE REZONING STAFF REPORT AS PROFFERED.

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 Carter: So, that completes the motions for Reston Station Promenade. Before I move on these applications, I request that the applicant confirm for the record to the proposed final development plan conditions dated April 4th, 2018.

Mr. Looney: Mark Looney on behalf of the applicant, we agree with the conditions.

Commissioner Carter: Thank you. Number one, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA 2009-HM-019.

Commissioner Niedzielski-Eichner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Number two...

Chairman Murphy: Same abstention.

Commissioner Clarke: Yes, I abstain. I wasn't not here for those motions.

Commissioner Carter: I MOVE THAT THAT PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ 2016-HM-035 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 4TH, 2018.

Commissioner Niedzielski-Eichner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Carter: Third, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-HM-035, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 4TH, 2018 AND TO THE BOARD'S APPROVAL OF THE CONCURRENT ZONING APPLICATION.

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. Same abstention.

Commissioner Carter: Four, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DISCUSSED IN THE STAFF REPORT. A SUMMARY – SUMMARY LIST OF THESE MODIFICATIONS AND WAIVERS AND THEY ARE AT YOUR DESKS, AS PROVIDED TO YOU TODAY AND WE WILL – AND WILL BE MADE PART OF THE RECORD OF THIS CASE.

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. Same abstention.

Commissioner Carter: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE PARKING REDUCTION REQUEST FOR RESTON STATION PROMENADE 2615PKS006-01, PURSUANT TO PARAGRAPH 5 A OF SECTION 11-102 OF THE ZONING ORDINANCE, BASED ON THE PROXIMITY OF A MASS TRANSIT STATION AND SUBJECT TO THE CONDITIONS DATED FEBRUARY 22ND, 2018, CONTAINED IN APPENDIX 17 OF THE REZONING STAFF REPORT, AS PROFFERED.

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. Same abstention. Thank you very much. Good job.

Commissioner Niedzielski-Eichner: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: If I could, I'd like to commend Commissioner Clarke [sic] for his leadership on this and his ability to deliver outcomes that are consistent with what the Board was looking for and what the public spoke too. So, thank you.

Commissioner Carter: Thank you.

Chairman Murphy: Good job. Thank you very much. And thank you Mr. O'Donnell. After those kind remarks for Billy, he's gonna be very difficult to live with, I have a feeling. He already is. Okay, good job Billy.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: If I can be recorded as not voting on those last two cases.

Chairman Murphy: Mr. Hart did not vote on the last two cases. Okay.

Commissioner Hart: Thank you.

Chairman Murphy: Okay.

The motions carried by a vote of 10-0-2. Commissioners Clarke and Hart abstained from the vote.

(End Verbatim Transcript)

//

CAPITAL IMPROVEMENT PROGRAM – FISCAL YEARS 2019 – 2023 ADVERTISED
(WITH FUTURE FISCAL YEARS TO 2028)

(Decision Only) (Workshop and Public Hearing on this application was held on March 7, 2018; Decision only from March 22, 2018)

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. This pertains to the FY 2019 – 2023 Capital Improvement Program and our review of the – of the documents. The Fiscal Year 2019 to Fiscal Year 2023 Capital Improvement Program serves as a planning instrument to identify needed capital projects and to coordinate the financing and timing of these improvements. This year the Planning Commission began its work on the CIP earlier than usual and kicked off the review process at a February 21st Committee meeting. On Wednesday, March 7th, the Commission hosted a workshop and had an opportunity to hear from eleven County representatives about department and agencies' CIP projects. A public hearing was also held on March 7th to solicit feedback from residents of the County. The Planning Commission hosted two more CIP Committee meetings, one on March 14th and the other on April 4th, to provide an opportunity for Commissioners to discuss and clarify their CIP recommendations for the Board of Supervisors. Very much like to take this opportunity to thank staff for all of their diligent very hard work in support of the CIP process including and in special consideration to Martha Reed, Elif Ekingen, Teresa Lepe, Dennis Holder and all of the County staff that presented their capital programs to the Commission this year. Martha and her staff were in particular extremely helpful as we've

formally added several – several different motions for consideration going forward. Let me also thank my fellow Planning Commissioners for their collective and individual initiatives to provide a critical review of the CIP programs as well as several motions to further inform and improve the Planning Commission’s recommendations to the Board of Supervisors which were accepted by the CIP Committee at the April 4th meeting. As a result, the overall omnibus motion includes six paragraphs of input which I’ll now proceed to read. With that background in mind, Mr. Chairman, I’d like now to make a series of motions under this omnibus bill – motion.

