

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 2, 2019**

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
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Walter C. Clarke, Mount Vernon District

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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

Chairman Murphy announced the passing of Brenda Cho, former land use planner with the Department of Planning and Development. Ms. Cho leaves behind two young children, Francis and Ted, who are currently in elementary school. The Commission held a moment of silence.

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FDPA 2006-SU-007-04 - DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

(Start Verbatim Transcript)

Commissioner Tanner: Thank you, Mr. Chairman. I have a couple of items here before we get started. First, tonight we were supposed to have a public hearing for FDPA 2006-SU-007-04, Capital Facilities Building Design Branch. Due to an affidavit issue, I MOVE THAT WE DEFER THE PUBLIC HEARING FOR FDPA 2006-SU-007-04, TO A DATE CERTAIN OF OCTOBER 24TH, 2019.

Commissioners Sargeant and Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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SE 2018-SU-027 – STONEBRIDGE INVESTMENTS, LLC

(Decision Only) (Public Hearing on this application was held on July 17, 2019; Decision Only from July 24, 2019; Decision Only from July 31, 2019; Decision Only from September 12, 2019)

(Start Verbatim Transcript)

Commissioner Tanner: Thank you, Mr. Chairman. I have one more item.

Chairman Murphy: Yup.

Commissioner Tanner: At the request of Fairfax County Department of Transportation, the applicant has submitted a September count for SE 2018-SU-027, Stonebridge Investments. FCDOT has asked the applicant for - to provide additional information therefore a deferral is needed. A staff report addendum will be published once necessary information has been provided and reviewed, prior to the Planning Commission decision. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR SE 2018-SU-027, TO A DATE CERTAIN OF OCTOBER 24TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to continue the decision only in SE 2018-SU-027, to a date certain of October 24th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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SE 2018-DR-020 - FAIR LIGHT, LLC

(Start Verbatim Transcript)

Commissioner Ulfelder: Yes. Thank you. Well I have – give me a second. Actually this – I thought this hearing had been moved administratively, but I'll go ahead and make a motion. THIS IS THE FAIR LIGHT, LLC, SE 2018-DR-020, WHICH HAD BEEN MOVED TO OCTOBER 17TH. I'M INTENDING ON THE 17TH WHICH WAS THE NEW DATE TO FURTHER DEFER THAT PUBLIC HEARING ON THAT PARTICULAR APPLICATION. IT'S AN SE FOR A LOT WIDTH WAIVER AND IT NEEDS TO GO THROUGH SO LITTLE BIT MORE WORK WITH THE COMMUNITY.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer SE 2018-DR-020, Fair Light, LLC, to a date certain of 10/17, say aye.

Commissioner Hart: No, no, no, no, no, it's – it's...

Commissioner Ulfelder: Yeah – no, yeah – yeah – no

Commissioner Hart: It's on 10/17 already.

Commissioner Ulfelder: Hold on. No, he's correct. I think tonight I have to defer it to the 17th. But I'm announcing also that my intention will be on the 17th to further...

Chairman Murphy: Oh your intent to defer...

Commissioner Ulfelder: To further – to further...

Chairman Murphy: On the 17th ...

Commissioner Ulfelder: To further...

Chairman Murphy: Okay...

Commissioner Ulfelder: To further defer so we won't be hearing it on that evening.

Chairman Murphy: Okay. Say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PA 2015-IV-RH1 - TOPGOLF SITE – KINGSTOWNE AREA

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I do have two items this evening. The first is a deferral for a plan amendment public hearing that was going to be occurring tonight is the Topgolf Site in the Kingstowne area. It went before the Lee District Land Use Committee on – let me see here – September 23rd. And the Land Use Committee was not happy with what was presented by the applicant and staff and therefore this thing needs a little more work. And, since we are running out of time to get this through by the end of this year, it is going to be pushed until next year. If we voted on it tonight and denied it, there would be no mechanism for this parcel because our South County process is the new plan amendment process is going through right now. And since it's been acted on – would have been acted on within the last five years it wouldn't be eligible. So, I'm going to defer it indefinitely to allow the next Supervisor and the community and the applicant to have another crack at this and take a look at it and see if they can find some common ground. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION INDEFINITELY DEFER THE PUBLIC HEARING FOR PLAN AMENDMENT 2015-IV-RH1.

