

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 24, 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
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Julie M. Strandlie, Mason District

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The meeting was called to order at 7:43 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 Environment Committee would meet on Thursday, April 25, 2019 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center to receive a presentation from staff on the Metro Landscaping Amendment. He added that the meeting was open to the public.

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MINUTES APPROVAL: SEPTEMBER 2018 TO OCTOBER 2018

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE APPROVAL OF THE PLANNING COMMISSION MINUTES FROM SEPTEMBER 2018 THROUGH OCTOBER 2018.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PA 2018-III-DS1 – COMPREHENSIVE PLAN AMENDMENT (DULLES SUBURBAN CENTER, LAND UNIT J) (Decision Only) (Public Hearing on this application was held on March 27, 2019; Decision Only from March 6, 2019; March 14, 2019; April 3, 2019)

(Start Verbatim Transcript)

Commissioner Tanner: Thank you, Mr. Chairman. I want to begin tonight by thanking everyone for their well wishes for the health of my daughter. She is a tough kid and doing quite well now.

Chairman Murphy: Good.

Commissioner Tanner: I also want to thank the planning staff, particularly Leanna O'Donnell and Marianne Gardner. Both have spent significant time responding to a multitude of questions from the Commission. I also want to make sure that I thank Amber-Lee Leslie and Laura Floyd, who have worked tirelessly to make sure that we address the needs and concerns of our district. The weeks – the weeks of dialogue and subsequent additions have been made this plan amendment reinforce my decision to move for its approval tonight. The language we that have before us in this plan amendment represents nearly three years of community outreach and staff support in a process that was anything but rushed. Originally, Land Unit J was studied under the Dulles Suburban Center Area Study that occurred between 2016 and 2017. At that time, the Westfields Business Owners' Association submitted a proposal designed to ensure the future economic success of its 1,100 acres through mixed-use development. The model that they proposed is one of live, work, play. We, as a Planning Commission, have seen time and again that the old model suburban office park is no longer attractive for business owners and their employees. Mixed-use development that thoughtfully balances commercial and residential uses furthers the County's goals that to bring people closer to their employment centers, while simultaneously addressing our housing needs and traffic issues. By pulling Land Unit J out of the Dulles Suburban Center study, Supervisor Kathy Smith acknowledged that the sheer economic size, economic development potential, and potential noise contour policy impacting Land Unit J necessitated a separate County review. Supervisor Smith established a nine-member task force, two of which were actually members of the Fairfax County Airports Advisory Committee. The task force met five times between October 29, 2018 and January 9, 2019. And if you recall during our public hearing on this case on February 27, 2019, the task force unanimously supported the staff recommendation to allow residential uses subject to the appropriate noise mitigation strategies explicated in the text. Staff has devised a strategy to protect future communities from the impacts of excessive noise. These measures include noise studies, voluntary avigation easements, interior noise attenuation, and extensive notifications regarding proximity to an international airport in marketing materials and land records. This strategy closely aligns with Loudoun County policies,

