

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, OCTOBER 17, 2019**

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

ABSENT: Julie M. Strandlie, Mason District  
Donté Tanner, Sully District

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The meeting was called to order at 7:37 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

Commissioner Migliaccio reminded Commissioners that he intended to move approval of the meeting minutes for March 2019 through April 2019 at the Planning Commission meeting on Thursday, October 24, 2019. He then instructed his fellow Commissioners to forward revisions to Jacob Caporaletti, Clerk to the Planning Commission, prior to that date.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee would meet on Wednesday, October 23, 2019 in the Board Auditorium of the Fairfax County Government Center to receive a presentation regarding zMOD. He added that this meeting would be televised on Channel 16.

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SE 2018-DR-020 – FAIR LIGHT, LLC

*(Start Verbatim Transcript)*

Commissioner Ulfelder: Thank you, Mr. Chairman. We were scheduled to have a public hearing tonight on a matter in the – special exception in the Dranesville District. We're gonna further defer the public hearing in order to give the applicant time to meet with the McLean Citizens

Association Planning and Zoning Committee later this month. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2018-DR-020, FAIR LIGHT, LLC, TO A DATE CERTAIN OF NOVEMBER 6<sup>th</sup>, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only SE 2018-DR-020, to a date – Fair Light, LLC, to a date – not it's not...

Commissioner Hart: Not the decision only, it's a public hearing.

Chairman Murphy: Public hearing – I'm sorry.

Commissioner Ulfelder: Public hearing – excuse me.

Chairman Murphy: Defer the public hearing on SE 2018-DR-020, Fair Light, LLC, to a date certain of November 6<sup>th</sup>, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. SE 2019-PR-015 – CRESCENDO STUDIOS, LLC
2. PCA/CDPA/FDPA 2010-LE-009 – MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST, LLC C/O MONUMENT REALTY
3. PCA 2002-LE-005 – ALWADI, LLC
4. PCA 82-P-069-23/CDPA 82-P-069-10/FDPA 82-P-069-01-19, PCA 82-P-069-22/FDPA 82-P-069-09-10, PCA 82-P-069-17-01, PCA 82-P-069-18-01 – FAIR LAKES NORTH & SOUTH L.C. (Springfield District)
5. SE 2018-MV-007 – NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES

This order was accepted without objection.

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SE 2019-PR-015 – CRESCENDO STUDIOS, LLC – Appl. under Sects. 3-304, 9-006, 9-304 and 9-310 of the Zoning Ordinance to permit a private school of special education with music-recording studio as an accessory use. Located at 8101A Lee Hwy., Falls Church, 22042 on approx. 1.65 ac. of land zoned R-3, CRA and HC. Tax Map 49-4 ((1)) 54A and 54D. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynelle Palencia, Applicant/Title Owner, reaffirmed the affidavit dated June 10, 2019.

There were no disclosures by Commission members.

Commissioner Niedzielski-Eichner asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Mr. Chairman, this applicant is seeking a special exception to permit a private school of special education with a music studio as an accessory use on the first floor of an existing building. This parcel is located in the southeast intersection of Lee Highway and Porter Road, just off of Gallows Road near the Mosaic District. The parcels to the north, south, east, and west are developed with a church, multi-family residential, VDOT storage yard, and the shopping center respectively. The spaces in question has a special exception to permit a radio, television, and microwave antenna facility on the subject property. As the existing special exception does not allow the property to be used as a private school special education with a music studio as an accessory use, a special exception is required for this use. No increase of gross floor area or new construction is proposed as part of this request. I concur with staff's assessment that a private school of special education is in harmony with the current land use recommendations of the Comprehensive Plan and further, find that the repurposing of an existing structure for promoting music and performing arts is an admirable addition to this vital area of the County. Therefore, Mr. Chairman, I request that the applicant state on the record your acceptance of the development conditions dated October 2<sup>nd</sup>, 2019.

Lynelle Palencia, Applicant: Yes, I agree to the development conditions.

Commissioner Niedzielski-Eichner: Dated October 2<sup>nd</sup>, 2019?

Ms. Palencia: Yes, dated October 2<sup>nd</sup>, 2019.

