

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 14, 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 7:47 p.m., by Vice Chairman James R. Hart, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

PA 2018-III-DS1 – COMPREHENSIVE PLAN AMENDMENT (DULLES SUBURBAN CENTER, LAND UNIT J)

(Decision Only) (Public Hearing on this application was held on February 27, 2019; Decision Only from March 6, 2019)

(Start Verbatim Transcript)

Commissioner Tanner: Thank you, Mr. Chairman. Tonight, we were supposed to have a decision only for Plan Amendment PA 2018-III-DS1, Dulles Suburban Center, Land Unit J. The public hearing was held on February 27th and we continue to work on addressing comments and questions raised during the hearing. I want to push it to a date – March 27th – just in case there is new information presented there. And if we need to, after that, we'll defer it further. But for right now, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PLAN AMENDMENT 2008 – I'M SORRY, 2018-II-DS1 TO A DATE CERTAIN OF MARCH 27TH, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Ulfelder: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Today, we received an email indicating that the Board of Supervisors will be hosting a meeting with MWAA – the Metropolitan Washington Airports Authority – officials on March 26th here at the government center to talk about the growth and development at Dulles Airport and the upcoming changes to the noise contours, which are a key part of the consideration of this particular Plan Amendment. And I think that we need to – I think it would be appropriate to give the members of the Planning Commission who have been invited to attend that briefing and to – or to – yeah, have been invited to attend that briefing, along with staff, to – some additional time in which to consider the information that's going to be received at that briefing. The unfortunate thing is we're all off for a couple weeks in April while the Board holds its annual budget hearings, as well. We're meeting on April 3rd and 4th, but then we're meeting again on April 24th after that. So I think it would be appropriate to, up front, provide ourselves with a little more time for consideration of the information that might be received at that meeting and to consider how it affects the pending Plan Amendment. And I would – I WOULD MOVE AN AMENDMENT TO CHANGE THE DEFERRAL DATE TO APRIL 24TH.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion?

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes, Mr. Migliaccio.

Commissioner Migliaccio: I don't understand. I understand your point, but because of the budget hearings that we will be having in April, I don't know why we just don't move it to the 27th and then, if we don't have – if something comes up from that meeting and we need more time, then we just bump it like we normally do.

Commissioner Tanner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Tanner: I would concur with that sentiment. And also, my thinking on that one, especially with – I think it's coming up in April. I have no problem, if we get new information at that meeting, pushing it further. But my understanding was that the meeting itself was to address the finer points and make sure that we have the correct language for the Plan Amendment going forward. So if there is no new information and we are able to come to a decision that day, I would rather push to vote before they get into the budget process. And if we need to move it further, I have no problem at that time deferring it to the date you recommended.

Commissioner Ulfelder: Okay, but I – my concern is that it's actually more than just the revised language for the Land Unit J amendment that I think the issue. I think that there are a number of questions that have been raised about consistency with the current Comprehensive Plan on the noise issue at Dulles Airport and the – and that there are even questions that need to be addressed by the County Attorney's office concerning aviation agreements, which are basically easements by homeowners to allow planes to fly over their house and to make as much noise as they want to. And I think those kinds of questions are here and now and are – and I think that the meeting on the 26th will give us some further insight as to what the airport is going to be doing and how it's going to affect those issues – and, also, the expansion of the noise contours so that we can make a better decision. I just think we're going to need the time. I think staff is going to need the time to look at the information and that's why I was suggesting a longer time.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I – I too think that one day is probably not going to be enough, under the best of circumstances. I had a number of questions for staff that are still being researched. And I think – two, of which, I had asked for the County Attorney's office to look at. I understand, also, we – we not only got a lot of stuff from MWAA within the last couple days that nobody had reviewed, but there was more coming beyond that. I understood, as of either last night or this morning that staff will be working on a new diagram that incorporates the new lines, which I think aren't finished yet. And I think just looking in totality of this – maybe everyone is saying, pretty much, the same thing but, but if the meeting is on the 26th, one day is not going to be enough. If I understand the Board's timeline, also – because of the budget, the Board is unlikely to take this up before early May. And so it may not matter. I don't know that we have any other April dates between – between –

Jacob Caporaletti, Clerk to the Commission: April 3rd.

Commissioner Hart: Between...

Commissioner Ulfelder: April 3rd, 4th, and 24th.

Mr. Caporaletti: No, not the 4th.

Commissioner Ulfelder: We are off the 4th?

Commissioner Hart: Well, I – I don't have the – I don't have the April agenda, but...

Mr. Caporaletti: The 3rd and the 24th.

Commissioner Hart: I don't know that our reason for deferral ought to be constrained to just, "new information," because I think there's some old or pending information that we haven't quite resolved yet. I – I think if there's a date in between, we could talk about that and keep deferring it. But that's where I'm at.

Chairman Murphy: Mr. Migliaccio on the point and then Mr. Niedzielski-Eichner.

Commissioner Migliaccio: Just on that point, we do this quite often. We defer to the district Commissioner to get what needs to be – needs to be done in their district. If it doesn't work out and the information is not before us, that Commissioner is smart enough to know that the vote won't go their way and they'll defer further. And we normally just allow them to pick the date and move on. We have a lot of information that we'll be gathering. And it may not be in time. Maybe March 27th might not be the date. April 3rd might be the date. But if we get into the budget hearings and we tie this up, we're going to push this all the way to the end of April and we tie the hands of the district Commissioner already. So that's my point.

Chairman Murphy: Okay. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. On this, I have two thoughts. One is that I share the concern I think that Commissioner Hart has and, perhaps, other Commissioners that there is a noise issue here – a noise policy issue that we need to confront. But I'm wondering whether the Comprehensive Plan Amendment that's being pursued is the means by which that is confronted. And so if the – if the Comp Plan is modified to – consistent with what's been recommended by Sully District – everybody – then I'm wondering whether that we should be even considering holding up this amendment for this particular issue. There is a more significant issue here that needs to be resolved prior to any rezoning request that comes in under this Comp Plan and the Board. We, as the Commission, and the Board have to come to grips with this, but why would we hold up the Comp Plan Amendment, which is a guideline, in recognition or in anticipation that that – that discussion has taken place. The bottom line here is that – I'm supporting the Sully District Representative's motion here and I'm – I'm also – but I want to also express my concern that we have to – as a – as a Commission as a – and the Board of Supervisors have to address this question, but I don't think the Comp Plan Amendment is the mechanism by which a policy decision should be made.