as it relates to residential development near Dulles Airport. Furthermore, the proposed language aligns with FAA residential noise compatibility guidelines and the Fairfax County Zoning Ordinance. I also want to note that a fellow commissioner requested an analysis of how others in the Commonwealth currently handled noise in the 60 to 65 noise contours. The results of that research concluded that no one else in Virginia prohibits residential in the 60-65 noise contour. No one. I want to make clear that the role of the Commission, and eventually the Board of Supervisors, is to balance competing interests. The proposed language proves that the Commission does not have to make a zero-sum choice between the success of Dulles Airport and the vitality and success of Westfields and western Fairfax. Making it a zero-sum choice means that you do not care about the economic success of Sully. This plan amendment does not change existing Fairfax Countywide policies relating to aircraft noise or noise contours. Rather, this plan amendment creates a reasonable exception to allow residential use within the 60-dBA noise contour within Land Unit J because the staff has identified and included strategies to mitigate noise impacts. If you recall, this Commission recommended approval of a similar exemption of countywide noise policy in Reston where the transit noise exceeded 75-dBA, but economic development opportunities warranted flexibility. I take issue with the manner in which this Commission has given outsized attention to the concerns of the Metropolitan Washington Airports Authority. From the beginning of this process, we have emphasized the economic importance of Dulles Airport to Fairfax County. We have spoken with MWAA and asked what measures they recommended and have implemented each of them in the revised language. But right now, I want to take a moment to similarly acknowledge the economic importance of the Westfields business park. Westfields business park, which encompasses a majority of Land Unit J, is the 4th largest employer in Fairfax County. It employs between 30,000 and 35,000 people and is a significant driver of revenue that places Sully District fourth out of nine in allocation of total taxable base for the 2019 real estate assessments. The future growth and success of Westfields business park is equally important to that of the airport. And as I mentioned earlier, the choice to balance these interests is not a zero-sum proposition. The airport and business park can operate synergistically, and I believe that the residential use in Land Unit J is an appropriate addition to leverage future success for both Sully District assets. You have all received the numerous support – letters of support from business owners that recognize the value of mixed-use development in attracting and retaining employees. Smart growth advocates similarly recognizes the value of mixed-use development in reducing negative environmental traffic impacts. And in spite of the controversy that has recently derailed a very considerate and organized process, I support this plan amendment because of the potential to make a substantial impact in Sully District. The plan amendment includes strong language relating to affordable and diverse housing, contributions to public schools, parks and open space. I thank staff for creating the necessary framework for us to review specific rezoning applications on a case-by-case basis in the future. We have to move towards policies and practices that allow room for flexibility in considering the appropriateness of different land uses, in this case residential, as economic conditions change. As the Sully District representative from this body, my job is to make choices that I think will help my district. If you live in Sully, you know that the airplanes flying over are a way of life. My daughter loves to marvel at the planes go by often waving to them, as if they can see her. I know that some of you wish to wait until the County adopts updated noise contours. That process has historically taken years of feedback from the community, staff, and the Board, and likely require extensive review, if the Board of Supervisors decided to pursue it. Let me remind you that, despite being placed in the Countywide Policy Plan, noise contours exist primarily in Sully District. A sliver of the noise contours fall within Dranesville District and

would preclude the residential development of another case that we are actively reviewing. To assert that the County should restrict residential development within newly-drafted noise contours is to basically deny residential development and redevelopment in Sully. It is to deny the potential to maintain Sully District's future economic viability. Over the past two months, I have worked closely with you all to address your concerns to modify the plan amendment where appropriate and I firmly believe that the amendment, as proposed, is not only the right thing for Sully District, but also the right thing for Fairfax County. I ask that you support this plan amendment as well as the Sully District and vote to recommend its approval. The proposed changes have been sent out and my proposed changes to the staff recommendation are noted in bold italics and highlighted in yellow. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2018-III-DS1, AS SHOWN ON TONIGHT'S HANDOUT DATED APRIL 24TH, 2019.

Commissioner Migliaccio: Second.

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

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I won't be able to support the motion and I'm – I'm sorry for that. And I – I respect very much Commissioner Tanner's efforts to get us to a consensus. At the same time, I think this application presents us, once again, with a classic conflict between environmental policy and economic pressure for development. It's not the first time we've had that tension before us and I think as the County continues to approach buildout and there are fewer places left for development, we're gonna continue have – to have environmental policy conflict with pressure to do development. In this case, the question presented is should we relax our existing environmental policy to facilitate residential development for economic reasons? There're good things in the application and I think we all want Westfields to succeed economically. At the same time, this is not the way to do an amendment like this. We shouldn't be doing it piecemeal. We shouldn't be creating site specific exceptions to an existing policy without evaluating the policy first. In this case we're also making changes over the objection of the airport authority. I think if we had looked at the policy in toto, we might have come up some additional criteria. I think EQAC sent us a memo suggesting that this is not the way to do it. Again, if we have an environmental policy we ought to be looking at the entire policy first. Commissioner Cortina had pointed out, I think, that there may be a distinction between multi-family units and townhouses, for example, in the context of airport noise. And that multi-family units have less surface or less area on the exterior surface of the building and those in some places might be more protected from impacts of airport noise. I think that the airport also has pointed out some concerns they have particularly with the areas directly beneath the flight path. More importantly, I think doing this type of amendment piecemeal and out of sequence before we've adopted the new map, unfortunately creates a loophole which is contrary to our existing policy. Environmental Objective 4 is a Countywide principle in the Policy Plan. It has provided for decades that we will not have new residential