- I – my first MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE ADVERTISED FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2019 THROUGH 2023 WITH FUTURE FISCAL YEARS TO 2028.
- I also MOVE THAT THE PLANNING COMMISSION SUPPORT THE RECOMMENDATION IN THE FY 2019 TO FY 2023 ADVERTISED CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE COUNTY BOND SALES LIMIT FROM 275 MILLION DOLLARS PER YEAR TO 300 MILLION DOLLARS PER YEAR AND PROVIDE THE FAIRFAX COUNTY PUBLIC SCHOOLS WITH AN ADDITIONAL 25 MILLION DOLLARS PER YEAR IN BOND SALES.
- I further MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT COUNTY AGENCIES COLLABORATE AMONG THEMSELVES AND WITH FAIRFAX COUNTY PUBLIC SCHOOLS TO IDENTIFY SHARED FACILITY AND CO-LOCATION OPPORTUNITIES. STAFF SHOULD INCORPORATE THESE PROPOSALS AS APPROPRIATE INTO FUTURE CIP PLANNING TO MAKE THESE OPPORTUNITIES VIABLE. STAFF SHOULD ALSO REVIEW THE TIMING AND SIZE OF THE PROPOSED FUTURE BOND REFERENDA TO BE ABLE TO TAKE ADVANTAGE OF POTENTIAL OPPORTUNITIES.
- I further MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT STAFF DETERMINE OPPORTUNITIES TO REPURPOSE EXISTING COUNTY-OWNED FACILITIES OR UTILIZE TEMPORARY SPACE TO REDUCE WAITING LISTS FOR CRITICAL HEALTH AND HUMAN SERVICES PROGRAMS. STAFF SHOULD REVIEW THE CURRENT HEALTH AND HUMAN SERVICES CIP PRIORITIES AND OPTIONS TO REDUCE WAITING LISTS FOR VICTIMS OF DOMESTIC VIOLENCE AND THOSE IN NEED OF SUBSTANCE USE DISORDER TREATMENT, ESPECIALLY DETOXIFICATION AND OPIOD TREATMENT.
- I further MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT STAFF FROM THE FIRE AND RESCUE DEPARTMENT AND THE DEPARTMENT OF PLANNING AND ZONING WORK COLLABORATIVELY WITH THE PLANNING COMMISSION TO IDENTIFY WHERE TRAFFIC PREEMPTIVE DEVICES EXIST TODAY AND THE NEED FOR ADDITIONAL DEVICES.

- And finally, Mr. Chairman, I further RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND THAT STAFF DEVISE A MAINTENANCE CLASSIFICATION AND PRIORITIZATION SYSTEM THAT:
 - a. REFLECTS NATIONAL, PUBLIC AND PRIVATE SECTOR BEST PRACTICE FOR ASSESSING FACILITY AND INFRASTRUCTURE CONDITIONS; AND
 - b. ENSURES THAT THE HIGHEST PRIORITY INFRASTRUCTURE REPLACEMENT AND UPGRADE PROJECT NEEDS ARE IDENTIFIED BY EACH AGENCY AND FAIRFAX COUNTY PUBLIC SCHOOLS ANNUALLY.

FURTHER SUCH ASSISTANCE SHOULD PROVIDE THE BOARD A CLEAR AND COUNTYWIDE INTEGRATED VIEW OF THE SCALE AND SCOPE OF UNMET INFRASTRUCTURE REPLACEMENT AND UPGRADE NEEDS.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Clarke abstains.