Commissioner Ulfelder: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Ulfelder: I think the distinction is that the Plan Amendment that's before us is an area plan amendment and – as opposed to a Policy Plan Amendment and that – I think that the underlying issue concerning the decisions about residential development in areas that are affected by the noise by the airport is one that should be addressed as – within the Policy Plan portions of the Comprehensive Plan and that doing it within a – one particular area plan that happens to be partially within the area that's affected by the noise is not the way to drive the overall policy for the Policy Plan – of the portion of the Comp Plan. So that – that's – that would be a distinction I would make.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Commissioner Ulfelder, would you be amenable to April 3rd?

Commissioner Ulfelder: I mean let – let's do it. I mean I – I'm not going to – I'm not going to – that's fine. So would like to propose your motion at – to revise your motion?

Commissioner Sargeant: Mr. Chairman, we have a motion on...

Chairman Murphy: Yeah.

Commissioner Sargeant: On the floor that has to be...

Commissioner Ulfelder: Okay.

Chairman Murphy: All those in favor of Mr. Ulfelder's motion to move it to the March – April 6th, say aye.

Commissioner Ulfelder: To...

Commissioner Sargeant: No, no, no.

Commissioner Ulfelder: To April – it was to April 24th.

Chairman Murphy: April – I'm sorry, April 24th.

Commissioner Hart: But I think he's saying the 3rd.

Commissioner Sargeant: Well – well...

Commissioner Ulfelder: No, he's...

Commissioner Sargeant: Well, but we – we have a motion on the floor and you had a second for the April 24th date. So we have to address that motion unless you – I guess you could accept it.

Chairman Murphy: The alternate motion was yours and – what was your motion?

Commissioner Ulfelder: My motion was to amend the main motion to change the date from March 27th to April 24 for the deferral. That is the main motion. He's correct. It's been on the floor. And I – I mean that's the...

Chairman Murphy: Alternate motion. That's why I...

Commissioner Sargeant: Yes.

Commissioner Ulfelder: Yeah.

Commissioner Sargeant: Yes, Commissioner – Commissioner Ulfelder had a second and so...

Chairman Murphy: Okay. All those in favor of the motion as articulated by Mr. Ulfelder, say aye.

Commissioner Hurley: Just to re-state, what we're voting for is to move it April 24th?

Chairman Murphy: With the record remaining open for comment. All right.

Commissioner Sargeant: The motion is stated.

Chairman Murphy: All those in favor, say aye? All right, the motion fails. Go back to the main motion.

Commissioner Sargeant: Commissioner –

Chairman Murphy: It was amended. You want to make another...

Commissioner Sargeant: AND WOULD YOU ACCEPT A FRIENDLY AMENDMENT TO CHANGE THE DEFERRAL DATE TO APRIL 3RD?

Commissioner Tanner: ACCEPTED.

Commissioner Sargeant: Okay, thank you.

Chairman Murphy: All right. Is there a second?

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder.

Commissioner Hart: I think, subject to the understanding, we may get to April 3rd and be in the same...

Commissioner Ulfelder: We may be in the same boat.

Commissioner Hart: In the same boat.

Commissioner Tanner: And that was my understanding, even before the March 27th date.

Chairman Murphy: Okay. All those in favor of the motion to defer decision on PA 2018-III-DS1, Comprehensive Plan Amendment, Dulles Suburban Center, Land Unit J, to a date certain of April 3rd, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first amended motion failed by a vote of 0-11.

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

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Commissioner Sargeant announced the Schools Committee met on Thursday, March 14, 2019, at 6:30 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to consider recommendations regarding school facilities in the Comprehensive Plan and policy language. The Committee would continue discussions at the March 28, 2019 Schools Committee meeting.

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Commissioner Hart announced the Environment Committee would meet Thursday, March 21, 2019, at 8:30 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. A presentation would be made by staff regarding the Natural Landscaping Policy Plan Amendment.

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Commissioner Hart announced a meeting was scheduled by Sharon Bulova, Chairman, At-Large, on Tuesday, March 26, 2019, at 10:00 a.m. in Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. The Board of Supervisors would meet with Board members of the Metropolitan Washington Airports Authority to discuss the Silver Line and new noise contours at the Dulles International Airport.

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Commissioner Sargeant announced the Capital Improvement Program (CIP) Committee would meet on Thursday, March 27, 2019, at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 for consideration of the CIP reports that had been received. He added the meeting was open to the public.

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. CODE AMENDMENT – CODE AMENDMENT UPDATE: UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND OTHER UPDATES
2. CSP 2015-SU-002– CH REALTY VIII- JLB MF FAIRFAX TRINITY, LLC
3. RZ 2018-SU-023/SEA 94-Y-023 – POHANKA VIRGINIA PROPERTIES, LLC

UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND OTHER UPDATES

4. PA 2018-IV-S1 – COMPREHENSIVE PLAN AMENDMENT (LEWIN PARK)
5. SE 2018-DR-010 – VIP WALKER ROAD, LLC
6. SE 2018-SU-016/FDPA 78-C-118-21 – LB FRANKLIN FARM, LLC
7. PCA/CDPA/FDPA 2013-MV-001– WESLEY HUNTINGTON LANDLORD, LLC
8. RZ/FDP 2018-PR-015/PCA 88-D-005-10 – 1500 WESTBRANCH HOLDINGS, LLC
9. PCA 84-C-048 – PRINCE TOWNE, LLC

The order was accepted without objection.

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CODE AMENDMENT – CODE AMENDMENT UPDATE: UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND OTHER UPDATES. To amend Appendix Q (Land Development Fee Schedule) of The Code of the County of Fairfax, Virginia, (County Code) as follows: Pursuant to authority granted by Virginia Code Sections 15.2-107, 15.2-2204, 15.2-2241(A)(9), 15.2-2286(A)(6), 36-98.3, 36-105, 62.1-44.15:28(A), 62.1-44.15:29, and 62.1-44.15:54 (A the amendments propose new fees and amendments to fees charged by CODE AMENDMENT UPDATE: UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND OTHER UPDATES – To amend Appendix Q (Land Development Fee Schedule) of The Code of the County of Fairfax, Virginia, (County Code) as follows: Pursuant to authority granted by Virginia Code Sections 15.2-107, 15.2-2204, 15.2-2241(A)(9), 15.2-2286(A)(6), 36-98.3, 36-105, 62.1-44.15:28(A), 62.1-44.15:29, and 62.1-44.15:54 (A the amendments propose new fees and amendments to fees charged by Land Development Services and the Fire Prevention Division (Fire Marshall), under Chapter 2, Art. 1, Sec. 2-1-4 (Property Under County Control), Chapter 61, Art. 1, Sec. 61-1-3 (Building Provisions), Chapter 101, Art. 2, Sec. 101-2-9 (Subdivision Provisions), Chapter 104, Art. 1, Sec. 104-1-3 (Erosion and Sedimentation Control), and Chapter 112, Art. 17, Part 1, Sec. 17-109 (Zoning Ordinance), and Chapter 124, Article 3 (Stormwater Management Ordinance) of the County Code, for plan review, processing of permits, and performing testing and inspection services.