development between the 60 and 65 DNL contours and served us well for decades. We have tonight in front of us what's a major policy shift and that would be we would allow for the first time, at least in Land Unit J, new residential under certain criteria between 60 and 65. This is though – although we have not vetted, we have not gone through the existing policy. Maybe that policy is obsolete or maybe Fairfax County has been too strict on environmental regulations. Maybe we need to relax our policy or back off the protection of citizens from noise. But if we were going to do that, I think we ought to be doing it in the context of the new map. We are adopting an amendment to the – to the Comprehensive Plan which refers to noise contours, but because we're not changing the map, we're referring to the contours from 25 years ago. And unfortunately, the land rush is on. Once the new map was unveiled in January, at least three applications for residential or mixed-use with residential were filed in Land Unit J. One of those applications is actually within the 65 contour for 100 and some townhouses. Technically though, these applications all will be evaluated under the old map because they were filed under the old map. And if we relax the Plan, if we relax the restriction on development between 60 – in the 60 to 65 contour, the area that's in the new 65, under the new map is eligible for residential because it's technically 60 under the old map. That will facilitate the approval of townhouses residential within the 65 contour, which is something nobody has overtly advocated. That's an unfortunate loophole that was created by doing this type of thing out of sequence. I don't think its - that there's any emergency been presented, requiring an immediate vote by the Board, although time is up for the Commission. There's no emergency presented by this amendment and there will be nothing wrong with the Board trying to sync those two back up together, moving with all deliberate speed to sync up the new map with the new plan. The airport is objecting to this. The airport is concerned about the flight paths. They send us a request last week. I think everyone on the Commission saw it. Saying please, please, Fairfax County, don't make any land use decisions in this area until the new map has been adopted. We know that the airport has spent a lot of time and a lot of money using scientific techniques, I would assume, to come up with their projections. We know that the airport is expanding. We know that it's going to be noisier. They're telling us that the noise contours are moving south. I don't think it's unreasonable to suggest if we're going to adopt new text that refers to the noise contours that we use the best information that we have. The most updated material that they can give us about their scientific and technical expectations about what areas are going to be too noisy. It's too late for us to do that, but I think that the Board – the Board can do what it can to get those two back on track. We can, I think, also suggest to the Board that they do that. We talked about the loophole. There's been criticism, I think, also of the new map that perhaps MWAA, that they're nervous worry warts that this is all speculative. We don't know what the future may bring, and I think that's true, but we historically deferred to their technical expertise on this and I think again, to the extent we're changing the Plan, it would be better to incorporate the current Plan based on the current study that they just sent to us and sent to us again rather than to tie it to an outdated Plan from 25 years ago. It's illogical to amend the Plan to refer to those contours without updating the map. I think tonight's vote may be forgotten by the time folks move into these townhouses, or whatever happens in this area and the airport has expanded. There'll be different politicians in office to complain to, perhaps. But that doesn't mean that in the exercise of our advisory role to the Board, that it isn't appropriate for us to comment on this and say, hey wait a minute, this is the wrong way to do it. If we're gonna do this, if we're gonna bust an environmental policy, we ought to not do it piecemeal. We ought to be looking at that policy. We ought to be using the current data to do it. We ought not be creating this loophole for townhouses in a 65. There's no emergency here and I

think it's reasonable for the Board to try and put those things together. So, I won't be supporting the motion. Thank you.

Chairman Murphy: Further discussion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. First, I align myself completely with the comments of Commissioner Hart. The public policy question for Fairfax County must be prospective and planning for the future. In my opinion, it would be the epidemic of poor planning to allow the construction of more dwelling units directly under the known flight paths of a thriving international airport. In regard to the economic development, I consider the entire region. I will quote from a letter dated today, from the Northern Virginia Chamber of Commerce, and I quote, "Dulles International Airport is a vital component of current and future economic success in Fairfax County and Northern Virginia as a whole. Dulles connects our region to goods and services from across the globe and enables our member companies to conduct business with global partners." The letter later continues "County leaders have an important role in Dulles' continued success." Despite what may or may not be on an approved, if outdated, noise contour map we know where the planes are flying currently and will increasingly fly. We know where the noise is occurring currently and will increasingly occur. A question Fairfax County must answer is how to mitigate this noise impact. The best options I see are one, not build any more dwelling units in Land Unit J or two, not to build dwelling units under the – where the most noise occurs. That is directly under the arrival flight paths or under the newly-released and now known, if not certified by the County, 65 dB noise contour. An ounce of prevention is worth a pound of cure and I will vote no on this proposal.