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

(End Verbatim Transcript)

//

CODE/PFM AMENDMENT – INTERPRETATION OF THE PFM, HYDRAULIC GRADE LINE, DEBRIS CONTROL DEVICES, NEW FEES FOR MODIFICATIONS AND APPEALS, AND OTHER EDITS

(Decision Only) (Public Hearing on this amendment was held on March 22, 2018)

(Start Verbatim Transcript)

Commissioner Cortina: This is regarding amendments to the Code of the County of Fairfax, Virginia County Code, and to the Public Facilities Manual (PFM) related to interpretation of the PFM, hydraulic grade lines, debris control devices, new fees for code modification, and appeals and other edits. And I just want to thank Commissioners Ulfelder, Strandlie, and Hart for their input at the public hearing. I have worked with staff related to the waivers by Land Development Services Director and clarifying the language in the hydraulic grade line component. And I believe that all the issues have been ironed out. It is more clear about the scope of the authority, as well as the – the language itself. And so with that, I also want to thank the staff who've been working on this for some while now. And that's Mr. Dkahal, Ms. Leavitt, Mr. Mastik, Ms. Coddling, and Ms. Hensley. Thank you very much for your work on this project. So with that, if

there are no other questions, I'D LIKE TO GO AHEAD AND MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS, AS SET FORTH IN THE STAFF REPORT DATED MARCH 6TH, 2018, AMENDED APRIL 5, 2018.

Commissioner Hart: Second.

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

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Go ahead.

Commissioner Hart: Do we have to put a time in that it takes – recommended...

Commissioner Cortina: I further move...

Commissioner Hart: Okay.

Chairman Murphy: Okay.

Commissioner Cortina: I further move...that – do we have to...

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: I'll abstain, sir.

Chairman Murphy: Abstain. Ms. Cortina.

Commissioner Cortina: Thank you. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON MAY 2ND, 2018.

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.

Each motion carried by a vote of 11-0-1. Commissioner Clarke abstained from the vote.

(End Verbatim Transcript)

//

ORDER OF THE AGENDA

Chairman Murphy called the first case scheduled for the public hearing:

1. RZ/FDP 2016-MA-022 – FEDERAL REALTY INVESTMENT TRUST

This order was accepted without objection.

//

RZ/FDP 2016-MA-022 – FEDERAL REALTY INVESTMENT TRUST – Appls. to rezone from C-6 to PDC to permit-mixed use development with an overall Floor Area Ratio (FAR) of 0.48 and approval of the conceptual and final development plan. Located in the S.W. quadrant of the intersection of Arlington Blvd. and Graham Rd. on approx. 18.16 ac. of land. Comp. Plan Rec: Mixed-Use Residential up to 0.50 FAR. Tax Map 50-3 ((1)) 5 and 5A. MASON DISTRICT. PUBLIC HEARING.

David Gill, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated March 27, 2018.

Heath Eddy, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2016-MA-022 and FDP 2016-MA-022.

Commissioner Hurley inquired about access to Route 50 and available options for moving the current service entrance south. In response, Mr. Eddy stated the service access was being modified to a right out only turn, heading eastbound toward Graham Road. He stated the Giant grocery store entrance was the only access from Graham Road into the proposed site. Commissioner Hurley asked whether it was ill-advised to close off the service road entrance and have all the traffic routed near the Giant grocery store entrance. In response, Michael Garcia, Transportation Planning Division, Fairfax County Department of Transportation, stated the service road was being modified by the applicant to prevent any in movement going westbound on that road. The current Giant grocery store access would remain.

Commissioner Niedzielski-Eichner asked whether Parcels 5 and 5 A were under a common Conceptual Development Plan (CDP)/Final Development Plan (FDP). Mr. Eddy stated the parcels zoned C-6, were commonly owned and were not under a common plan. Commissioner Niedzielski-Eichner asked whether a conceptual design and an FDP that matched, would be appropriate. Mr. Eddy stated the applicant was approached with said option and it was staff's understanding the applicant's lease with the grocery store ran for decades. Staff preferred a conceptual development design for the site; however, did not want to bind the applicant to an agreement which, in the future, may require amending. Mr. Eddy stated staff was comfortable with the recommendation for approval of the parcels.

Commissioner Strandlie noted the Giant grocery store's lease was for a period of 60 years. Commissioner Strandlie inquired about written conditions for the alternative transportation plan. She stated the conditions were written to guarantee that Option 2, the traffic signal option on Arlington Boulevard, which was voted upon by the Mason District Land Use Committee remained. Mr. Eddy stated a modification would have to be made to Development Conditions 1 and 2, should Option 2 remain as part of the FDP. An amendment would also be required if the access went through. Commissioner Strandlie stated Option 2 should remain as delineated in the proffers. Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, stated the phrase after the date in Condition 1 which stated "consisting of 33 sheets, except for Sheets C-3A, C-8A, and C-9A, which are deleted from this development plan" and Condition 2 in its entirety, should be deleted. The motion to recommend approval should reflect that change. Commissioner Strandlie inquired about the traffic patterns and impact. Mr. Garcia stated some of the current retail would be stripped out and replaced with residential. As a result, the trip generation during the prim meridian hour would be beneficial to the area.