Commissioner Niedzielski-Eichner: Thank you so much. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS

APPROVE SE 2019-PR-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 2<sup>ND</sup>, 2019.

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 2019-PR-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Also Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND/OR MODIFICATIONS SHOWN ON THE ATTACHMENT DATED OCTOBER 17<sup>TH</sup>, 2019 AND DISTRIBUTED TO YOU TONIGHT.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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PCA/CDPA/FDPA 2010-LE-009 – MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST, LLC C/O MONUMENT REALTY – Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ 2010-LE-009, previously approved for commercial development with a Floor Area Ratio (FAR) of 1.5 to permit a residential building and associated modifications to proffers and site design at a FAR of 1.5. Located in the N.W. quadrant of the intersection of Franconia-Springfield Pkwy. and Beulah St. on approx. 12.94 ac. of land zoned PDC. Comp. Plan Rec: Mixed Use. Tax Map 91-1 ((4)) 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 9, 9A 10, 10A, 11, 11A, 13, 13A, 14, 14A, 15, 15A, 16, 16A, 17, 17A, 18, 18A, 19,



19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 500,  
500A, and 501. LEE DISTRICT. PUBLIC HEARING.

David R. Gill, Applicant's Agent, Wire Gill, LLP, reaffirmed the affidavit dated September 13, 2019.

There were no disclosures by Commission members.

Commissioner Migliaccio asked that Chairman Murphy ascertain whether there were any speakers for these applications. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on these applications.

*(Start Verbatim Transcript)*

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Commissioner Migliaccio: Thank you, Mr. Chairman. This is a fairly simple case. It is – this parcel of land is located in the Franconia Springfield TSA. The applicant has held on to this for the last decade looking to build an office building or a set of office buildings. The market hasn't been there for that. This is simply replacing one of the office buildings with a residential unit with some retail at the bottom hoping to jump start what we have there on the corner of Beulah and Franconia – Franconia and Springfield Parkway. It has the support of the – our professional planning staff, it has also the recommendation of support from the Lee District Land Use Committee. Therefore, Mr. Chairman, I have a few motions to make this evening. First, I request that the applicant please confirm for the record your agreement to the development conditions dated October 2<sup>nd</sup>, 2019.

David Gill, Applicant's Agent, Wire Gill LLP: We so agreed with the conditions dated October 2<sup>nd</sup>, 2019.

Commissioner Migliaccio: Thank you, Mr. Gill. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2010-LE-009, CONSISTENT WITH PROFFERS DATED OCTOBER 9<sup>TH</sup>, 2019.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2010-LE-009, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 2<sup>ND</sup>, 2019.

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.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS' APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED OCTOBER 17<sup>TH</sup>, 2019 THAT WAS HANDED OUT – PROVIDED TO YOU THIS EVENING AND WILL BE MADE A PART OF THE RECORD.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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PCA 2002-LE-005 – ALWADI, LLC – Appl. to amend the proffers for RZ 2002-LE-005 previously approved for commercial development to permit a shopping center and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.18. Located on the N. side of Richmond Hwy. approx. 500 ft. E. of Martha St. on approx. 1.23 ac. of land zoned C-8, CRD and HC. Comp. Plan Rec: Mixed Use. Tax Map 101-4 ((1)) 11A and 12. LEE DISTRICT. PUBLIC HEARING.

John E. Carter, Applicant's Agent, John E. Carter, P.C., reaffirmed the affidavit dated January 24, 2019.



Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an ongoing case in which Mr. Carter was representing an adverse party, but that matter and those parties were unrelated to this case and there was no financial relationship; therefore, it would not affect his ability to participate in this public hearing.

William Mayland, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application PCA 2002-LE-005.

Mr. Carter gave a presentation on the subject application.