Chairman Murphy: Further discussion? Ms. Cortina. Oh, I'm sorry. Mr. Tanner. Do you wanna...

Commissioner Tanner: [Inaudible].

Chairman Murphy: Okay. Mary.

Commissioner Cortina: Thank you, Mr. Chairman. The question is will mitigation for inside noise and an easement stop people who live within the concentrated arrivals plus or minus 200-foot flight path. With this next generation of FAA navigation system, we have GPS landing at the airport. And so, the arrivals will be very narrow, and we have received a map that shows where they will come in. And to put townhouses or other residential directly under that flight path when we know it's coming, when we know that those flight paths are concentrated, and then expect that those people will not complain and demand the politicians of the future restrict either airplane equipment types, hours of operation, or other changes that would negatively impact the airport, is not realistic. The entire County strategy with regard to the airport has been to put it out in that area precisely to avoid the noise problem in the first place and that is called abatement. And mitigation is what you do after you have a problem. Abatement is trying to prevent it in the first place. And MWAA's entire strategy has rested in large part with the land use which went with developing the airport out there in the first place. So, the abatement strategy is on the Board of Supervisors. It is a local matter. The federal government cannot tell us what to do there. The State cannot tell us. This is a local matter and Land Unit J is a small part of the overall region. In Land Unit J, one developer within a land unit can also not take the entire region hostage, so to speak, with this particular land use. I understand the predicament that they're in, but those flight

paths were oriented that way precisely for the land use conditions that Fairfax County committed to over decades and a condition that's always run with the land in that area. The economic success of the region has in large part been due to Dulles Airport. And especially as we diversify our sectors beyond the Federal Government, a robust international airport is – hub is critical to that success. And so is it reasonable to jeopardize our region's domestic and international transportation hub to give additional property uses to a few property owners. And that's really the crux of it for me. And I do respect the Planning Commissioner's time trying to sort this through. If we had some more time to be able to carve out perhaps areas directly under the flight path or figure this out in a more collaborative way working with MWAA, I would be more likely to support it. But at this time, I cannot. Thank you.

Chairman Murphy: Mr. Tanner and then Mr. Sargeant.

Commissioner Tanner: Thank you. Mr. Chairman. There are a few things I wanna address. And the first of which being, it's in our best interest in Sully to make sure that the airport stays viable and is allowed to grow the way they perceive they were going to grow. Now if you look at the – the noise contours, and the estimations from 1992, they've only hit fifteen percent of their estimated goal. So right now, even now, it seems like it's an over estimation. But even if they did hit their numbers, it would actually benefit Sully District as well. And Westfields Business Park actually agrees with that. When I moved to Sully, I moved there because it was close to the airport and I travel a lot and I wanted to make sure that I was able to get there quickly in times of need. What I also know is that I used to fly and when I flew, the one thing that I'd always knew is that flight paths will always change depending on weather. There is no set path, even with GPS technology. You can't control the wind. So, the flight paths in estimations is just that. It's just an estimation. Right now, the current noise levels have not exceeded 65. In fact, they've been closer to 45. And again, we're still talking about mitigation, we're still talking about addressing it and wanna make sure that we let everybody know what they're doing. Also, the contours themselves are only in Sully with the exception of the small bit that goes into Dranesville. So, this is not a countywide impact. The airport will continue to grow, we want it to continue to grow, and have the language we have in this Plan amendment will not prevent that. This isn't a rezoning. This isn't a change in policy. All we are trying to do is have the opportunity to review applications on a case-by-case basis and at that time, especially since we are in an exempt area, we can have those conversations and request more mitigation strategies, request all things we're talking about right now. Finally, when we talk about the noise contours themselves, the new noise contours, the process itself has not even begun. That's not what we were tasked to do, that's not what we were asked. Instead, we were asked to consider different opportunities for residential growth within the Sully District, Land Unit J. Now if we say – say we start the process now. It will still take two to five years before it goes to process and that's assuming that it will pass. Loudoun County has already rejected that. So, when we start looking at what we are going to do going forward, again, the language itself will still apply if new noise contour maps are adjusted. We will still want to talk about the 60 to 65 dBA. That's all we're talking about. And if the new noise contours are adopted in a few years, then fine. But we can't sit here and say that we're going to prohibit growth because of what may happen in the future. We know what's in front of us right now. And that's the point that we're trying to make, we just want the flexibility to have the conversation for future growth here in Land Unit J. Thank you, Mr. Chairman.