Commissioner Sargeant inquired about Proffer Number 6 and the review process should the applicant construct additional dwelling units. Mr. Eddy stated the proposed application was proffered for 210 units. A Proffered Condition Amendment would be required for additional dwelling units. Commissioner Sargeant inquired about the gross floor area, the relationship of commercial space to residential, and the effect on Transportation Demand Management (TDM) plans. Mr. Garcia stated the TDM plans addressed residential only and not the commercial. The TDM plans were also tied to the number of units. There would be a 20% reduction from the peak hour. A TDM work plan was required from the applicant.

Commissioner Hart asked why an electrical vehicle charging infrastructure was not included in the proffers nor the development plan. Ms. Abrahamson stated there was nothing that prohibited the infrastructure. An advanced commitment from the applicant would simplify the process. Commissioner Hart asked if the entrance to Route 50 elevated to the level of a denial of the application. Ms. Abrahamson stated staff would not recommend denial of the application. She stated the entrance on Route 50 was subject to the approval of the Virginia Department of Transportation (VDOT). Commissioner Hart asked whether part of the justification for not having another in-out entrance on Route 50 was related to the proximity to the pedestrian crossing. Ms. Abrahamson stated the entrance was a factor, coupled with the existing stacking of the two lights. Additional staking would exacerbate the existing stacking.

Commissioner Cortina made reference to the Fairfax County Public School's report that provided an analysis and snapshot for the student membership and school capacity balance deficit projection for the 2017-2018 school year for schools serving that area. Commissioner Cortina stated her concern for the cumulative effect for additional development without addressing the school concerns. In response, Ms. Abrahamson stated the capacity concern was a factor for every application. She stated staff was aware of the capacity concern and it was being addressed. The Fairfax County School Board had not provided a plan for action for any specific year, and was looking at options for improving schools in the Mason District with the potential of redistricting. Commissioner Cortina asked whether a kennel in the Planned Development Commercial District mixed-use development was by-right. Ms. Abrahamson stated a kennel was not shown on the proposed application and did not believe it was a by-right use. The use of the

kennel would require a special exception. Ms. Abrahamson stated there were a number of uses Proffer 6 c could provide and those uses would have to meet the limitations.

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

- One of the challenges with the proposed site was that it was a functioning community center that was not located in an activity center;
- The site was not in close proximity to a Metro station, Dulles Suburban Center nor the Mosaic District, but rather a 1967 auto-oriented shopping center;
- The Amazon company challenged how citizens shopped and lived. As a result, this has been difficult for many of the commercial retail centers to respond;
- Large format furniture stores were another challenge for the site. The center was called Loehmann's Plaza for most of its existence and renamed Graham Park Plaza;
- Federal Realty Investment Trust, the property owner of the site since 1983, looked at the function of future sites like Graham Park Plaza. The applicant went through a two-year plan amendment process on the application in 2015 and 2016, and with the help of the community, came up with the right tools to invest in the proposed site;
- The level of increase in density allowed for development on the western half of the site. The density was reduced by 10% throughout the process;
- The applicant conducted seven community meetings over the course of the zoning application. Many of the issues and concerns were mitigated;
- Language addressing electrical vehicles, space and conduit would be provided. The proffers and development plans would be amended to reflect same;
- A kennel would not be constructed;
- There was a fence with a gap where pedestrians were not allowed to cross into the shopping center from the apartments. The applicant was in the process of working with VDOT to construct a trail at that location;
- The left-out turn option mitigated some of the community's concerns and addressed the functionality of Graham Park Plaza and Route 50;
- The proposed application would be a model for future retail repositioning sites; and
- The proposed application was endorsed by the Mason District Land Use Committee and staff.

