

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 13, 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
Mary D. Cortina, Commissioner At-Large

ABSENT: Walter C. Clarke, Mount Vernon District
Donté Tanner, Sully District

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The meeting was called to order at 7:32 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 Hart announced that the Planning Commission's Transportation Committee would meet at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center on Thursday, November 14, 2019.

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SE 2018-DR-020 – FAIR LIGHT, LLC (Decision Only) (The public hearing on this application was held on November 6, 2019.)

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. We held a hearing last week on a special exception application to - for a lot width waiver on Lewinsville Road and the applicant, based on the number of the questions and issues that arose, is resubmitting their application. And staff will need some additional time to analyze it and is planning to possibly have to publish an addendum to the original staff report. So, I'm going to further defer that decision. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2018-DR-020, FAIR LIGHT, LLC, TO A DATE CERTAIN OF DECEMBER 11, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. 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 December 11th - did you say?

Commissioner Ulfelder: Yes.

Chairman Murphy: Okay, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman, I was absent from the hearing, but I think I can vote to defer.

Chairman Murphy: Okay. Sure. Go ahead.

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

(End Verbatim Transcript)

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2232-D18-11 – FAIRFAX COUNTY PARK AUTHORITY, MCLEAN CENTRAL PARK MASTER PLAN REVISION, 1468 Dolley Madison Boulevard, Mclean, VA 22101.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Well, I have a feature shown application in McLean for the McLean Central Park Master Plan revisions. It needs to be addressed this evening. The Fairfax County Park Authority has revised the master plan for McLean Central Park, which is located at the intersection of Dolley Maddison Boulevard and Old Dominion Drive, next to the McLean Library and the McLean Community Center. A portion of Dead Run stream and its associated RPA runs through the park and will remain largely undisturbed. After several public meetings to gather community input and suggestions for additional park uses desired by the McLean community, the Park Authority staff proposed and the Park Authority Board approved a revised master plan for McLean Central Park that includes a number of new elements. First and foremost is the addition of a new amphitheater with drop off access for various types of performances and programs. The addition of two new entry plazas with connections to the existing and expanded park trail network, as well as to the new park uses. The trails will have new lighting and appropriate wayfinding signage. Park Authority also plans to install a berm as well as additional trees and other plantings to buffer the impact for park visitors from nearby traffic. In addition, they plan on adding a fitness zone near the existing athletic course, as well as stream watching areas with seating for visitors. And finally, the plan includes a future off-leash dog area at the

existing tennis courts to be implemented once the use of the tennis courts drops off further. I concur with staff's conclusion that the proposed elements of the revised McLean Central Park Master Plan, adopted by the Park Authority Board on November 13th, 2013, satisfy the criteria of location, character, and extent as specified in Virginia Code section 15.2-2232. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT - SUBJECT APPLICATION 2232-D18-11 A FEATURE SHOWN OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to approve 2232-D18-11, Fairfax County Park Authority, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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22232-S19-7 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, PROPOSED POLICE HELIPORT EXPANSION, 4604 West Ox Road, Fairfax, VA 22030

(Start Verbatim Transcript)

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Commissioner Murphy: I have a 2232 in the Springfield District. In the 2232 to demolish the current police heliport building, which was built in 1984, and rebuild it to a modern new facility. It's located on West Ox Road in the same area of the Fire and Rescue Academy and the Vehicle Services Maintenance Facility, is in conformance with the Comprehensive Plan, and successfully addresses the three criteria of character, location, extent. Therefore, I MOVE THAT WE APPROVE AND CONCUR WITH THE STAFF'S RECOMMENDATION OF 2232-S19-7.

Commissioner Niedzielski-Eichner: Second.

Chairman Hart: Seconded Commissioner Niedzielski-Eichner. Any discussion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Thank you very much.

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

(End Verbatim Transcript)

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Secretary Migliaccio established the following order of the agenda:

1. AF 2019-DR-002 - CHARLES J. DIBONA
2. ZONING ORDINANCE AMENDMENT (PARKING RATE AT REGIONAL MALLS)
3. RZ/FDP 2018-DR-018 – L&F Frying Pan, LLC

The order was accepted without objection.

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AF 2019-DR-002 CHARLES J. DIBONA – A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983 to permit an establishment of an agricultural and forestal district. Located at 9306 Georgetown Pike and 644 River Bend Rd., Great Falls, 22066 on approx. 50.22 ac. of land zoned R E. Tax Map 13-2 ((1)) 7D, 7E and 9H. DRANESVILLE DISTRICT. PUBLIC HEARING.

Ellen Alster, 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 AF 2019-DR-002.