The proposed amendment restructures assessed fees based on the mechanics of processing electronic plans. Fees will be assessed based on review cycles instead of fees assessed on a per-submission basis. Fees for inserts will be eliminated and the 3rd Submission Review fees are being replaced by Signature Set Review cycle fees (\$0). The fees are being restructured and adjusted as follows.

The Site Development Fees charged under Appendix Q, Part II, Section A (Plan and Document Review Fees), Subsection B (Subdivision Plans, Site Plans and Site Plans for Public Improvements Only) are being restructured. The initial submission is being replaced by the first review cycle, and the fees for that review cycle are changing from a decrease of 9% up to an increase of 20%. Additional submission fees are being adjusted

CODE AMENDMENT – CODE AMENDMENT UPDATE: March 14, 2019
UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND
OTHER UPDATES

as follows: 1) the 2nd submission fee for site and subdivision plans (50% of all initial fees) is being replaced with the 2nd Review Cycle Fee (55% of all initial fees); 2) the 2nd submission fee for site plans for public improvements (\$0) is being replaced with the 2nd Review Cycle Fee (55% of the initial review cycle fee; and 3) the \$5,604 fee for additional site plan and subdivision submissions after the 3rd submission is being replaced with a \$6,000 fee for each additional review cycle submitted if the Signature Set is not approved for site and subdivision plans. The fee for additional review cycles if the Signature Set Review Cycle is not approved for site plans with only public improvements (50% of the original fee) is being replaced with a \$2,500 fee per review cycle. No fee adjustment is proposed for plan extensions or for the fees in addition to base fees, except the additional fee per disturbed acre or fraction thereof for site plans and subdivision plans is being eliminated.

The initial Site Development Fees charged under Appendix Q, Part II (Site Development Fees), Section A (Plan and Document Review Fees), Subsection C (Minor Site Plans and Grading Plans) are being increased by 14.0% each. Additional submission fees are being adjusted as follows: 1) the 2nd review cycle fees of \$3,422 for minor site plans, \$678 for INF plans, and 25% of the initial review cycle fee for rough grading plans are all being replaced with a new fee of 55% of the original fee; 2) if the signature set of plans is not approved, then the following fees will be applicable for additional review cycles: \$3750 for minor site plans, \$700 for INF plans, and \$900 for rough grading plans; and 3) Revisions of each of these plan types will be \$719 for minor site plans, \$712 for INF plans, and \$500 for rough grading plans, per submission. No fee adjustment is proposed for a conservation plan without a grading plan or for subdivision lot grading plans that are part of a subdivision currently bonded with the County.

A new 4% technology surcharge is proposed on all land development applications. A new digitization fee of \$0.75 per square foot of each paper plan is proposed for each paper submission of any ePlan designated plan type. The insert fee of \$108.00, currently applicable to the Site Development Fees in Part II of Appendix Q, is being moved to a new miscellaneous section and is proposed to also apply to the fees charted under Part I (Building Development Fees).

Text edits are being proposed and editorial changes are proposed to the site inspection fees that are charged in addition to the base fee related to dedicated streets and private streets, which are applied under Section C (Site Inspection Fees) of Part II (Site Development Fees). COUNTYWIDE. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Cortina asked that Chairman Murphy ascertain whether there were any speakers for these items. There being none, she 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 Cortina for action on these items.

(Start Verbatim Transcript)

CODE AMENDMENT – CODE AMENDMENT UPDATE: March 14, 2019
UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE OF THE
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE) REGARDING (EPLANS) AND
OTHER UPDATES

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Commissioner Cortina: Thank you, Chairman. Regarding the amendment to update...

Chairman Murphy: Mic.

Commissioner Cortina: Appendix Q, Land Development Services fee schedule of the Code of the County of Fairfax, Virginia (Code) regarding ePlans and other updates, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 22, 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 adopt the code, as articulated Ms. Cortina, say aye.

Commissioners: Aye.

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

Commissioner Cortina: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON MARCH 20, 2019, EXCEPT FOR THE NEW TECHNOLOGY SURCHARGE, WHICH SHALL BECOME EFFECTIVE ON JULY 1ST, 2019.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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CSP 2015-SU-002– CH REALTY VIII- JLB MF FAIRFAX TRINITY, LLC – Appl. to
approve a comprehensive sign plan. Located on the W. side of Trinity Pkwy., approx.

1,000 ft. N. of its intersection with Lee Hwy. on approx. 7.08 ac. of land zoned PRM, HC, SC and WS. Comp. Plan Rec: Mixed Use. Tax Map 54-4 ((15)) 12A. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Tanner asked that Chairman Murphy ascertain whether there were any speakers for these items. 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 Tanner for action on this item.

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. Before I make my motion, I actually wanted to welcome Emma Estes. This is apparently her first case tonight so you got an easy one, I hope so – with that, Mr. Chairman, I request that the applicant confirm, for the record, their agreement to the proposed development conditions dated February 6th, 2019.

Samantha Stephanie, Applicant's Agent, Cooley, LLP: Good evening. My name is Samantha Stephanie. I'm a planner with Cooley, here on behalf of the applicant. The applicant is agreement – in agreement with the conditions dated February 6th, 2019.

Commissioner Tanner: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2015-SU-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 6TH, 2019.

Commissioners Hart and Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion to approve CSP 2015-SU-002, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SEA 94-Y-023 – POHANKA VIRGINIA PROPERTIES, LLC– Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 94-Y-023 previously approved for vehicle sale, rental and ancillary service to modify site and development conditions. Located at 13901, 13909, 13911 and 13915 Lee Jackson Memorial Hwy., Chantilly, 20151 on approx. 13.97

ac. of land zoned C-8, HC and WS. Tax Map 34-4 ((1)) 049, 050, 50A, 51 and 53. (Concurrent with RZ 2018-SU-023). SULLY DISTRICT. PUBLIC HEARING.