Commissioner Strandlie reiterated Option 2, the traffic signal option on Arlington Boulevard, be included in the event there were changes to the traffic pattern. She stated the proposed site was located in a non-exempt area. The proffer was filed before the change in law, therefore, the applicant made a commitment, should the traffic light be required, they would be responsible for all costs. Mr. Gill concurred. He stated the application was filed before the plan amendment process, in order to preserve the applicant's rights under the proffer. Commissioner Strandlie inquired about the applicant's community outreach efforts. Mr. Gill stated the applicant met with three homeowner associations, the two adjacent gas station owners, Monticello Falls Church apartment owners and its residents and had four all-hands committee meetings. The applicant also had several breakfast meetings with the president of the Celebrity Delly and Catering.

Commissioner Hart asked whether the applicant was willing to work with staff to rectify the electric vehicle charging station issue. Mr. Gill agreed to rectify the issue. Commissioner Hart inquired about the right-in right-out access off of Route 50. Mr. Gill stated subject to VDOT's approval, at the location of the light and crosswalk to the west, a left-out with the potential for right-in would be constructed. Commissioner Hart inquired about a dog park or dog walk area and maintenance of that location. Mr. Eddy provided the Planning Commission with visuals of a dog walk area for residents of the building. The area was located at the rear of the building. Ms. Abrahamson stated there were trails along the Providence Recreation Center and a community park within close proximity of proposed site. She stated a location on the western and southern boundaries that would provide open park lake space was proposed. Regarding maintenance, Mr. Gill stated Federal Realty Investments Trust would continue to own and operate the proposed building and no HOA would be established.

Commissioner Migliaccio inquired about Proffer Number 5, Zoning Ordinance Future Amendments. He stated the language was not seen in other proffers and asked whether there were any unintended consequences. Mr. Gill stated during the zoning process, there were a number of moving pieces regarding the shopping center and the applicant wanted to cover all bases, should any future issues arise. Commissioner Migliaccio asked staff if Proffer Number 5 was too open ended. Ms. Abrahamson stated she was not certain about unintended implications, however understood the applicant's intent. Future outcomes may become grounds for an interpretation. She stated staff completed the restaurant amendment, the Zoning Ordinance modification was being reviewed, and changes were being made to the Residential and Preservation Districts. Ms. Abrahamson stated staff was comfortable with the proposed development on half of the parcel. Staff had a number of conversations with the applicant regarding density and those conversations resulted in a decrease in density. This decrease would also allow for additional potential development of the eastern half of the parcel.

Commissioner Cortina stated school capacity concerns should be addressed with additional retail. She stated off capacity would create an issue for current and future residents and businesses. Mr. Gill concurred and added the applicant understood the challenges of a high capacity area. He stated the Fairfax County School Board had assets that should be redeployed. Two significant areas that were not utilized were the Walnut Hills Elementary and Graham Road Elementary Schools.

Commissioner Niedzielski-Eichner stated there were nominations for amendments to the Comprehensive Plan that were under review by the Providence Task Force. Those nominations

were public facilities, schools and roads. Graham Road Elementary was one of the schools being considered.

Commissioner Ulfelder inquired about Proffer Number 5 and asked whether a provision would be considered. In response, Mr. Gill stated with such a scenario, the proffers with the Zoning Ordinance application would be frozen as applied to the property. This would also include many definitions as of the date of the ordinance. If the county invested the time and effort to find ways to perfect future proffers, applicants would want to avail themselves. The proposed application had proffers that locked in the entirety of the site. This was an advantage to the County in understanding the impacts for future users. Commissioner Migliaccio added there was a fast track method in place should an issue arise in the future. Mr. Gill stated he welcomed the thoughts of the Office of the County Attorney regarding this issue. The applicant was also open to a Sunset provision.

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

//

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you, Mr. Chairman. Mr. Gill, could you – we were conferring when you made that comment – so you're willing to strike the fifth proffer?

David Gill, Applicant's Agent, McGuireWoods, LLP: Yes.