Commissioner Ulfelder 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 Ulfelder for action on this case.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. This application would establish a new 50-acre local Agricultural and Forestal District in Great Falls, stretching between Georgetown Pike and Riverbend Road. The property was purchased by Charles and Evelyn Dibona 49 years ago, and they have resided there for over 45 years. During that time, they've been thoughtful and diligent caretakes of the property, maintaining it in a manner consistent with the rural and semi-rural character of the surrounding area. Both the Northern Virginia Soils and Water Conservation Districts and the Virginia Department of Forestry have visited with the Dibonas and prepared management plans for the property going forward. Based on the proposed ordinance provisions for this property, the applicants will be required to implement and abide by these recommendations for the life of the district. In fact, according to the staff report, the applicants have already made a significant effort to remove invasive trees and plants on the property as

recommended by the Virginia Department of Forestry. As reflected in the Great Falls Citizens Association's letter supporting this application, the residents of Great Falls are more than happy to see responsible local property owners, such as the Dibonas, taking steps to further protect and preserve important local properties as well as scenic vistas that are characteristic of the rural and semi-rural character of the area. And I would add my strong support for those - for their - for the GFCA's support in their conclusions about the importance of this application. Would the applicant please come forward for a moment? Identify yourself with your name and address for the record.

Charles J. Dibona: Excuse me, I'm a little hard of hearing.

Commissioner Ulfelder: Okay. Would you identify yourself by name and address for the record?

Mr. Dibona: Yes. I'm Charles Joseph Dibona, and my wife and I own the 50 plus acres of land in Great Falls.

Commissioner Ulfelder: Would you confirm for the record your agreement with the proposed ordinance provisions that are included as Appendix I in the October 29th, 2019 staff report?

Mr. Dibona: Yes. I certainly do. I've been doing it for almost 50 years and I, and what they're asking me to do is rather minor modifications to that.

Commissioner Ulfelder: Great. Thank you very much.

Mr. Dibona: Thank you.

Commissioner Ulfelder: Thank you, Mr. Dibona. With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AF 2019-DR-002 BE APPROVED AND APPENDIX F OF FAIRFAX COUNTY CODE BE AMENDED TO ESTABLISH THE DIBONA LOCAL AGRICULTURAL AND FORESTRAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS IN APPENDIX I OF THE OCTOBER 29TH, 2019 STAFF REPORT.

Commissioner Hart: Second.

Chairman Murphy: Second Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve AF 2019-DR-022 - 002, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

ZONING ORDINANCE AMENDMENT (PARKING RATE AT REGIONAL MALLS) – An amendment to Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Revise the minimum parking requirements for shopping centers in Paragraph 23 C and D of Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses:

(1) Lower the gross floor area range for shopping centers subject to a minimum parking requirement of 4.8 spaces from greater than 400,000 but less than 1,000,000 square feet of gross floor area to greater than 400,000 but less than 800,000 square feet of gross floor area; and

(2) Revise the parking rate for shopping centers with a gross floor area of 800,000 square feet or more from 4.0 spaces per 1000 square feet of gross floor area to 2.8 spaces per 1000 square feet of gross floor area. The Board of Supervisors may consider a rate from 2.5 spaces up to 4.0 spaces per 1000 square feet of gross floor area. COUNTYWIDE. PUBLIC HEARING.

Michael Davis, Site Code Research and Development Brand, Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application Zoning Ordinance Amendment regarding Parking Rate At Regional Malls.

Commissioner Sargeant announced that he would defer the decision only on this application at the conclusion of the public hearing.

There was a discussion between Michael Davis, Site Code Research and Development Brand, DPD; Leslie Johnson, Zoning Evaluation Division (ZED), DPD; and multiple Commissioners on the following issues:

- Concerns about Tysons Mall and how that district differed from the other malls;
- Concerns about the lack of a study done in Tysons Corner and when one would be conducted there;
- Clarification on where the malls stood on the scale;
- Concerns about why all 4 malls needed the ordinance change;
- Concerns about there not being enough data;
- Concerns that no study on peak-hour traffic after thanksgiving or a general survey of shoppers;
- Concerns about loopholes in stormwater regulations; and
- Clarification on whether a new category could be created in order to remove Tysons Mall from the ordinance change.

The discussion resulted in no changes.

Chairman Murphy called the first listed speaker.

Tony Calabrese, Representing Fair Oaks Mall, DLA Piper, 11911 Freedom Drive, Suite 300

ZONING ORDINANCE AMENDMENT -
(PARKING RATE AT REGIONAL MALLS)

November 13, 2019

Reston, spoke in support to the subject application because large retail centers were declining in terms of economic impact and did not require the same amount of physical buildings.

Chairman Murphy called for speakers from the audience.