There was a discussion between Mr. Mayland, Mr. Carter, and multiple Commissioners on the following issues:

- The language of Proffer Number 12, Outdoor Display, and the extent to which it was reflected on the Generalized Development Plan (GDP);
- The provisions of Proffer Number 10, Dumpsters, for providing adequate screening between the dumpsters and neighboring residential development and the extent to which it was reflected on the GDP;
- The issues that the applicant intended to resolve at the time of site plan approval;
- The issues that the applicant had addressed between the publication of the original staff report and the staff report addendum dated September 4, 2019;
- The circumstances by which the subject application would require an amendment or an interpretation;
- The process for resolving outstanding issues with the subject application prior to the Board of Supervisors' public hearing and site plan approval;
- The subject application's consistency with the recommendations of the Comprehensive Plan and EMBARK Richmond Highway;
- The potential issues that might arise by the applicant's efforts to address outstanding issues at the time of site plan approval;
- The previous instances in which similar applications had been recommended for approval by staff and the Planning Commission;
- The role of the Department of Land Development Services in identifying issues with the application and assisting the applicant in resolving those issues;
- The concerns of the Commissioners with the practices of entrusting applicants to address certain outstanding issues at the time of site plan review;
- The timeframe for reviewing and approving the subject application;
- The language in Proffer Number 6, Inter-Parcel Access, and the extent to which it allowed for sufficient review of the necessary easements by the County Attorney's Office;
- The language in Proffer Number 16, Archeological Survey, and the extent to which the subject property contained historically significant artifacts or buildings;
- The adequacy of the language in Proffer Number 22, Environmental Site Assessment (ESA), to ensure that the environmental conditions of the subject property would be sufficiently improved in accord with the conclusions of the ESA;

- The history of uses on the site and the extent to which those uses incurred environmental impacts;
- The review process for the ESA and the possible environmental remediation measures that might be required for the site;
- The procedures for addressing the community's concern regarding a development's impact on stormwater management;
- The types of issues that are appropriate to resolve at the time of site plan review;
- The extent to which the stormwater management provisions articulated in Proffer Number 17, Stormwater Management, were adequately reflected in the GDP and the ability of the applicant to address potential issues at the time of site plan review;
- The standards and procedures that the applicant would utilize for addressing stormwater management and environmental issues at the time of site plan review; and
- The applicant's ability to provide adequate information to staff regarding various issues and concerns with the subject application.

The discussion resulted in the following changes to the subject application:

- The intent to ensure that the provisions of Proffer Numbers 10, 12, and 17 were accurately reflected within the language of the proffers and the GDP prior to the Board of Supervisors' public hearing; and
- The modification of the language in Proffer Number 6 to incorporate language ensuring the provisions for the easements was subject to review by the County Attorney's Office.

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 Migliaccio for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Migliaccio: Thank you, Mr. Chairman. This item has a few issues outstanding with the proffers that need to be cleaned up and – just the sense of the Planning Commission that it's not a clean application. It's sloppy. It has much work to be done on the engineering side and therefore, Mr. Chairman, I'm gonna move to defer the decision only on this to a date next week to see if we can at least get the proffers cleaned up. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR PCA 2002-LE-005, TO A DATE CERTAIN OF OCTOBER 24<sup>TH</sup>, WITH THE RECORD REMAINING OPEN.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. – Mr. Hart and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PCA 2002-LE-005, Alwadi, LLC, to a date certain of October 24<sup>th</sup>, 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. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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The next public hearing was located in the Springfield District; therefore, Chairman Murphy relinquished the chair to Vice Chairman Hart.

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PCA 82-P-069-23/CDPA 82-P-069-10/FDPA 82-P-069-01-19 – FAIR LAKES NORTH & SOUTH L.C. – Appl(s). to amend proffers associated with PCA 82-P-069-14 and PCA 82-P-069-20 to permit a continuing care facility and residential development or independent living facility and residential development and associated modifications to proffers and site design at a Floor Area Ratio (FAR) of 0.79 exclusive of ADUs. Located in the N. E. quadrant of the intersection of Fairfax County Pkwy. and Fair Lakes Pkwy. on approx. 23.61 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed Use. Tax Map 45-4 ((1)) 25B, 25E1 and 25E2. (Concurrent with PCA 82-P-069-22, FDPA 82-069-09-10, PCA 82-P-069-17-01, PCA 82-P-069-18-01). SPRINGFIELD DISTRICT. PUBLIC HEARING.