Commissioner Strandlie: Okay. Thank you very much. Mr. Chairman, I'm ready to move the application for approval. We're going to have a couple tweaks from the things we talked about. First, I'd like to thank the staff, Heath Eddy, and Kris Abrahamson, along with Supervisor Gross and her staff, for their dedication to getting to where we are tonight. It's been a long road involving many community meetings and changes to incorporate requested modifications. We started out with large groups of people in the room. The applicant listened to their comments and as the land use committee met on Tuesday evening, there was one question and unanimous approval by the land use committee. I also want to thank the applicant for engaging and listening to the community and for their diligence and commitment to revitalizing Grand Park Plaza. As I mentioned, I remember back in the day when this was a fully-occupied Loehmann's Plaza – the shops including Louis of London baby store, Sign of the Whale, a Crown bookstore, an auto store, a Scan furniture store. It was fully occupied and very lively center. With these changes we consider today of the shopping center now known as Grand Park Plaza will be brought back to life with new apartments, including affordable dwelling units and workforce housing, available for the teachers at the schools close by, as well as the fire stations and other public facilities. There will be public gathering spaces, new frontage retail, which the community has already expressed their preference for which facilities they would like – a fitness center, additional bike racks, which I know you've already added some, based on the first community meeting, and outdoor dining. Access to the shopping center has always been a challenge – that this application provides many delineated changes to improve egress and ingress. In addition, the traffic signal option on Arlington Boulevard is included, as an option, if and only if approved by VDOT and is

included in Proffer 17. We would like to add some adjustments to the proffers, as signed, incorporating – I would ask the applicant, between now and the Board date, which is next week, to revise the proffer – if you could come up to the lectern and just put that on the record – to incorporate Commissioner Hart’s request for a proffer on electric charging stations.

Mr. Gill: Confirm.

Commissioner Strandlie: And deleting Proffer Number 5.

Mr. Gill: Confirm.

Commissioner Strandlie: Great. Thank you. And with that, I’ll ask you to come back to confirm that you have read, understood, and concur with the development conditions in Appendix 2 of the staff report for FDP 2016-MA-022.

Mr. Gill: Is it subject to the ability to do the traffic signal?

Commissioner Strandlie: The traffic signal is a remaining option. Is...okay.

Mr. Gill: Then yes, confirmed.

Commissioner Strandlie: Thank you. Mr. Chairman, I MOVE APPROVAL OF RZ 2016-MA-022 BY FEDERAL REALTY INVESTMENT TRUST, INC., SUBJECT TO THE EXECUTION OF PROFFERS DATED APRIL 5TH, 2018, AND AS MODIFIED AS WE DISCUSSED AND THE APPLICANT AGREED TO ON THE RECORD.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve RZ 2016-MA-022, as articulated by Ms. Strandlie this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: I MOVE APPROVAL OF THE FOLLOWING WAIVERS AND CONDITIONS:

- A MODIFICATION TO SECTION 11-203 OF THE ZONING ORDINANCE TO REDUCE THE LOADING SPACE REQUIREMENT TO PERMIT TWO LOADING SPACES FOR THE MULTI-FAMILY BUILDING AND NINE LOADING SPACES FOR RETAIL/RESTAURANT USES;
- A WAIVER OF SECTION 6-206.5 TO PERMIT SECONDARY USES TO EXCEED 50 PERCENT OF THE GROSS FLOOR AREA OF ALL PRINCIPAL USES, UP TO 56 PERCENT;

- A WAIVER OF THE COMPREHENSIVE PLAN TRAIL REQUIREMENT FOR A MAJOR PAVED TRAIL ALONG THE GRAHAM ROAD FRONTAGE FOR THIS INITIAL PHASE OF THE REDEVELOPMENT; AND
- A WAIVER OF THE BARRIER REQUIREMENT UNDER SECTION 13-304 AND MODIFICATION TO THE TRANSITIONAL SCREENING REQUIREMENT UNDER SECTION 13-303 IN FAVOR OF THAT SHOWN ON THE CDP/FDP, AND AS PROVIDED IN THE PROFFERS.

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.

Commissioner Strandlie: Finally, I MOVE THE APPROVAL OF FDP 2016-MA-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 20TH, 2018, WITH THE FOLLOWING EXCEPTION:

- DELETE LANGUAGE IN CONDITION 1 REFERRING TO THE SPECIFIC SHEETS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of that motion to approve FDP 2016-MA-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you very much.

Chairman Murphy: Thank you. Thank you, Mr. Gill.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

//

CLOSING

April 5, 2018

The meeting was adjourned at 8:58 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, Virginia 22035.

Minutes by: Samantha Lawrence

Approved on: September 13, 2018

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



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

My Commission Expires 01/14/2025
Howard County Maryland
Notary Public
Tom Myrtle Denson

[Faint, illegible handwritten text]