RZ 2018-SU-023 – POHANKA VIRGINIA PROPERTIES, LLC – Appl. to rezone from C-8, HC, and WS to C-8, HC and WS to permit a vehicle sale, rental and ancillary service establishment with an overall Floor Area Ratio (FAR) of 0.11. Located on the S. side of Lee Jackson Memorial Hwy. fronting on this highway, Elmwood St. and Vernon St. between Elmwood St. and Walney Rd. on approx. 7.29 ac. of land. Comp. Plan Rec: retail and other. Tax Map 34-4 ((1)) 51 and 53. (Concurrent with SEA 94-Y-023). SULLY DISTRICT. PUBLIC HEARING.

David Houston, Applicant's Agent, Blank Rome, LLP, reaffirmed the affidavit dated February 6, 2019.

There were no disclosures by Commission members.

Commissioner Tanner asked that Chairman Murphy ascertain whether there were any speakers for these items. 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 Tanner for action on these items.

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. This is actually a pretty straightforward case. This is a car – car dealership making just – modernization improvements to their lot. And with that, for the record, can the applicant please confirm their acceptance of development conditions dated February 6th, 2019?

David Houston, Applicant's Agent, Blank Rome, LLP: Yes, we're in agreement with those conditions. Thank you.

Commissioner Tanner: Thank you. Please bear with me. I have several motions here. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2018-SU-023, SUBJECT TO THE PROFFERS DATED JANUARY 29, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Commissioner Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-SU-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Mr. Tanner – motion carries, Mr. Tanner.

Commissioner Tanner: Second, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 94-Y-023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 6, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Commissioner Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 94-Y-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE FOLLOWING WAIVERS AND/OR MODIFICATIONS, AS RECOMMENDED BY STAFF:

- MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS PER SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE ALONG THE EASTERN AND SOUTHERN PROPERTY BOUNDARIES;
- MODIFICATION OF PARAGRAPH 2 OF SECTION 17-201 OF THE ZONING ORDINANCE OF THE REQUIRED MAJOR TRAIL AND SHARED BICYCLE LANE REQUIREMENTS ALONG WALNEY AND LEE JACKSON MEMORIAL HIGHWAY;
- A MODIFICATION OF THE – PARAGRAPH 8 OF SECTION 11-02 – 11-102 OF THE ZONING ORDINANCE OF THE REQUIRED 10-FOOT PARKING SETBACK FROM A FRONT PROPERTY LINE ALONG WALNEY ROAD.

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 Tanner: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVER, WHICH DIFFERS FROM THE STAFF RECOMMENDATION IN THE STAFF REPORT:

- A WAIVER OF PARAGRAPH 2 OF SECTION 17-201 OF THE ZONING ORDINANCE OF THE REQUIRED SIDEWALK ALONG VERNON STREET.

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 Tanner: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

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

(End Verbatim Transcript)

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PA 2018-IV-S1 – COMPREHENSIVE PLAN AMENDMENT (LEWIN PARK) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22 as follows: Plan Amendment # 2018-IV-S1 concerns approx. 12.9 ac. generally located in the Franconia-Springfield Transit Station Area, Land Unit U (91-1 ((4)) A, 2-11, 13-25, 500, & 501) in the Lee Supervisor District. The area is planned for residential use at 1-2 dwelling units per acre with an option for office and/or hotel with support retail uses at up to 1.5 FAR. The amendment will consider substitution of up to 300,000 square feet of residential uses in the development option for the land unit. LEE DISTRICT. PUBLIC HEARING.

Natalie Knight, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended adoption of PA 2018-IV-S1.

There was a discussion between Ms. Knight; Michael Garcia, Transportation Planning Division, Department of Transportation; and multiple Commissioners regarding the following:

- A recommendation was made to add vegetative buffering for residential communities along Fairfax County Parkway;
- The potential impact the amendment would have on public schools that served the proposed area, increases of 275 housing units with a potential student yield of 21 students, capacity deficits, possible program changes, interior facility modifications, and boundary adjustments; and

- The close proximity of the multi-family housing units to the Franconia-Springfield Metro and the Virginia Railway Express.

The discussion resulted in no changes to the subject amendment.

Mehegan Easley, Nominator, Liberty View Properties, gave a presentation in support of the proposed plan amendment.

There was a discussion between Ms. Knight; David Gill, Wire Gill, LLP; and multiple Commissioners regarding the following:

- The reasons why senior housing was not incorporated into the rezoning;
- Types of housing associated with the new development; and
- Transportation improvements and transit development management commitments made by the prospective applicant.

The discussion resulted in no changes to the subject amendment.

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

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. I would like to thank staff for all of your work on this project for in – I guess it's been going on for quite some time. But this is a simple Plan Amendment that is trying to jump start a development on this property that's been vacant for nearly a decade now. And what we're trying to do is just change out one office building into a multifamily residential building to try to make it into more of a mixed-use site. Hopefully, this will jump start the rest of the buildings and we can get office back into the market. Therefore, Mr. Chairman, this does have the approval – it was a closer vote than normal, but it does have the approval of the Lee District Land Use Committee and therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2018-IV-S1, FOUND ON PAGES 7 THROUGH 11 OF THE STAFF REPORT DATED JANUARY 30TH, 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 adopt Plan Amendment 2018-IV-S1, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SE 2018-DR-010 – VIP WALKER ROAD, LLC – Appl. under Sects. 3-104, 4-804, 9-301 and 9-308 of the Zoning Ordinance to permit a medical care facility. Located on the E. side of Walker Rd., N. of its intersection with Colvin Run Rd., (Formerly 1131 and 1137 Walker Rd., Great Falls, 22066) on approx. 2.79 ac. of land zoned C-8 and R-1. Tax Map 12-4 ((1)) 63. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated February 4, 2019.

There were no disclosures by Commission members.

Kelly Posusney, Zoning Evaluation (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of SE 2018-DR-010.

There was a discussion between Ms. Posusney and Commissioner Sargeant regarding recommendations for interparcel access.

Ms. Greenlief gave a presentation on the subject application.