Commissioners Carter and Tanner: Second.

Chairman Murphy: Seconded by Mr. Carter. Is there a discussion of the motion? All – all – and Mr. Tanner. Is there a discussion of motion? All those in favor of the motion to defer indefinitely PA 5 – 2015-DR-020 – I'm sorry PA 15-IV-RH1 (sic), Plan Amendment on Topgolf Site to a date – defer indefinitely, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed. Motion carries.

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

(End Verbatim Transcript)

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee would meet on Thursday, October 3, 2019, at 8:30 p.m. in the Board Conference

Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss three proposed Zoning Ordinance Amendments for outdoor lighting, lot line, and lot width.

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Commissioner Ulfelder announced that the Planning Commission's Parks Committee would meet on Thursday, October 3, 2019, at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to receive an update from Park Authority staff regarding the agency's Master Plan process.

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Commissioner Hart announced that the Planning Commission's Environment Committee met on Thursday, September 26, 2019, at 7:30 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the plan amendment supporting Natural Landscaping at County Facilities. Commissioner Hart added the Committee agreed on a consensus on language to be advertised for a public hearing. Commissioner Hart also announced his intent to recommend approval of the proposed revised language at the Planning Commission meeting scheduled for Thursday, October 10, 2019 at 7:30 p.m.

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SE 2018-BR-028 - CLASSIC COTTAGES, LLC

(Decision Only) (Public Hearing on this application was held on September 12, 2019; Decision Only from September 19, 2019)

(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman. A committee meeting about the – a community meeting about the Classic Cottages application was held last Monday evening with well over three dozen residents in attendance. Many questions were asked about – particularly about stormwater. To give the community more time to express their concerns, and to have the applicant and the staff more time to address them, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2018-BR-028, TO A DATE CERTAIN OF OCTOBER 10, 2019.

Commissioners Migliaccio and Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Hart. Is there a discussion? All those in favor of the motion to defer for decision only SE 2018-BR-028, the Classic Cottages application, to a date certain of October 10th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. AF 2019-DR-001 - MAY PROPERTIES IV, LLC
2. PCA 2011-HM-012/CPDA 2011-HM-012 - CARS-DB1, LLC
3. 456A-S80-08-1 - DPWES, CAPITAL FACILITIES, BUILDING DESIGN BRANCH
4. PCA/CDPA/FDPA 74-7-047-02-02 - INOVA HEALTH CARE SERVICES
5. RZ/FDP 2017-PR-010/PCA 2010-PR-014D/SE 2018-PR-013 - TYSONS DEVELOPMENT, LLC

The order was accepted without objection.

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AF 2019-DR-001 - MAY PROPERTIES IV, LLC – Appl. to permit the creation of an agricultural and forestal district authorized by Chapter 115 (County Code), effective June 30, 1983. Located at 730, 734 and 820 Utterback Store Rd., Great Falls, 22066 on approx. 68.63 ac. of land zoned R E. Please call the Zoning Evaluation Division at 703-324-1290 after October 2, 2019 to obtain the A&F District Advisory Committee and Planning Commission recommendations. Tax Map 7-3 ((1)) 1, 7, 8, 15A and 15C. DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Ellen Alster, Planning Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of AF 2019-DR-001.

Hanna Chakarji, Applicant, gave a presentation on the subject application.

There was a discussion between Ms. Alster; Denise James, Planning Division, Department of Planning and Development; Mr. Chakarji; and multiple Commissioners regarding the following:

- The application process for development of a winery at the site;

- The maintenance and monitoring of the former landfill;
- The cap that protected the base of the landfill and the maintenance of it;
- Whether a retaining wall was part of the landfill; and
- The measures in place to secure the goats on the site.

The discussions resulted in no changes to the application.