Tammi Petrine, 2503 Foxcroft Way, Reston, spoke in opposition to the subject application becoming by-right because the public are not going to have the opportunity to address issues as well.

Dwight Fuller, 3066 Gatehouse Plaza, Falls Church, spoke in opposition to including Tysons Mall in the subject application because available parking was an issue for employees and patrons of nearby businesses.

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

(Start Verbatim Transcript)

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Commissioner Sargeant: Oh, I think we're ready to vote. If I could just ask a final question here, can anybody give me a ballpark estimate of where Tyson's is in this range right now? In terms of the - the - the range we have listed here of 2.5, 2.8, 4.0.

Commissioner Hart: Mike said 3.9.

Commissioner Sargeant: 3.9. So, it's really, literally at the top now. Correct?

Michael Davis, Site Code Research and Development Brand, Department of Land Development Services: Yes. Based on the retail, the parking associated with the retail component of the mall, it is at 3.97.

Commissioner Sargeant: Okay.

Mr. Davis: It depends cause, Mr. Calabrese had indicated that there are more parking spaces available, but those might be limited in availability and may also be paid parking. So, the mall - someone who comes to the mall may be able to use those spaces. But for the purposes of looking at the mall itself and what, essentially, what they originally constructed with the mall development, it's 9700 spaces and a 3.97 ratio.

Commissioner Sargeant: And for all intents and purposes both Tyson's malls are doing well, thus some of the parking consider, parking challenges that people have experienced on occasion. Correct?

Mr. Davis: I mean part of it is - you know, it's a symbol of their success that there is so much demand for - for parking at these facilities.

Commissioner Sargeant: Okay. Thank you. Well, Mr. Chairman, I believe we certainly have some more, more homework to do. Some additional consideration, some thoughtful input from my colleagues at the Planning Commission and from our folks who testified this evening. So, with that Mr. Chairman, I MOVE TO DEFER THE DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT, RELATED TO REGIONAL MALL PARKING RATES, TO A DATE CERTAIN OF WEDNESDAY, NOVEMBER 20TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Mr. – Second by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on the Zoning Ordinance Amendment, Parking Rate at Regional Malls, to a date certain of November 20th, with the record remaining open for comments, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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RZ/FDP 2018-DR-018-L&F Frying Pan, LLC – Appls. to rezone from R-1 to PDH-5 to permit residential development with an overall density of 4.76 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the S. side of Frying Pan Rd., approx. 75ft. E. of the intersection with Sunrise Valley Dr. on approx. 7.35 ac. of land. Comp. Plan Rec: Office w/an option for residential use at a density up to 5 du/ac. Tax Map 24-2 ((1)) 2, 3 and 4. DRANESVILLE DISTRICT. PUBLIC HEARING.

Laurie Greenlief, Esquire, Applicant's Agent, McGuire Woods, reaffirmed the affidavit dated October 8, 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 noted that staff recommended approval of applications RZ/FDP 2018-DR-018.

Ms. Greenlief gave a presentation on the subject applications.

There was a discussion between Ms. Williams; Greg Fuller, ZED, DPD; and Commissioner Hurley on the following issue:

- Concerns about Condition Number 3 regarding insufficient sewer capacity;
- Concerns about the language in Paragraph 5 regarding the definition of “extent feasible” and who determined that;
- Concerns about sidewalks and access to schools and the park;
- Concerns about Condition Number 18; who was responsible for maintaining the park trail and wetlands;
- Concerns about ingress/egress to the community for emergency services;
- Concerns about noise mitigation;
- Concerns about the water table; and
- Concerns about stormwater requirements.

The discussion resulted in the applicant agreeing to make the following changes:

- Staff agreed to review Condition Number 3 to determine if it could be narrowed to focus on the area of the proposed 35 townhomes; and
- Staff agreed to review the language of Condition Number 18 and possibly add another condition for clarity.

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

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. I think we still have a couple of questions to sort out and we need a little bit of time to do that. So, I'm going to move deferral. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2018-DR-018, TO A DATE CERTAIN OF DECEMBER 20th, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion...

Commissioner Hurley: I'm sorry December what?

Chairman Murphy: 20th.

Commissioner Hart: No, November. November 20th.

Commissioner Ulfelder: NOVEMBER 20th. Excuse me.

Commissioner Hart: One week from tonight.

Chairman Murphy: Okay, November. All those in favor of the to defer decision only on RZ/FDP 2018-DR-018, to a date certain of November 20th with the record remaining open for written comment, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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The meeting was adjourned at 10:28 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, VA 22035.

Minutes by: Keisha Strand

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.

Dorothy M. Steel

Signature of Notary



Notary registration number: 7114113

Commission expiration: January 31, 2024