Chairman Murphy: Thank you. Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. While I will not be supporting this motion, my vote should not be construed as opposition to the vision created by the Sully District citizens and County staff working together for the future of the Dulles Suburban Center, Land Unit J. Let me also acknowledge Supervisor Kathy Smith and Commissioner Tanner on – for making this decision more difficult with their cogent arguments as well as their leadership and advocacy on behalf of the future of their district. Instead, my vote is cast in recognition of the unresolved issue of airport noise contours which has been articulated by my fellow Commissioners. This issue hangs like a cloud over this amendment. It requires input and guidance by the Board of Supervisors to move this vision forward in a timely manner. Therefore, I will not be supporting this motion. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Frankly, I'm somewhat ambivalent. I recognize that by MWAA having come into the party a little bit late, but coming in with new information following FAA guidance as to how they develop that information, could have a direct effect on Land Unit J. And is something that the County can't ignore. And that the County is going to have to figure out how it wants to deal with the new map and the new contours. And is going to have to consider its current policy, which I agree recommends against residential development below 65 – in the 60 to 65 dBA category. And – which is a number of other places allowed residential development in that range. I think the County is gonna have to step back and take a hard look at its current policy and decide what to do about the map. I agree that perhaps it a bit late in coming in and has had a significant impact on our thinking. But after reading all of the materials as well, I understand the dilemma that is faced by the – by Sully District, in particular the Dulles Suburban Center and Land Unit J and the Westfields area in terms of where they are in terms of potential development, redevelopment, and the needs that they have to try to get something going in an area that been basically stuck. And because I see – and what they're proposing in this case is consistent with the policy that the County has adopted with the expansion of the Silver Line, and so on, to go into more mixed-use development approach as a way to jump start areas that need some redevelopment and new development and would fit within the approach that Fairfax County is now taking with its land use. But because I am feeling ambivalent, I'm going to abstain in this case.

Chairman Murphy: Is there further discussion of the motion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I have a couple of questions that I need for clarification, if I could. I think I appreciate the argument that Commissioner Hart is making. I do have a question, though. Commissioner Hart, just where – what is the action that will get us to the point where the new contours are addressed by the Board?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My understanding, and I think staff could probably address this, is two things have to happen. The Board has to authorize for advertising two items. One would be an amendment to the Comprehensive Plan and one would also be an amendment to the Zoning

Ordinance to the – to the ANOID section. And that those two items probably need to be done together. I think Mr. Selden might be able to address that. I don't know that we know how long that would take. I don't think it's gonna be an instantaneous thing, but it requires Board action to authorize the two items and – and to go forward.

Fred Selden, Director, Department of Planning and Zoning: Fred Selden, Planning and Zoning. That's correct, Commissioner Hart. You need both actions and authorization to look at changing the Comprehensive Plan as well as an authorization to look at modifying the Zoning Ordinance. And the modification to the Zoning Ordinance would actually be a rezoning of those properties because it's a Zoning Ordinance overlay.

Commissioner Niedzielski-Eichner: Thank you, Mr. Hart, for your response and Mr...

Commissioner Hart: One other thing, I'm sorry. It would be my intention as it – whether it's a follow-on motion or something else that we make that suggestion to the Board that with all deliberate speed, they initiate the process to do that. Whatever that is.

Commissioner Niedzielski-Eichner: And I'm – I guess I'm not aware. Is there a follow-on motion planned?

Chairman Murphy: It's up to you.

Commissioner Hart: Well, we haven't finished this yet.

Chairman Murphy: We haven't finished yet.

Commissioner Hart: If we get to that point, I think so.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Mr. Chairman. I've talked to several Commissioners about that very point earlier. And I've often displayed, I am open to that follow-on motion that we recommend that we look at new noise contours. However, I don't think the two applications, or at least that follow-on motion is relevant to what we were asking you on this application. But I am open to actually hearing the follow-on motion to that one and would support it.

Commissioner Niedzielski-Eichner: So, I just want to go back to Mr. Selden. So, Mr. Selden are you aware of any initiative on the Board's part to pursue this – these two actions that you – you said need to be taken?

Mr. Selden: I was in a meeting this afternoon with the Chairman and I believe that the Chairman is looking at making – having a Board matter that would address the issue of updating the noise contours.