There being no listed speakers, Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Stay – stay around for a minute. Thank you, Mr. Chairman. I better turn on my microphone. Thank you, Mr. Chairman. This is an application for a new sixty-eight - new sixty-eight acre Agricultural and Forestal District in Great Falls. As the staff pointed out in its presentation this evening as well as the staff report of this property, it has a history. A history and a colorful character, the former owner Mack Crippen. Many long-term residents of Great Falls remember well the fight to finally close the former landfill on this site and the subsequent establishment of Fairfax County's first zoological park as a home for Mr. Crippen's many exotic animals. The landfill was closed in 1989, subject to a Virginia Department of Environmental Quality closure order that included a fifteen-foot clay cap on the landfill on top of the rubber membrane, ongoing monitoring for methane gas as well as regular testing of water and run off on the site. In 2015-16, after reviewing all the tests results and conducting on-site inspections DEQ concluded that – that no further monitoring was needed and officially closed the landfill. DEQ suggested however, that the then landowners, as well as all future landowners take certain steps in order to make sure that the former landfill does not present a potential hazard to human health or the environment at any time in the future. The revised Ordinance provisions for this application include a requirement that the landowners follow DEQ's suggested steps. And as was explained this evening they are doing that and plan to continue to do that, and understand very well what those requirements are. The fact is that the – the current landowners, even though they didn't own it when it was operated as a landfill, are on the hook if a problem arises and they know that. In addition, the Northern Virginia Soil and Water Conservation District has provided clear steps for the planned agricultural uses on the farm, including additional fencing to protect the RPA from overgrazing, secure fencing for the perimeter of the property as well as steps to insure rotational grazing as a benefit to the land as well as the animals. The site is bucolic and well suited for the applicants' current use. But it is important to remember that it is also in the midst of a largely residential area and neighbor's sensitivities need to be recognized and addressed on occasion. I'm happy, however, to see another new A and F District in Great Falls and Fairfax County. Let's hope it is the start of new and expanding land – a new and expanding

land use trend in our otherwise urbanizing area. And in fact, we're gonna get another application in November, I believe, for another fifty acre site in Great Falls for a new A and F District. Therefore, I'd like to ask the applicant. Do you agree with the revised Ordinance provisions now dated September 27th, 2019?

Hanna Chakarji, Applicant: Yes. I do.

Commissioner Ulfelder: Okay. Thank you.

Mr. Chakarji: Thank you.

Commissioner Ulfelder: With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT A AND F 2019-DR-001 BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO ESTABLISH THE MAY PROPERTIES IV, LLC AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 27TH, 2019.

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 that it approve AF 2019-DR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PCA 2011-HM-012/CPDA 2011-HM-012 - CARS-DB1, LLC – Appl(s). to amend the proffers and conceptual development plan for RZ 2011-HM-012, previously approved for mixed-use development to permit site modifications and associated modifications to proffers with an overall Floor Ratio (FAR) of up to 7.25. Located on the S.W. of Leesburg Pike at the terminus of Spring Hill Rd. on approx. 1.99 ac. of land zoned PTC. Comp. Plan Rec: Residential Mixed Use. Tax Map 29-3 ((1)) 2D. HUNTER MILL DISTRICT. PUBLIC HEARING.

Bernard Suchicital, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated September 19, 2019.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had two cases in which attorneys in Mr. Suchicital's firm represented an adverse party or parties. He stated that matter and those parties were unrelated to the application and there were no business or financial relationships and, to his knowledge, did not believe this would affect his ability to participate in the case.

Daniel Creed, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of PCA 2011-HM-012 and CPDA 2011-HM-012.

Mr. Suchicital gave a presentation on the subject applications.

There was a discussion between Mr. Creed and multiple Commissioners regarding the following:

- Potential conflict with signage;
- Explanation for the proposed width of the streetscape;
- The future length of the street walkways; and
- The timeframe for installation of the pocket park.

The discussions resulted in no changes to the applications.

There being no listed speakers, Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Carter for action on this case.