There was a discussion between Ms. Posusney; Ms. Greenlief; Rick Irwin, Chief Executive Office with IntegraCare; and multiple Commissioners regarding the following:

- Meeting room availability for various community groups;
- Clarification of Development Condition Number 6 that demonstrated a cellar and not a basement would be constructed;
- The purpose of the proposed cellar space;
- Whether the proposed development used public sewer and water, as well as examples of where similar projects were on septic;
- Public access to a six-foot wide trail along Walker Road that would connect to the southern offsite retail area; and

- Clarification of language in Development Condition Number 5 that referenced eligibility grant from the Virginia Department for Aging and Rehabilitative Services Auxiliary Grant Program, whether that language was used in prior low-income development cases, and the number of low-income seniors that took advantage of the Medicaid waiver grant program.

The discussion resulted in no changes to the subject application.

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

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. As you can see from the presentation, this is – I think it's an outstanding proposal – outstanding facility. And it's consistent with what Fairfax County needs and I think – I want to commend the applicant for their – working so closely with the Great Falls Citizens Association. In fact, the GFCA – even after their February 14th – February 21st letter supporting the application had a few more tweaks and we were able to get those included into the conditions that are here before you tonight. And I want to thank staff for working closely with the citizens association and with the applicant to address the various issues that came up. And, as you know, Great Falls – they're very concerned about tree cover. They're very concerned about stormwater. They're very concerned that any new facilities architecturally fit into their community. We've been – we've had in a previous instance for a – assisted living facility, we had a battle and that facility is working out well now. And I think this one will be a real – a real gem in Great Falls and I appreciate that. So with that, I'm planning to go ahead and move this evening. First of all, I want to request that the applicant confirm, for the record, agreement to the proposed development conditions dated March 14th, 2019.

Lori Greenlief, Applicant's Agent, McGuire Woods, LLP: Yes, on behalf of the applicant, we agree with those conditions.

Commissioner Ulfelder: Thank you. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2018-DR-010, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 14TH, 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 recommend to the Board of Supervisors that it approve SE 2018-DR-010, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS, AS LISTED IN THE HANDOUT DATED MARCH 14TH, 2019, THAT WAS PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

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 Ulfelder: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

Commissioner Ulfelder: Thank you all.

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

(End Verbatim Transcript)

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FDPA 78-C-118-21 – LB FRANKLIN FARM, LLC – Appl. to amend the conceptual and final development plan for RZ 78-C-118 previously approved for a shopping center to modify site and development conditions. Located in the NW quadrant of the intersection of Franklin Farm Road with Fairfax County Parkway on approx. 18.58 ac. of land zoned PDH-2 and WS. Comp. Plan Rec: 1-2 du/ac. Tax Map 35-1 ((4)) (22) 1, 2b, 3, 4 and 5. (Concurrent with SE 2018-SU-016). SULLY DISTRICT. PUBLIC HEARING.

SE 2018-SU-016 – LB FRANKLIN FARM, LLC – Appl. under Sects. 6-105 of the Zoning Ordinance to permit a restaurant with drive-through. Located at 13360 Franklin Farm Road, Herndon, 20171 on approx. 36,900 sq. ft. of land zoned PDH-2 and WS. Tax Map 35-1 ((4)) (22) 1. (Concurrent with FDPA 78-C-118-21). SULLY DISTRICT. PUBLIC HEARING.

Whitney Smith, Applicant's Agent, Womble Bond Dickinson (US) LLP, reaffirmed the affidavits dated March 5, 2019.

There were no disclosures by Commission members.

Zachary Fountain, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of FDPA 78-C-118-21 and SE 2018-SU-016.

There was a discussion between Mr. Fountain; William O'Donnell, ZED, DPZ; Marc Dreyfuss, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT); and multiple Commissioners regarding the following:

- Clarification of contribution amounts made to the road fund for construction of the Stringfellow Road extension;
- Relocation of the Starbucks from the commercial strip to the free-standing building to allow for a drive-through;
- FCDOT's review of the applicant's traffic analysis;
- Scoping agreement issues resolved by the applicant and FCDOT;
- Final Development Plan Amendment and Special Exception Plat, Sheet C-4 A, which referenced the limit of disturbance and location of a mature tree along the buffer area of Franklin Farm Road; and
- Traffic impact at the proposed Starbucks site during peak hours.

The discussion resulted in no changes to the subject applications.

Ms. Smith gave a presentation on the subject applications.

There was a discussion between Nicholas Georgas, Applicant's Engineer, Bohler Engineering VA, LLC, and Commissioner Cortina regarding the proposed dumpster locations, the limit of disturbance, and the location of a mature tree along the buffer area of Franklin Farm Road.

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

Robert Doolittle, 13505 Springhaven Drive, Fairfax, spoke in opposition of the subject applications because they would increase the level of traffic in the residential areas. Mr. Doolittle suggested the application be postponed until infrastructure was in place to support the proposed development. (A copy of Mr. Doolittle's statement is in the date file).

Linnea Means, 13492 Fox Lease Court, Herndon, spoke in opposition of the subject applications and echoed Mr. Doolittle's concerns regarding the increased level of traffic from Fairfax County Parkway and surrounding areas into the parking lot of the Starbucks.

In her rebuttal testimony, Ms. Smith stated the applicant had significant discussions with staff regarding the traffic impact at that proposed site. The applicant emphasized this was a relocation of an existing tenant at the Franklin Farm Village Center. Ms. Smith reiterated the applicant

provided a cash contribution to mitigate the impact of traffic and would also help facilitate improvements. Ms. Smith added any other requests would be outside the scope of the application.

There was a discussion between Mr. Fountain, Mr. O'Donnell, and multiple Commissioners regarding the following:

- The location of traffic breakaway points;
- Recommended offsite improvements that would restrict left turns for vehicles traveling east or west on Franklin Farms; and
- An illustration of the stacking process around the proposed Starbucks site.

The discussion resulted in no changes to the subject applications however, the applicant agreed to look into the option of an offsite improvement that would restrict left turns for vehicles traveling east or west on Franklin Farms.

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

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. You know, this actually has been a lot of work-in-progress. And actually, I really want to thank staff and the applicant. We've had a lot of lot conversations, with regards to transportation and improvements of the intersections there and they agreed to – to our conditions on that one. So I think it's – we're okay to move forward. So Mr. Chairman, I request that the applicant speak, on the record, that the final development plan amendment conditions and special exception conditions, both dated February 5th, 2019.