Commissioner Niedzielski-Eichner: Alright. And Mr. Tanner, well maybe, this is probably directed toward staff, but Mr. Tanner you might wanna weigh in. What is the consequence of – of a Comprehensive Plan amendment that makes the changes that are being – that are included in

this motion and that speaks to this, the question of the 65 decibel range being permitted at least in or not because the Comprehensive Plan doesn't permit, it just advises. But if – if we do – will we have the circumstance potentially where we will be changing the Comprehensive Plan and – and then have the decibel change to the point where we could have – have potential housing in an area that is even higher than the 60 to 65 above the 65-dB range?

Commissioner Tanner: Mr. Chairman, if I may.

Chairman Murphy: Yes.

Commissioner Tanner: It's a good question and one that we considered as we were talking about this plan amendment. And our thought was, even though right now, there – the noise is nowhere near the levels that the noise contours estimate that they will be in full buildout. We also considered that we should have noise studies at the time of the application to make sure that the noise that we are taking about still – still remain in the lower levels we're – we at least aspired to. In terms of a consequence, so to speak, it's something that we do all the time and as mentioned earlier, we just – we just did it in Reston. But for some reason, we treated the road noise different than we do the airport noise. And again, that's why we're here. We're here to deliberate, look the actual individual applications, look at the individual area – make sure that we are planning and thinking about all aspects of it and kind of weight the balances for it and make a recommendation to the Board. So even in that case, I don't believe there is any real consequence, especially when you look at the rest of the Commonwealth. Everybody else permits within 60 to 65 and they seem to be doing just fine.

Commissioner Niedzielski-Eichner: But you're acknowledging that there's – there's a potential for not 60 to 65, which is what we're – you're advocating, but the 65 and above – could – could be a consequence for an already – already considered Comprehensive Plan – so that the amendment is made to the Comprehensive Plan, we have a rezoning request and that rezoning request is specific to an area that we allow because it's in the 60 to 65 range, but then the new contours come in and we find out it's 65 or above.

Commissioner Tanner: And again, those are – a question that I think that Commissioner Hart alluded to earlier in a sense that it may happen, it may not. But again, we don't know what's going to happen years out. We don't know what the contours are gonna be (inaudible) adopted at the time. But at the time of application, at least the time they come before us, I do believe that where they fall with the contours, depending which maps are adopted, that's what we go with. And they are only talking about the 60 to 65.

Commissioner Hart: Mr. Chair?

Chairman Murphy: Mr. Hart.

Commissioner Hart: On that point, I – I think that's exactly the wrong answer. I think that the applications that are filed now have the benefit of the old map. If I – if I understand it, they are – they are evaluated under the ordinance, as it is, on the day the application is accepted. The – we – adoption of the new map doesn't fix the loophole where we have an application that's under the old 60 within the new 65, which we have one, at least, right now, for 100 and some townhouses.

But the old map will apply for that application because it was – already been accepted. Is that not correct?

Leanna O'Donnell, Planning Division, Department of Planning and Zoning: Leanna O'Donnell with the Department of Planning and Zoning. That's correct. We do – we are aware of one case that's been filed that's in the current 60 to 65 area and would be in the new 65 to 70. The others that we're aware of would fall under the new 60 to 65 so we do need to address that application.

Commissioner Tanner: Mr. Chairman, if I can...

Chairman Murphy: Yes, Mr. Tanner.

Commissioner Tanner: So, if I'm understanding you, Commissioner Hart, you're saying that we shouldn't pay attention to the Comprehensive Plan, as it currently exists, in terms of noise contours? We should wait and maybe one day see if they will change and until then, we don't accept anything else.

Commissioner Hart: No, I was...I was trying to answer Commissioner Niedzielski-Eichner's question. I think that issue has been prevented – presented squarely before us. We have an application that's in the old 60, new 65 – I mean what MWAA is telling us, they say this will be, as of January, they're saying this is what the new lines are. We have an application already that fits that hypothetical. It's above the 60. It's – it's in the 65.

Commissioner Tanner: But the new – the noise contours, as they are...

Commissioner Hart: Which the Board hasn't adopted yet.

Commissioner Tanner: Right. So, they – we haven't even had a question or even the consideration of the new noise contours, but what the noise contours at the extent of right now is what we are – really – why wouldn't we actually look at that one yet?

Commissioner Hart: The official map is what the Board has adopted, not what MWAA says it will be.