PCA 82-P-069-22 & FDPA 82-P-069-09-10 – FAIR LAKES NORTH & SOUTH L.C. – Appls. to amend proffers and development plan associated with PCA 82-P-069-19 to permit the continuation of a drive-in financial institution and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.10. Located approx. 500 ft. S.E. of W. intersection of Fair Lakes Cl. and Fair Lakes Pkwy. on approx. 4.7 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed Use. Tax Map 55-2 ((5)) A1, B, and D4 (pt.). (Concurrent with PCA 82-P-069-23, CCDPA 82-P-069-10, FDPA 82-P-069-01-19, PCA 82-P-069-17-01 and PCA 82-P-069-18-01). SPRINGFIELD DISTRICT. PUBLIC HEARING.

PCA 82-P-069-17-01 – FAIR LAKES NORTH & SOUTH L.C. – Appl. to amend the proffers associated with PCA 82-P-069-17 previously approved for mixed use development to permit mixed use development with associated modifications to proffers. Located on the N. side of Fair Lakes Cl., approx. 300 ft. S.W. of

west intersection with Fair Lakes Pkwy. on approx. 5.6 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed Use. Tax Map 55-2 ((1)) 6A and 8A2. (Concurrent with PCA 82-P-069-18-1, PCA 82-P-069-22, FDPA 82-069-9-10, PCA 82-P-069-23, CDPA 82-P-069-10 and FDPA 82-P-069-01-19). SPRINGFIELD DISTRICT. PUBLIC HEARING.

PCA 82-P-069-18-01 – FAIR LAKES NORTH & SOUTH L.C. –  
Appl. to amend the proffers associated with PCA 82-P-069-18 previously approved for residential and office development to permit residential and office development with associated modifications to proffers. Located approx. 450 f.t. S.E. of east intersection of Fair Lakes Pkwy. and Fair Lakes Cl. on approx. 13.96 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed Use. Springfield District. Tax Map 55-2 ((4)) 12, 16, 19 and 26A. (Concurrent with PCA 82-P-069-17-1, PCA 82-P-069-22, FDPA 82-P-069-10, PCA 82-P-069-23, CDPA 82-P-069-10 and FDPA 82-P-069-01-19). SPRINGFIELD DISTRICT. PUBLIC HEARING.

Francis A. McDermott, Applicant's Agent, Hunton Andrews Kurth, LLP, reaffirmed the affidavit dated September 16, 2019.

Vice Chairman Hart disclosed that his law firm, Hart & Horan PC, had two cases in which attorneys from a firm listed on the affidavit, Walsh, Colucci, Lubeley & Walsh, PC, represented adverse parties. However, he noted that those matters and those parties were unrelated to the subject applications and there was no financial relationship; therefore, it would not affect his ability to participate in the public hearing.

Vice Chairman Hart disclosed that his law firm, Hart & Horan PC, had a case within the past 12 months in which a client had hired an engineer as a consultant from a firm listed on the affidavit, Urban Engineering & Associates, Inc. However, he noted that this case had been concluded and he had no business or financial relationship with that firm; therefore, it would not affect his ability to participate in the public hearing.

Kelly Atkinson, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications PCA 82-P-069-23, CDPA 82-P-069-10, FDPA 82-P-069-01-19, PCA 82-P-069-22, FDPA 82-P-069-09-10, PCA 82-P-069-17-01, and PCA 82-P-069-18-01.

Mr. McDermott gave a presentation on the subject applications.

There was a discussion between Mr. McDermott; Ms. Atkinson; Catherine Lewis, ZED, DPD; and multiple Commissioners on the following issues:



- The management of the proposed residential community;
- The accessibility and security provisions of the proposed community by the public;
- The mechanisms for dissuading trespassers on the private park facilities for the site;
- The parking provisions for the community and the presence of underground parking facilities;
- The usage of the park facilities by elder residents of the continuing care or independent living facilities;
- The implantation of appropriate amenities with the proposed development that were consistent with the County's existing standards;
- The applicant's proffered contributions for the amenities that would serve the community and the extent that those contributions reflected those proffered in the previously approved applications for the site, PCA 82-P-069-17, CDPA 82-P-069-03-03, FDPA 82-P-069-08-05;
- The amenities that would be provided for the independent living facilities within the development and the extent to which certain amenities impacted the applicant's commitment to other amenities;
- The growing demand for independent living and assisted care facilities throughout the County;
- The applicant's fair share contributions for the independent living facility development option compared to the contributions required for the assisted living facility option;
- The Comprehensive Plan's recommendations regarding fair share contributions and the extent to which the proposal met those standards;
- The impact of a community that accommodated an aging population compared to a community that accommodated populations of any age;
- The status of continuing care facilities as a commercial/non-residential use;
- The usage of park facilities and community amenities by elder populations;
- The standards for analyzing the proposed development's fair share contribution and amenities;
- The stormwater management features that would be utilized by the proposed development and the standards by which those features would operate;
- The impact of the proposed development on daily trips to the site and the prevalence of impervious surfaces;
- The off-site amenities that residents of the proposed community could possibly utilize;
- The location of access points to the community, the adequacy of those access points, and the features necessary to accommodate an elder population;
- The traffic impact of the proposed community;
- The various unit types and the designs for those units that would be implemented within the proposed community;
- The safety and security considerations for the continuing care facility and independent living facility portions of the site;
- The maintenance responsibilities for the various amenities and public facilities throughout the Fair Lakes area;

- The fair share contributions that were required of an office development compared to an independent or assisted living development;
- The history of the standards for determining appropriate fair share contributions in the Fair Lakes area;
- The need for anticipating the usage of recreational facilities by aging populations;
- The unique impacts associated with continuing care facilities, including those affected recreational facilities;
- The amenities and accessibilities that would be included within the continuing care facility portion of the proposed community;
- The Health Care Advisory Board's support and evaluation of the proposal's continuing care facility development option;
- The process the applicant would utilize to determine which of the development options articulated in the subject applications to implement;
- The applicant's preference for pursuing the development option that included a continuing care facility and the factors that would warrant pursuing an option for an assisted living facility;
- The trends in aging populations that continued utilizing vehicles and the ability of the proposal to adequately accommodate such usage;
- The location and accessibility of the nearest dog park for residents of the proposed development; and
- The possibility that future dog park facilities would be implemented within the Fair Lakes area.

The discussion resulted in no changes to the subject applications.

Vice Chairman Hart called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary.

There was a final discussion between Mr. McDermott, Ms. Atkinson, and multiple Commissioners on the following issues:

- The status of the unresolved issues associated with the proposal;
- The extent to which staff supported the subject applications;
- The standards by which staff evaluated the subject applications;
- The timeframe for the applicant to address unresolved issues prior to the Board of Supervisors' public hearing for the subject applications;
- The efforts of the applicant to coordinate with staff and the Springfield District Supervisors office to address the issues raised during the public hearing;
- The extent to which development plans had changed over the years in the Fair Lakes area; and
- The support that similar elder care facilities had garnered in other portions of the County.



There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Hart closed the public hearing and recognized Commissioner Murphy for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Murphy: Thank you much – very much, Mr. Chairman. I think it's a great thing that we are looking at a continuing care facility with independent living and assisted living components. I think we need that in Fairfax County and quite frankly, notwithstanding some of the discussions we had this evening, I can't think of a better place to have this place located than in Fair Lakes in a repurposed building, as Mr. Niedzielski-Eichner just said. This is an ideal situation and that is why this application is in conformance with the Comprehensive Plan. And it has been in conformance with the Comprehensive Plan through several iterations. It hasn't changed. There are no addendums to this staff report. And notwithstanding the two issues we discussed this evening, the fair share contribution and public access easement, I believe that those are – those are topics that should be discussed with the Supervisor prior to the public hearing of the Board on the 29<sup>th</sup>. And I would like to go ahead and we've heard all about all the great things that are gonna be there TDM's, and tree preservation, and outdoor recreation, indoor recreation, stormwater management, green building, Fairfax County contribution to the – I mean the Fairfax Center contribution to the road fund, water quality, all these great things that are contained in the staff report, we can't forget when we look at this thing in the whole, as a substantive application that's going to assist people who are the highest growing demographic in Fairfax County – those over 65. I think Ms. Cortina said 55, maybe I'm off by ten years, I was sure it was 65, maybe it's even younger than that now. So, I would like to move ahead and, with your support, support my motion to recommend to the Board of Supervisors that all these applications be approved subject to the proffers dated...