Whiney Smith, Applicant's Agent, Womble Bond Dickinson (US), LLP: Again, on behalf of the applicant, I confirm the applicant agrees with the conditions dated February 5th, 2019.

Commissioner Tanner: Thank you. Mr. Chairman, I have two motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2018-SU-016, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 5TH, 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 recommend to the Board of Supervisors that it approve SE 2018-SU-016, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Tanner.

Commissioner Tanner: Thank you, Mr. Chairman. I ALSO MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 78-C-118-21, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 5TH, 2019, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CURRENT SE – CONCURRENT SE APPLICATION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 78-C-118-02 [sic], subject to the Board's approval of the special exception, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you, Mr. Chairman.

Each 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 9:43 p.m. and reconvened in the Board Auditorium at 9:59 p.m.

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PCA/CDPA/FDPA 2013-MV-001– WESLEY HUNTINGTON LANDLORD, LLC –
Appls. to amend the uses, proffers, conceptual development plan and final development plan for RZ 2013-MV-001, previously approved for mixed use development, to permit mixed use development and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 2.99. Located in the S.E. quadrant of the intersection of Biscayne Dr. and Huntington Ave. on approx. 1.04 ac of land zoned PRM. Comp. Plan Rec: option for mixed use development at 3.0 (FAR). Tax Map 83-1 ((8)) 92A, 92B, 93A 93B and 94A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Rosa Estrada, Applicant's Agent, Wesley Huntington Landlord, LLC, reaffirmed the affidavits dated March 5, 2019.

There were no disclosures by Commission members.

Jay Rodenbeck, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of PCA 2013-MV-001, CDPA 2013-MV-001 and FDPA 2013-MV-001.

Ms. Estrada gave a presentation on the subject applications.

There was a discussion between Ms. Estrada, and multiple Commissioners regarding the following:

- The number of affordable housing units that were part of the development;
- Why retail was not part of the site development;
- Reasons for the reduction of the number of units and reconfiguration of the apartments;
- Whether dogs were allowed, the location of the closest dog walking area, and whether that area open to the public;
- Available parking, design, and screening for the proposed site;
- Challenges with workforce housing, achievable land value, and the financial resources that allowed for the attainment of the development;
- Income qualifications and screening involved to acquire approval workforce housing; and
- Proximity of the site to the Huntington Metrorail station.

The discussion resulted in no changes to the subject applications.

Chairman Murphy called the first listed speaker.

David Coon, 2400 Huntington, Avenue, Fairfax, spoke in support of the subject applications and wanted assurances a traffic study would be conducted, and to ensure that the Virginia Department of Transportation was aware of traffic issues and accidents at the intersection of Farrington Avenue and Biscayne Drive at Huntington Avenue. Mr. Coons inquired whether the residents were eligible to participate in the residential parking permit program. (A copy of Mr. Coon's statement is in the date file).

There was a discussion between Ms. Estrada; Mr. O'Donnell; Shelly Murphy, Applicant's Agent, Wesley Huntington Landlord, LLC; and multiple Commissioners regarding the following:

- The parking permit program and eligibility criteria, the number of assigned residential parking spaces, and street parking concerns for the proposed site;

- Limitations that would prohibit future residents from obtaining parking permits;
- The applicant's agreement to opt-out of the parking permit program;
- Parking accommodations for management and maintenance services;
- Residential parking management plan with M.J. Wells and Associates, Inc. that satisfied the parking needs of future residents;
- Parking capacity at the Huntington Metrorail Station Parking Garage; and
- Coordination between the applicant and FCDOT to modify the parking boundaries and prohibit the ability to park in the spillover neighborhoods.

The discussion resulted in no changes to the subject applications.

There being no additional speakers, further comments or questions from the Commission, 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. Again, I am pinch-hitting for Commissioner Clarke on this application. I want to thank our – and Mr. Clarke would like to thank our professional planning staff for all of their work, Wesley Housing for all of their – willing – their willingness to work with the community and the Mount Vernon Council and the Huntington Community for all of their work to get this to where we are tonight. That being said, I just want to touch on a couple of items. I mean this is a simple change in the option. It's going down in units and providing 126 units in a multifamily building, which keeps the same footprint. As we just heard, it's – 60 percent AMI is the maximum for any of the units, which is very good, especially if you're this close, a stone's throw from the metro. It replaces the – the retail with 7,500 square feet of office, which will become the headquarters for Wesley Housing, which is great that they can have their workers come there via metro rather than take a bus or take a vehicle. This applicant is the leader in providing affordable housing and plans to do so at this site. And that's awesome I think Commissioner Clarke wanted me to just re-emphasize – re-emphasize that. Mr. Chairman, I do have a few motions to make this evening, if I can find them. This application does have the support of the SFDC, our professional planning staff, the MVCCA, the Huntington Community Association. Therefore, Mr. Chairman, I request that the applicant confirm, for the record, their agreement to the proposed development conditions dated February 6th, 2019.

Rosa Estrada, Applicant/Title Owner, Wesley Huntington Landlord, LLC: Yes, we affirm our agreement to the development conditions dated February 6.

Commissioner Migliaccio: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF PCA 2013-MV-001 AND THE ASSOCIATED CDPA, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 13, 2019.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that they approve PCA/CDPA 2013-MV-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS REQUESTED FOR REAFFIRMATION CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED MARCH 14TH, 2019.

Commissioners Hart and Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. And finally, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2013-MV-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 6, 2019 AND THE BOARD SUPERVISORS' APPROVAL OF PCA 2013-MV-001 AND THE ASSOCIATED CDPA.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Discussion? All those in favor of the motion to approve FDPA 2013-MV-001, subject to the Board's approval of the PCA and the CDPA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

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

(End Verbatim Transcript)

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RZ/FDP 2018-PR-015 – 1500 WESTBRANCH HOLDINGS, LLC – Appls. to rezone from C-3 to PTC to permit mixed use development with an overall Floor Area Ratio (FAR) of 1.78, which includes bonus density for workforce housing and approval of the conceptual and final development plan. Located in the SW corner of the intersection of Jones Branch Drive and Westbranch Dr. on approx. 5.86 ac. of land. Comp. Plan Rec: Residential Mixed Use. Tax Map 29-4 ((7)) A5. (Concurrent with PCA 88-D-005-10). PROVIDENCE DISTRICT. PUBLIC HEARING.