Commissioner Tanner: But even tonight, we're not actually reviewing those applications. We're viewing this Comprehensive Plan Amendment.

Commissioner Niedzielski-Eichner: Mr. Chairman, if I...

Chairman Murphy: Yeah, I'm sorry.

Commissioner Niedzielski-Eichner: If I could just speak to my position on this, I think if any of my colleagues who have spoken more – most to specific to my position – my perspective, my challenge on this is, it's Commissioner Ulfelder. And I'm going to take one – a different tact than Mr. Ulfelder and I'm going to have to vote no on this. I am troubled by this last point. I do not wanna have MWAA's – the uncertainty related to MWAA mitigate or prevent for an extended period of time – the ability for this Land Unit J to be developed. At the same time, we have an

awareness of where MWAA's contours – revised contours are going to come to and I'm – I'm concerned that we – we approve a Comprehensive Plan Amendment, we create this context potentially in which the development will occur and it will occur in a decibel level that is significantly higher and there's no way to mitigate against that. The residents will already be in place and it's a – I just see it as a potential risk that can be avoided if there's timely consideration of the MWAA's revised contours. And that's why I was asking about the matter of the Board taking this up. If the Board – my strong position is this is something the Board should take up and in the very near term and do – do so expeditiously as possible. And allow then for this to be considered – this Plan Amendment be taken up in the context of revised contours. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Actually, the – Commissioner Niedzielski-Eichner, it's at – you bring up an interesting point and actually goes back to a question that Commissioner Hart asked. So, I'll ask the question of staff as well. Since we are considering the noise contours that are currently adopted in the Plan at the time of application – if we are also talking about at the time of application, since they applied before this even came to a vote, will they be subject to the old rules of the noise contours, thus eliminating the loophole?

Ms. O'Donnell: Leanna O'Donnell, DPZ, so the – an area that's now between the 60 and 65, if that were to change to 65 and 70, you know this Plan Amendment if it were to move forward as an option for residential use for Land Unit J, which is not there currently, so that would be an update to the Comprehensive Plan. But, if the lines remain in the Comprehensive Plan as they are today the existing lines would be used.

Commissioner Tanner: Okay. Thank you.

Chairman Murphy: Mr. Carter.

Commissioner Carter: There's an awful lot of ifs in this case and so I'll try this. Does this Comprehensive Plan Amendment fix the noise contours with where they are today? It does not. So, they can change at – at any time. And so, if there's a follow-on motion that – that recommends a change, I – I guess I'm in the minority here, but I'm probably gonna support this. I don't see the problem. The other – in terms of belts and suspenders, you've got a Zoning Ordinance and I wasn't sure what – what Fred Selden was saying about the – you've got a Zoning Ordinance change that's – that's required to put this into play. I'm I – did I hear that right?

Mr. Selden: What – Commissioner Carter, what I was referring to is the Comprehensive Plan refers to ANIOD, which is the Airport Noise Impact Overlay District, which is a zoning district. And if you were to adopt new noise contours that – that ANIOD would also need to be changed, which is in effect a change to that overlay district and the properties that are within it and without it – and outside of it.

Commissioner Carter: It seems like it's a – it's a timing issue of how quickly you would – you would make this – this change.

Mr. Selden: Again, because it is in effect a rezoning of a lot of parcels, I don't that's something that could be done quickly. And there are properties, quite frankly, that may be coming out of ANIOD, as well as properties, a few properties that may be going into ANIOD. So, again that's a rezoning of those properties and I've – I seem to recall the last time we did this, there was a lot of public outreach. We had to have maps, we had to be prepared for individual property owners to be able to see exactly how their property was being affected by a change to these noise contours. Which is – which is a much more detailed process than just changing the contours that we use in the Comp Plan to make decisions as to whether or not to encourage or discourage residential use within an area.

Commissioner Carter: Okay.

Chairman Murphy: Further discussion?

Commissioner Migliaccio: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Migliaccio: I'm just gonna – I seconded the motion and I'm gonna vote for this. And Commissioner Ulfelder made a good point – a valid point. Commissioner Tanner I agree with what you had said earlier. I'm gonna take a slightly different tact that we have tonight. We have a severe housing shortage in this County that's impacting our economic development long-term. I do not believe that this Plan Amendment is gonna severely impact Dulles Airport and it's growth long-term. We're gonna end up, I think, forward looking. We're gonna change our noise contours for the whole County because we're not in line with anywhere else in the Commonwealth of Virginia where the 60 and 65 and we are lacking space for housing. And I think we need to take a look at this. We have mitigation language in this Plan Amendment and I think that's the path that we should go down on this one and I'm gonna support Commissioner Tanner's motion.