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Development:  
Chairman Murphy, can we get the applicant...

Commissioner Murphy: I have – I have to do these individually, don't I?

Vice Chairman Hart: I think you gotta do a separate...

Kelly Atkinson: And you have the applicant reaffirm the conditions.

Commissioner Murphy: Oh, and Mr. McDermott, will you come forward?

Bill McDermott, Applicant's Agent, Hunton Andrews Kurth LLP: We agree – we are agreeable to the most recent development conditions. I forget their date, but there are, I think, four of them.

Commissioner Murphy: Okay, and do you agree to meet with the supervisor before the Board meeting to flush this out?

Mr. McDermott: I absolutely am.

Commissioner Murphy: Okay.

Mr. McDermott: I need to.

Vice Chairman Hart: You must.

Commissioner Murphy: I thought you got that message and I wasn't quite sure. Okay. Alright, thank you very much. Now for the motions tonight. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 82-P-069-23 AND ITS ASSOCIATED CDPA 82-P-069-10, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 14<sup>TH</sup>, 2019.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Mr. Migliaccio. Discussion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Mr. Murphy.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-01-19, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT PROFFERED CONDITION AMENDMENT APPLICATION AND THE DEVELOPMENT CONDITIONS DATED OCTOBER 15<sup>TH</sup>, 2019.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion of that motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 82-P-069-22, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JULY 18<sup>TH</sup>, 2019.

Commissioner Migliaccio: Second.



Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion on that motion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Mr Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-09-10, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT PROFFERED CONDITION AMENDMENT APPLICATION AND THE DEVELOPMENT OF THE CONDITIONS DATED OCTOBER 3<sup>RD</sup>, 2019.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Mr. Migliaccio. Any discussion on that motion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS' APPROVE PCA 82-P-069-17-01, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 26<sup>TH</sup>, 2019.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. And discussion of that motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 82-P-069-18-01, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JULY 18<sup>TH</sup>, 2019.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion of that motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: They are much easier to read when they are one after another. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS' APPROVE THE MODIFICATIONS AND WAIVERS FOR PCA 82-P-069-23 AND FDPA 82-P-069-01-19, LISTED IN THE HANDOUT DATED OCTOBER 17<sup>TH</sup>, 2019, THAT WAS PROVIDED TO YOU TODAY, WHICH WILL BE MADE PART OF THE RECORD OF THE CASE.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion of that motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Each motion carried by a vote of 10-0. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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At the conclusion of the public hearing, Chairman Murphy resumed the Chair.

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The Commission went into recess at 9:55 p.m. and reconvened at 10:11 p.m.

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SE 2018-MV-007 – NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES – Appl. under Sect. 3-104 of the Zoning Ordinance to permit a cultural center. Located at 8907, 8900 & 9000 Richmond Hwy., Alexandria, 22309 and VDOT Surplus right-of-way, on approx. 125.6 ac. of land zoned R-1, HC and HD. Tax Map 109-2 ((1)) 2, 3 and 4 and Surplus VDOT right-of-way. MOUNT VERNON DISTRICT. PUBLIC HEARING.



Scott Adams, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated August 8, 2019.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a case in which a client hired an engineer from Urban Engineering & Associates, Inc., which was listed on the affidavit. However, he noted that the matter had since concluded and there was no business or financial relationship; therefore, it would not affect his ability to participate in the public hearing.

Wanda Suder, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2018-MV-007, subject to the revised development conditions dated October 17, 2019.

Mr. Adams gave a presentation on the subject application in which he stated that the applicant had agreed to the revised set of development conditions dated October 17, 2019 that Ms. Suder had referenced.