(Start Verbatim Transcript)

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Commissioner Carter: Two things. The dimension of the sidewalk is 16 ½ feet at least on the drawings not 8 feet. And in terms of construction of Boone Boulevard, that would occur when the property to the north develops so that they're together. So, they're – it'll happen when it needs to happen. I – I'm ready to move on this if there're no other questions. So, this is PCA/CDPA 2011-HM-012, Cars-DB1, LLC. It's also called Dominion Square West Land Bay Building C5 and C6. So the – this amendment to the proffers and conceptual plan was previously – previously approved in 2007 – 17. The amendment will permit site modifications and associated revisions to the proffers for Building C5 and C6. The applicant seeks approval to accommodate interim location of Boone Boulevard that was not shown in the original development plane – plan. To accommodate the interim location of Boone Boulevard, the

buildings will be set back further from the ultimate location of Boone Boulevard. A temporary location for Boone Boulevard will be provided until the final planned location for Boone Boulevard can be constructed. Minor changes to Building C5 and C6 are proposed but the gross floor area and number of dwelling units will remain the same. The applicant will provide additional public park space and construction – and construct a portion of Boone Boulevard at the time of final construction. In summary the project is in harmony with the Comprehensive Plan and meets the requirements of the Zoning Ordinance. Number two. The waivers and modifications were approved by the Board of Supervisors in the original zoning case and they are carried for – forward in this application. So, in light of that, Mr. Chairman, I recommend approval of PCA/CDPA 2011-HM-012, Cars-DB1, LLC. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA/CDPA 2011-HM-012, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS DATED SEPTEMBER 4TH, 2019, INCLUDING THE WAIVERS.

Commissioners Niedzielski-Eichner and Tanner: Second.

Chairman Murphy: Seconded by Niedzielski-Eichner and Mr. Tanner. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes. Mr. Hart.

Commissioner Hart: Do we have to get the applicants to confirm some...

Chairman Murphy: Yes. You have to come up...

Commissioner Hart: Some development conditions.

Chairman Murphy: On the development conditions. Please come up.

Daniel Creed, Zoning Evaluation Division, Department of Planning and Development: There – there are no development conditions. It's just the proffers.

Chairman Murphy: Okay. Thank you.

Commissioner Carter: Second. I move that the Planning...

Chairman Murphy: Wait. Hold on. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Okay. Second, I MOVE THAT THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE

MODIFICATIONS AS LISTED IN THE HANDOUT DATED AND DISTRIBUTED
OCTOBER 2ND, 2019.

Commissioners Niedzielski-Eichner and Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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456A-S80-08-1 - DPWES, CAPITAL FACILITIES, BUILDING DESIGN BRANCH – Notice is hereby given that the Fairfax County Planning Commission will hold a PUBLIC HEARING under provisions of Va. Code Secs. 15.2-2204 and 15.2-2232, as amended, on Wednesday, October 2, 2019, 7:30 P.M., in the Board Auditorium of the Fairfax County Government Center Building, 12000 Government Center Pkwy., Fairfax, Va., on Application 456A-S80-08-1 to consider the proposal by the Department of Public Works and Environmental Services, Capital Facilities, Building Design Branch, to renovate and repurpose the existing Boys Probation House including minor exterior site improvements to house the County's Crisis Care program operated by the Fairfax County Community Services Board located at 4410 Shirley Gate Road. Tax Map: 56-4 ((1)) 10 and 56-4 ((1)) 11. Braddock District. Area III. Copies of the application and a more specific description of the facility may be obtained from the Dept. of Planning and Development, 7th fl., Herrity Building, 12055 Government Center Pkwy., Fairfax. Persons desiring to speak on this application at the public hearing may call 703-324-2865 to have their names placed on the speaker's list. ADA: Reasonable accommodation is available upon 48 hours advance notice, please call 703-324-2865.
BRADDOCK DISTRICT. PUBLIC HEARING.

Commissioner Hurley made preliminary comments about this item.

Bryan Botello, Planning Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of this item.

Jun Li, Applicant's Project Manager, Building Design and Construction Division, Capital Facilities, Department of Public Works and Environmental Services gave a presentation on the subject item.

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

Omer Malik, 11409 Shirley Gate Ct, Fairfax, addressed the outstanding concerns with this item. A copy of Mr. Malik's statement is in the date file.

A discussion following between Mike Lambert, Assistant Director, Facilities Management; and multiple Commissioners regarding the installation of a new 4-foot chain-link fence at the property line, removal of a water feature, and maintenance of a watershed at the rear of Mr. Malik's property.

The discussions resulted in no changes to this item.