PCA 88-D-005-10 – 1500 WESTBRANCH HOLDINGS, LLC – Appl. to amend the proffers for RZ 88-D-005 previously approved for office use to delete land area and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.78, which includes bonus density for workforce housing. Located in the SW corner of the intersection of Jones Branch Drive and Westbranch Dr. on approx. 5.86 ac. of land. Comp. Plan Rec: Residential Mixed Use. Providence District. Tax Map 29-4 ((7)) A5 (Concurrent with RZ/FDP 2018-PR-015). PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavits dated January 10, 2019.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had one case in which attorneys in Ms. Baker'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 relationship and, to his knowledge, did not believe this would affect his ability to participate in the case.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of RZ 2018-PR-015, FDP 2018-PR-015 and PCA 88-D-005-10.

There was a discussion between Ms. Posusney; Brittany Nixon, Transportation Planning Unit, Fairfax County Department of Transportation; Gregory Fuller, Capital Projects and Operations Division, FCDOT; and multiple Commissioners regarding the following:

- Staff's interpretation of the term "on demand" when referencing acquiring additional land in fee simple ownership;
- Status of redevelopment of the property south of the proposed site;

- Parking locations for the affordable dwelling units (ADUs) and workforce dwelling units (WDUs);
- The total amount of cars Street 'A' could accommodate;
- Clarification of Proffer Number 40 regarding parking space contingency for ADUs and/or WDUs;
- Equal opportunity parking for ADUs;
- Zoning Ordinance parking requirements for rental ADUs and WDUs versus for sale units;
- Clarification of properties that were required to submit annual reports through proffers for the transportation demand management program; and
- McLean Citizens Association's concerns that the high density of the proposed development would impact the traffic volumes through McLean.

The discussion resulted in no changes to the subject applications.

Ms. Baker gave a presentation on the subject applications.

There was a discussion between Ms. Baker and multiple Commissioners regarding the following:

- New road construction on Streets 'A' and 'B' with connectivity to Jones Branch Drive and Westbranch drive;
- The location of a dog park;
- Height tiers for ADUs and WDUs in the Tysons area;
- Staff's recommendations that additional parking cost be discounted for the ADUs and WDUs; and
- The National Green Building Standards for ADUs and WDUs.

The discussion resulted in no changes to the subject applications.

Chairman Murphy called the first listed speaker.

Raj Mehra, 7736 Lewinsville Road, McLean, representing the McLean Citizens Association, spoke in support of the subject applications. Mr. Mehra addressed the traffic concerns in

McLean, the applicant's proposed contributions for a full-service athletic field, and maintenance of the park area. (A copy of Mr. Mehra's statement is in the date file).

There was a discussion between Mr. Mehra, Ms. Posusney, and multiple Commissioners regarding the maintenance of the park by the Park Authority and parking reduction costs for ADUs and WDUs.

The discussion resulted in no changes to the subject applications.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on these applications.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I want to start off by complimenting the developer for working with the staff, the Planning Commissioner, and the Supervisor to produce what I consider to be a – an excellent mixed-use facility design in public – with a set of public facilities commitments that would further the vision for this portion of the Tysons Urban Center District. This project calls for a mixed-use redevelopment of nearly six acres that currently includes a vacant six-story office building. I'll also note that the adjacency of this parcel to the – another major development makes the kind of – both the building itself, but also the conveyance – the potential conveyance of property particularly attractive. You know, we – we have a scarcity of land. Having a conveyance of actual property, as opposed to building a – only building a revenue source potential acquisition property is meaningful, in my view. I've heard the concerns expressed by the MCA, as we all have. And they're always thoughtfully considered and effectively presented. And I also have heard those concerns about the LEED or the type of designs that are comparable to LEED Certification and I'm satisfied with the explanation and staff's support for the approach that the applicant is taking in that regard. As the Chairman did just notice – notes the original public hearing on this was – on this application was canceled, due to the snow. Unfortunately, this means that tonight's hearing bumps up against next week's Board meeting, at which this application is scheduled for a hearing. I would there – so there – but – so I – there's not enough, in my view, to cause me to want to move for deferral tonight. And therefore, I'm ready to move to – to move for approval, Mr. Chairman, if you're ready.

Chairman Murphy: Please.

Commissioner Niedzielski-Eichner: Mr. Chairman, I request that the applicant confirm, for the record, agreement to the proposed development conditions dated February 6th, 2019.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes, on behalf of the applicant, we confirm that we will abide by that development condition.

Commissioner Niedzielski-Eichner: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 88-D-005-10.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Carter [sic]. Is there a discussion? All those in favor of the motion...

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: It's not Ms. Baker's fault, but nine cases is too many for one night. And it's also unfair, I think, in some ways for us when we have a big case – to have to rush through it at midnight for a Board meeting the next Tuesday when there are issues. I think we could've reviewed and resolved some of these issues. It's not Commissioner Niedzielski-Eichner's fault either, but our role in the process is – is given short shrift if we have to just kind of let everything go and send it up to the Board in a hurry. And I would hope that when we see these things coming, even if there's a snow day, that we not pile up nine cases on the same night and, particularly, not a big Tysons case. Let me say, it's not – it may not be a big Tysons case to Ms. Baker, but it's a big case in the scope of things that – that our role in it is – is then – becomes sort of a rubber stamp and we have to act on it without any meaningful changes. Thank you.

Commissioner Niedzielski-Eichner: And thank you for that, but I – it's in my judgement that we're – we do it considering the points of view of – and while it would be my preference to – to give that time to truly digest, there's the – the fact that we're forced with making this decision tonight is not – not a fault of anyone. It's just – you know, we had a – we had a snow day. And the only – the consequence of this is if we – if we defer tonight, then the Board meeting has change. The Board action – or Board hearing has to change. That mean that there's a delay of a month for the application because of the Board's schedule and I don't think that there's enough here that would warrant that – putting the applicant off for another month. And it's on – that's why I'm...

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors to approve PCA 88-D-005-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I move that the Planning...

Chairman Murphy: Mr. Hart abstains.

Commissioner Niedzielski-Eichner: There are four motions. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2018-PR-015, CONSISTENT WITH THE PROFFERS DATED FEBRUARY 8TH, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Carter [sic]. Discussion? All those in favor of the motion to recommend to the Board of Supervisors to approve RZ 2018-PR-015, say aye.

Commissioners: Aye.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Carter – hold on, Mr. Hart abstains. Motion carries.

Commissioner Hart: I think Donte is doing all the seconding. I don't think Carter is seconding.