There was a discussion between Mr. Adams, Ms. Suder, and multiple Commissioners on the following issues:

- The existing amount of parking on the subject property and the amount that would be available to accommodate planned development;
- The hours of operation for the existing Planation House on the site;
- The various uses and security concerns associated with the existing Planation House on the site;
- The types of farm animals that would be permitted on the site under the subject application;
- The impact of the subject application on the viewshed of the site;
- The process for reviewing the proposed cultural center and the impact that such a facility would incur on the viewshed of the site;
- The extent to which the proposal would require the clearing of existing trees on the site and the planting of new trees to improve the overall viewshed;
- The possible uses and activities that the site would accommodate under the proposal;
- The extent to which the applicant had coordinated with representatives from Fort Belvoir to address their concerns;
- The history of the site, the applicant's reason for pursuing the subject application, and the extent to which the application modified the operation of the property;
- The compatibility of the buildings that would be permitted under the proposal with the existing historical structures on the site;
- The role of the Architectural Review Board in reviewing any structures that would be constructed on the site;
- The design and composition of the barriers that would be installed along certain portions of the perimeter of the site;
- The provisions for shelters for the outdoor dining areas on the site;
- The location and adequacy of the bathroom facilities on the site;

- The type of farming that would be permitted on the site;
- The existing access point to the property; and
- The applicant's efforts to preserve the environmental conditions in and around the subject property.

The discussion resulted in no changes to the subject application.

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 Clarke for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Clarke: Thank you, Mr. Chairman, and the citizens that live in and near this area is very excited to have this project come to fruition. I first heard of this concept when I served on the Southeast Fairfax Development Corporation so it's been a long time coming and it's glad this night is here. Miss Katherine Ward, the Co-Chair of the Mount Vernon Council, she had a conflict. She was going to be here tonight to give testimony and she sent in her written testimony, so we have that for our records. We appreciate her efforts. And as Mr. Adams has said, we had the Mount Vernon Council, as well as the Mount Vernon Chamber – Mount Vernon Lee Chamber to give a letter in support, as well as the Southeast Fairfax Development Corporation. So, we appreciate the letters of support and resolution that came in from the Council. So, we're excited about this, it's gonna – we feel that it would help spark further development along that portion of the highway and for the County, so it'll be another great asset for the community. And with that, Mr. Chairman, I'd like to move with a motion here tonight.

Chairman Murphy: Please.

Commissioner Clarke: I would like to ask the applicant if he will confirm – Mr. Adams, he will confirm the – for the record, the agreement of the proposed development conditions dated October 17, 2019.

Scott Adams, Applicant's Agent, McGuireWoods LLP: Yes, we agree with those development conditions, as discussed tonight.

Commissioner Clarke: Thank you very much, sir.

Mr. Adams: Thank you.



Commissioner Clarke: So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF SE 2018-MV-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 17<sup>TH</sup>, 2019.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of the motion? All those in favor the motion to recommend to the Board of Supervisors that it approve SE 2018-MV-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: AND WE ASK FOR THE APPROVAL OF MODIFICATIONS OF THE TRANSITIONAL SCREENING AND WAIVER OF BARRIER REQUIREMENT OF SECTION 13-303 AND SECTION 13-304, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE AS SHOWN ON THE SE PLAT, EXCEPT ALONG THE WESTERN PROPERTY BOUNDARY; and did I get that right, Ms. Suder, on that?

Wanda Suder, Zoning Evaluation Division, Department of Planning and Development: Yes.

Commissioner Clarke: Okay. AND WAIVER OF THE – OF THE COUNTYWIDE TRAIL PLAN REQUIREMENT IN THE FOLLOWING LOCATIONS: JEFF TODD WAY (ROUTE 619), AND RETAIN THE EXISTING 5-FOOT WIDE PEDESTRIAN WALKWAY INSTEAD OF 10-FOOT WIDE MAJOR PAVED TRAIL ALONG THE WESTERN SIDE AND SOUTHWEST CORNER OF THE PROPERTY, ELIMINATE SMALL SECTION OF TRAIL AS SHOWN ON THE SE PLAT.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Clarke, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Strandlie and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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CLOSING

October 17, 2019

The meeting was adjourned at 10:52 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 552, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

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 2 day of March 2020, by  
Jacob Caporaletti.

*Dorothy M. Steel*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

Notary Seal