Jalna Harris, 6532 Lee Valley Drive, Springfield, disclosed she was diagnosed with a mental illness. Ms. Harris informed the Commission of the benefits of recovery services, the facilities managed care services, and activities that promoted mental wellness.

There being no additional speakers, therefore, Chairman Murphy called for closing remarks from Ms. Li, who declined. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on this item.

(Start Verbatim Transcript)

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Commissioner Hurley: Thank you, Mr. Chairman. As I said earlier, it's a fairly simple what we normally think of as a 2232. Boys Probation House has already moved out and we're simply moving in the functions of the old Woodburn program – the existing Woodburn program which was spoken of so highly into the existing building. So I concur with staff's conclusion that the proposal by the Fairfax County Department of Public Works and Environmental Services to renovate and repurpose the existing Boys Probation House, including minor exterior site improvements to house the County's Crisis Care Program operated by the Fairfax County Community Services Board, located at 4410 Shirley Gate Road, Fairfax, Virginia, satisfies the criteria of character, location 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 456 ALPHA -S80-08-1, SUBSTANTIALLY IN ACCORDANCE WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Migliaccio and Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 456A-S80-08-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PCA/CDPA/FDPA 74-7-047-02-02 - INOVA HEALTH CARE SERVICES – Appl(s). to amend the proffers, conceptual development plan and final development plan for RZ 74-7-047, previously approved for office development to permit a research, academic and clinical campus and associated modifications to proffers and site design at a Floor Area Ratio (FAR) of 0.70. Located on the E. side of Gallows Rd., S. side of Arlington Blvd. and W. side of the Capital Beltway, on approx. 116.78 ac. of land zoned PDC. Comp. Plan Rec: office; an option for draft Comp. Plan Amendment (SSPA 2018-I-1MS) recommending mixed use at an (FAR) of 0.70. Scheduled for Planning Commission on September 11, 2019. Tax Map 49-4 ((1)) 57. PROVIDENCE DISTRICT. PUBLIC HEARING.

Timothy Sampson, Applicant's Agent, Downs Raehlin Martin PLLC, reaffirmed the affidavit dated September 18, 2019.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of PCA 74-7-047-02-02, CDPA 74-7-047-02-02, and FDPA 74-7-047-02-02.

Mr. Sampson gave a presentation on the subject applications.

Commissioner Niedzielski-Eichner disclosed his intent to defer the proposed applications.

There was a discussion between Mr. Sampson; Ms. Williams; William O'Donnell, ZED, DPD; Marc Dreyfuss, Transportation Planning Division, Fairfax County Department of Transportation; and multiple Commissioners regarding the following:

- The applicant's support and commitment for a pedestrian and bicycle bridge across Interstate 495;
- Concerns regarding whether the proffers addressed the construction of a pedestrian and bicycle bridge in conjunction with the required road improvements;
- The applicant's request for a modification of the County's trails plan along Gallows Road and a portion of Interstate 495 and the possible impacts if approved;
- The applicant's proposal for bicycle facilities on either side of Gallows Road versus the Comprehensive Plan's requirements;
- Inova Health Care Services' commitment to provide pedestrian, bicycle, and bridge access easements;
- Public access to the easements and the ability for the owner to control that access;
- East and west pedestrian and bicycle connectivity across Interstate 495;
- A memorandum received from the Fairfax County Public Schools that addressed the student capacity deficit at Falls Church High School;
- A request for student capacity projections after renovations were completed for Falls Church High School;
- The Board of Supervisors' changes to the Planning Commission's follow-on motions to Proffer 23 B., which addressed the circulator;
- A request that staff provide the Commission with follow-on motion recommendations made by the Planning Commission versus follow-on motions approved by the Board of Supervisors;
- A memorandum received by the County from the Fairfax County Public Schools dated August 30, 2019 and the individuals who were inadvertently omitted from the carbon copied list;
- Proffer 24 B. (vi), the applicant's request to reserve the right to construct a stormwater management wet pond on the site, as well as other acceptable features or tree save measures to the site in lieu of the wet pond; and
- The applicant's commitment to provide workforce dwelling units at the site.