Chairman Murphy: Oh, I'm sorry. Let's change that. You got it? Thank you.

Commissioner Niedzielski-Eichner: I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE HANDOUT DATED MARCH 14TH, 2019, THAT WAS PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same abstention. Same abstention in all these.

Commissioner Niedzielski-Eichner: LASTLY, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2018-PR-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 6TH, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Discussion? All those in favor of the motion to approve the FDP 2018-PR-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Same abstention and I appreciate the enthusiasm.

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

(End Verbatim Transcript)

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PCA 84-C-048 – PRINCE TOWNE, LLC – Appl. to amend the proffers for RZ 84-C-048 previously approved for residential development to permit residential development at a density of 1.84 dwelling units per acre (du/ac) with associated modifications to proffers and site design. Located on the N.W. side of West Ox Rd., approx. 600 ft. E. of Fairfax County Pkwy. on approx. 4.9 ac. of land zoned R-2. Comp. Plan Rec: 1-2 du/ac. Tax Map 25-4 ((14)) 85, 86 and 87. HUNTER MILL DISTRICT. PUBLIC HEARING.

Gifford Hampshire, Applicant's Agent, Blankingship & Keith, P.C., reaffirmed the affidavit dated January 17, 2019.

There were no disclosures by Commission members.

Harold Ellis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of PCA 84-C-048.

Commission Hart noted the space between the back of the homes and the building restriction lines would require Board of Zoning Appeal applications for home improvements.

Mr. Hampshire gave a presentation on the subject applications.

There was a discussion between Mr. Ellis; Mr. O'Donnell; Mr. Hampshire; Clayton Tock, Applicant's Landscape Architect, Urban, Ltd.; and multiple Commissioners regarding the reasons for the amendment to the November 15, 1984, previously-approved proffers to increase the density on the original site.

The discussion resulted in no changes to the subject application.

Chairman Murphy called the first listed speaker.

John Troy, 12932 Oak Lawn Place, Herndon, representing Franklin Oaks Homeowners Association, spoke in opposition to the subject application because of the proposed ingress/egress locations and the impact stormwater management discharge would have on the existing pond.

There was a discussion between Mr. Troy and Commissioner Carter regarding the location of the existing pond.

Avi Sareen, 2880 Franklin Oaks Drive, Herndon, disclosed his consulting company worked on the proposed application during the due diligence and feasibility period. Mr. Sareen supported the application and stated the only issue he had with the proposed application was the stacking and queuing of traffic at the intersection of Fairfax County Parkway and West Ox Road.

David Chipman, 2862 Franklin Oaks Drive, Herndon, stated he appreciated the applicant's outreach to the community and did not want to slow down the process of development. Mr. Chipman addressed concerns about the traffic impact at the intersection of Fairfax County Parkway and West Ox Road, the prospects of future accidents, the proposed density change, and stormwater drainage issues.

In his rebuttal testimony, Mr. Hampshire stated the following:

- The applicant proposed construction of a left turn lane to mitigate traffic and the request was denied by the Virginia Department of Transportation because a traffic study was required;
- The applicant's agreement to mitigate the impact only from the proposed development and not the existing problems that resulted from general background traffic issues; and
- Submission of a stormwater management plan at the time of site plan review for delineating the maintenance of stormwater facilities.

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

(Start Verbatim Transcript)

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Commissioner Carter: Okay, I have – I do have some concerns of this. I do think it's – it's tight. If you could pull up the plan again – I am going to be recommending deferral and – also recommending that the Board of Supervisors move back their – their hearing. And – did you pull it up? The site plan? What's happening is there's sheet flow, basically, from the bottom of the site to the top. That's – that's what's impacting those adjacent lots and so what the applicant is doing is – is taking the last half of the site and tipping it up and having the drainage run to the middle, which might be a good idea, but it then moves into the stormwater management feature and then

it – it exists the site. Now, on that drawing, there's a – is that an outfall? It's on the adjacent lot. If that's an outfall – if that's an outfall, I would be concerned about that. I understand it's a little detailed for us late at night, but all of the water is basically going to that direction. You see where I'm talking about? Hopefully, an engineer, perhaps? You see, as you come out of the stormwater management feature – the underground feature – then there's a little square. Is that an outfall or is that pipe to the off-site pond that I was asking about earlier? You see that?

Clayton Tock, Applicant's Engineer, Urban, Ltd.: It is a pipe outfall for the stormwater management.

Commissioner Carter: Is that – isn't that a problem to – you're basically taking all the water from the site and dumping it out in the backyard of one house.

Mr. Tock: Well, it's a pipe in a – in the County easement and what we've done is we've over-contained our stormwater management system, based on the capacity of that plane.

Commissioner Carter: It looks like it's not an easement. It's actually outside the easement.

Mr. Tock: It's in an easement.

Commissioner Carter: It's shown on the drawing outside the easement. You see that?

Mr. Tock: It – the pipe is absolutely in the easement.

Commissioner Carter: Okay. You made some changes to the plan, which I was going to recommend so I think you are – I was impressed with the testimony we got and the –

Chairman Murphy: We're on verbatim.

Commissioner Carter: Okay.

Chairman Murphy: Please.

Commissioner Carter: So I – I like that scheme. I just think it should be in the proffer, as well, to tie it down. I also think, as Commissioner Hart was concerned about – particularly Lot 5. All of the houses there have a 25-foot setback for the building restriction lot except for that one. And I think that should have a setback on it as well. That would probably save more trees in the back and help the tree canopy. I do have a concern for the retaining walls. I don't like that, especially adjacent to the existing lots and I do have a concern about the closeness of that cul-de-sac to the adjacent buildings so I wonder if there's a way and – Commissioner Hurley had some ideas, although I think she was pushing it the other way. But maybe there's a way to off-set that ball so – anyway, the traffic access – perhaps, we could come back and address that. Stormwater management – seems like you're doing a pretty good job to address that. I'm not sure about the bond issue. I think that's mostly a site plan issue. And the construction impact issue, I think we should address that. And then this outfall issue. So, I'm going to recommend deferral. So, Mr.

Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 84-C-048 TO A DATE CERTAIN OF MARCH 27TH. I know this project has taken a long time to get here, but...

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer this application to a date certain of March 22nd [sic], with the record remaining open for comment, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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The meeting was adjourned at 12:56 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: October 24, 2019



Teresa Marie Wang

Jacob Caporaletti

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