The discussions resulted in staff's agreement to incorporate language to the proffers that addressed the pedestrian and bicycle bridge's design in conjunction with road improvements. Staff agreed to provide the Commission with capacity projections for Falls Church High School after renovations were completed. A copy of a memorandum received from Brian Schoester,

Office of Facilities Planning Services, Fairfax County Public Schools, dated August 30, 2019 would also be sent to Sandy Evans, Fairfax County School Board member. Staff would confer with the applicant and incorporate language to the proffers that addressed alternatives if the wet pond was not constructed.

There being no listed speakers, Chairman Murphy called for speakers in the audience and recited rules for testimony.

Fran Wallingford, 3311 Mantua Drive, Fairfax, addressed the following concerns:

- The timing of the applicant's monetary contribution to the public schools;
- A suggestion that the contribution be allotted at the time of obtaining a building permit in order to prepare for new enrollments;
- A suggestion to obtain clarification of what was being included as Capital Improvement Programs for Falls Church High School;
- A clarification of what was classified as shovel ready projects; and
- The timing of the proposed improvements to Gallows Road and the impacts during and after construction.

David Hechtman, 7705 Popular Tree Lane, Falls Church, voiced his appreciation for the improvements made to the pedestrian and vehicle circulation planning activities. Mr. Hechtman stated that Gallows Road and Luttrell Road, which did not have sidewalks, were being relined with the proposed application. Mr. Hechtman added that should there be right-of-way and the two roads should be built under Comprehensive Plan standards.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Sampson, who stated the limited number of speakers were indicative of the hard work the applicant, staff, and the community put into the proposed development. Mr. Sampson stated there was a plan to address the missing pieces of sidewalk. The timing of improvements on Gallows Road was also critical to Inova Health Care Services.

Regarding follow-on motions Numbers 1 and 2, related to the multi-modal transportation options around Merrifield and the study of connectivity across Interstate 495, Mr. Dreyfuss clarified that the Board of Supervisors directed the County Executive to include \$700,000 as a consideration item in the next quarterly budget review.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on this application.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. And again, thank you everybody for what I've found to be a very useful and important public hearing. I mentioned at the – at the beginning that I was going to move for – to defer and so I offer this motion. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA/CDPA/FDPA 74-7-047-02-02, TO A DATE CERTAIN OF OCTOBER 10TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to defer the Inova Health Care Services application to a date certain of October 10th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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The Commission went into recess at 10:14 p.m. and reconvened in the Board Auditorium at 10:35 p.m.

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RZ/FDP 2017-PR-010 - TYSONS DEVELOPMENT, LLC –
Appls. to rezone from C-7, I-5, PTC, HC and SC to PTC, HC and SC to permit mixed use development with an overall Floor Area Ratio (FAR) of 7.69 and approval of the conceptual and final development plan. Located on the S.E. side of Tyco Rd. and the N.W. quadrant of the intersection of Leesburg Pike with Spring Hill Rd. on approx. 8.35 ac. of land. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 29-3 ((1)) 53, 53A, 57A, 57K and 57M and 29-3 ((32)) 1. (Concurrent with PCA 2010-PR-014D and SE 2018-PR-013). PROVIDENCE DISTRICT. PUBLIC HEARING.

PCA 2010-PR-014D - TYSONS DEVELOPMENT, LLC – Appl. to amend the proffers for RZ-2010-PR-014D previously approved for mixed-use development to permit deletion of land area from RZ 2010-PR-014D. Located on the N. side of Leesburg Pike, E. side of Tyco Rd., S. side of Boyd Pointe Way and W. of Spring

Hill Rd. on approx. 1.52 ac. of land zoned PTC, SC and HC.
Comp. Plan Rec: Transit Station Mixed Use. Tax Map 29-3 ((32))
1. (Concurrent with RZ/FDP 2017-PR-010 and SE 2018-PR-013).
PROVIDENCE DISTRICT. PUBLIC HEARING.

SE 2018-PR-013 - TYSONS DEVELOPMENT, LLC – Appl.
under Sects. 6-504, 6-507 and 9-618 of the Zoning Ordinance to
permit an increase in Floor Area Ratio (FAR) in the PTC. Located
at 8536, 8546 and 8590 Leesburg Pike, Vienna, 22182 and 1568,
1570 and 1572 Spring Hill Rd., McLean, 22102 on approx. 8.35
ac. of land zoned PTC, HC and SC. Tax Map 29-3 ((32)) 1 and 29-
3 ((1)) 53, 53A, 57A, 57K and 57M. (Concurrent with RZ/FDP
2017-PR-010 and PCA 2010-PR-014D). PROVIDENCE
DISTRICT. PUBLIC HEARING.

Antonio Calabrese, Applicant's Agent, DLA Piper LLP, reaffirmed the affidavit dated September 12, 2019.

Commissioner Sargeant disclosed he was employed by Dominion Energy and recused himself from the vote.

Commissioner Niedzielski-Eichner disclosed the campaign, Niedzielski-Eichner for Supervisor, received a campaign contribution on May 21, 2019 of more than \$100.00 from the Turner Family, LLC, a listed title owner of Tax Map Numbers 0293 01 0053 and 093 01 0053 A. Commissioner Niedzielski-Eichner added that, after a due diligence review, the campaign returned the contribution on May 29, 2019.

Stephen Gardner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2017-PR-010, FDP 2017-PR-010, PCA 2010-PR-014D, and SE 2018-PR-013.

Mr. Calabrese gave a presentation on the subject applications.

Commissioner Niedzielski-Eichner disclosed his intent to defer the proposed applications.

There was a discussion between Mr. Calabrese; Mr. Gardner; Catherine Lewis, ZED, DPD; Chris Caperton, Deputy Director, Office of the Deputy Director, DPD; and multiple Commissioners regarding the following:

- Staff's understanding of the height limitation for the proposed development compared to the buildings in the Tysons area, as identified in the Comprehensive Plan;
- The Park Authority's July 18, 2019 memorandum that addressed concerns regarding commitments for physically constructing athletic fields versus the applicant's proposed accelerated contribution;

- The Park Authority's concerns regarding the proposed community center constructed on Spring Hill Road, one mile from the Spring Hill RECenter, and the financial impact as a result;
- The County's thought process to construct a community center collocated with affordable dwelling units, layout, and accommodations for that mixed-use development;
- The applicant's commitment to install signals at the intersections of Tyco Road and Boyd Pointe Way, Tyco Road and Merchant Street, and Spring Hill Road and Broad Street;
- The removal of a proffer that addressed the D-1 Tower;
- The sustainability and maintenance of the trees planted along the façade of the building wall;
- The Park Authority's Strategic Plan to sustain and cover the costs for the maintenance of current and future recreation centers; and
- Clarification of how much of the building's architecture was bird-friendly.

The discussions resulted in no changes to the applications.

Chairman Murphy called the first listed speaker.

Rob Jackson, 6728 Baron Road, McLean, representing McLean Citizens Association, would support the applications with the proposed changes addressed in a resolution submitted to the Planning Commission on September 30, 2019. A copy of the resolution is in the date file.

A discussion followed between Mr. Jackson and Commissioner Niedzielski-Eichner regarding MCA's opposition. Mr. Jackson stated the application should have gone through a Comprehensive Plan Amendment process and would raise the issue more appropriately regarding the building height rather than stating the applications were in compliance. Mr. Jackson stated the citizens voiced their opposition to the development and the impacts as a result of the building heights during the community meetings. Mr. Jackson added the proposed development exceeded the height limit by 200 feet.

Clark Tyler, 7326 El Dorado Street, McLean, representing Hallcrest Heights Homeowners Association, a former Chairman of the Tysons Land Use Task Force, addressed concerns regarding the proposed development. A copy of Mr. Tyler's statement is in the date file.

A discussion followed between Mr. Tyler and Commissioner Ulfelder regarding Mr. Tyler's recollection of the task forces' position on the proposal at the time in connection with setting height limits. Mr. Tyler stated he did not recall any discussions regarding issues of height limitations near the four Metro stations sites in the Tysons area.

Linda Sullivan, 2667 Prosperity Avenue, Fairfax, supported The View project, specifically the arts amenities. A copy of Ms. Sullivan's statement is in the date file.

Erika Yalowitz, 8350 Greensboro Drive, Tysons, supported the proposed development because Tysons was one of the few places in the County where owning a vehicle was optional. Ms. Yalowitz added issues regarding sidewalks, streetlights, crosswalks, a more efficient way the residents and visitors to have access to the Metro stations, retail, childcare facilities, were solvable. The View would facilitate access and would enhance the experience of living and visiting the Tysons area.

Alex Levy, 1524 Spring Hill Road, McLean, and artistic director with 1st Stage Theater Company, supported the proposed development because it recognized the essential ingredients of culture, the vibrant life of the community, and its support for the arts. Mr. Levy commended the County and The View for recognizing that fair leasing costs were needed for most of the area's regional theaters.

A discussion followed with Mr. Levy and multiple Commissioners regarding the sustained viability of such an initiative, the relationship established with the applicant, and negotiations with 1st Stage as the user of the space. Mr. Levy stated the negotiations were still in progress. He added successful art centers were built with companies with a proving track record in mind. He also suggested that centers built with specific companies in mind, for the artist and for their needs, had a history of success. Commissioner Niedzielski-Eichner acknowledged Supervisor Smyth's work with 1st Stage.

Paul Kohlenberger, 640 Live Oak Drive, McLean, represented the Greater McLean Chamber of Commerce, supported the proposed development. Mr. Kohlenberger stated that the Greater McLean Chamber of Commerce represented and promoted the economic and civic interest of the McLean Planning Districts. He added the development helped fulfill the vision of the Tysons Urban Center, served the interest of the Greater McLean community, and merit the Commission's approval. The proposed development also fulfilled the vision of the plan by transitioning from disjointed auto related uses to a mixed of uses centered around transit accessibility. Density and height were concentrated where multi-model transportation capacity was highest. Mr. Kohlenberger stated the staff report recommended approval based on the overall harmony of the applications and served the interest of the Tysons and the broader McLean community by offering reinvestment and renewal to a prominent site. He commended the applicant's accelerated proffered payments for public facilities, a covered kiss and ride, several acres and park land, and a contribution which would potentially provide needed seed money for an adjacent community center.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Calabrese who encouraged the Commission to read supporting testimony received from Kent Holland, a resident of McLean and member of the McLean Citizens Association of the Planning and Zoning Committee. Mr. Calabrese added the site was the most appropriate place to achieve the plan's objectives. He added the applicant did not want to navigate between the Board of Supervisors and Park Authority, as there were policy issues that warranted discussion. Mr. Calabrese concurred with Commissioner Carter's assessment that there was a contiguous site

within 450 feet of the Metro owned by the County and should be utilized. The Fire Station 29 facility would be relocated, and the monetary proffers would be accelerated.

Mr. Calabrese's rebuttal was followed by comments from Commissioner Hurley. Commissioner Hurley stated her support for athletic fields, however, did not believe they needed to be constructed within 450 feet of the Metro station. Commissioner Hurley stated monetary contributions should not be given directly to the Board of Supervisors and requested that during the deferral period, staff find ways to bind the applicant's monetary contributions to a site to construct an athletic field close to the Tysons area.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on these applications.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. And again, thank you everybody for your excellent contribution this evening and to my colleagues for your – your good questions. I am as I indicated earlier want to defer this for the week we have – we have. The Board is scheduled for - to hear this application on the 15th of October. So we have till next Thursday to act on this application before then – it goes on to the Board. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2017-PR-010, PCA 2010-PR-014D, AND SE 2018-PR-013, TYSONS DEVELOPMENT, LLC, TO A DATE CERTAIN OF OCTOBER 10TH, 2019, WITH THE PUBLIC RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of the motion? All those in favor of the motion to defer decision on this application as articulated by Mr. Niedzielski-Eichner, to a date certain of October 10th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Clarke was absent from the meeting. Commissioner Sargeant recused himself from the vote.

(End Verbatim Transcript)

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CLOSING

October 2, 2019

The meeting was adjourned at 12:23 a.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 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: March 4, 2020

Jacob Caporaletti

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

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 9 day of March 2020, by
Jacob Caporaletti.

Dorethy M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

Notary Seal