Chairman Murphy: Further discussion? Yes. Mr. Tanner.

Commissioner Tanner: Mr. Chairman, just – just one final point. There – there seems like the biggest disagreement here is whether or not we're gonna adopt new a noise contours prior to voting on this one. And, again, since it's not even start of the process, I – I don't think that should be a factor in terms of how we vote on this one. However, I do agree that yes, we should make a recommendation that the Board will look into that one and push this forward. Especially if that helps ease you're – you're concerns about adoption of the new noise contours. But I do thank you for lively discussion and I – I appreciate your inputs on this. And hopefully going forward, we will be able to understand a little bit more about what we're talking about in terms of noise contours and address noise, not just for the airport but also all noise and treat them all equally. Thank you.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: I – I do – I think Mr. Migliaccio points are extremely well taken and so, I – this is where my – where my struggle has been. But I do think it's a process issue and the Board – I do want the Board to – to consider the revised contours before we amend the Comprehensive Plan to – that will then get locked in – where these contours will then be locked into our Comp Plan. But Mr. Migliaccio point is very well taken that's why I think this has done in a timely way. And I strongly encourage to get that done urgently by the Board. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors to adopt PA 2018-III-DS1, Comprehensive Plan Amendment, Dulles Suburban Center, Land Unit J, as articulated by Commissioner Tanner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Commissioner Ulfelder: Abstain.

Commissioner Hart: Division.

Chairman Murphy: Alright. Division. Mr. Clarke.

Commissioner Clarke: Yes.

Chairman Murphy: Ms. Cortina.

Commissioner Cortina: Nay.

Chairman Murphy: Nay. Mr. Ulfelder abstains.

Commissioner Ulfelder: Abstain.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Nay.

Chairman Murphy: Nay. Mr. Hart.

Commissioner Hart: Nay.

Commissioner Migliaccio: Aye.

Chairman Murphy: Aye. Ms. Hurley.

Commissioner Hurley: Nay.

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Nay.

Chairman Murphy: Mr. Carter.

Commissioner Carter: Aye.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Aye.

Chairman Murphy: And the motion fails.

Commissioner Migliaccio: Four to five with...

Chairman Murphy: And the Chair abstains, actually.

Commissioner Migliaccio: Four, five [inaudible].

Chairman Murphy: I – I wanna make it clear why I’m doing that. I – I agree with Mr. Ulfelder. I – as we listen to this argument, the one thing is obvious to me this – this piece of swiss cheese have more holes in it than we should have in a – in an application we send to the Board. And it is – it is confusing, but it is very important that the package is correct as far as I’m concerned. As the Planning Commissioner who was involved in the first Plan Amendment and the rezonings in this area, in Westfields, I had the – the honor and the privilege being in the Springfield District and there was no Sully District then. And this parcel of land was – was by a Board’s own motion zoned as I-3. Because the Board at that time felt with Dulles airport coming in, we needed industrial parks out in that area of Fairfax County to service this cargo and so forth that would be coming in by the aircraft and land at Dulles. And that didn’t pan out. So we were able to change the I-3 designation, which would have been medium to heavy industrial, to this rezoning we have before us this evening. And so it’s very, very important in my estimation that we do this right. And I think all the arguments here for one side or another were very valid, but it just shows how far apart we are on what we should have as – as a final determination to make a motion on the Plan Amendment and any future rezoning that’s gonna depend upon the planning – planning process. So, will – Mr. Clarke voted yes. Ms. Cortina – we did the – okay. Motion fails five to two.

Commissioner Sargeant: Five to four.

Commissioner Cortina: [Inaudible].

Commissioner Hart: Four-five-two.

Chairman Murphy: Four-five-two. Okay. I wanna complement Mr. Tanner. It was a valuable argument – valuable. And the staff for persevering in this. Mr. Hart, did you have something?

Commissioner Hart: I did. Before we leave this. I don't – I don't wanna jump the gun if Commissioner Tanner's got another motion. Okay. Let me – let me suggest, Mr. Chairman, that I WILL MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD THAT THEY PROCEED AS EXPEDITIOUSLY AS POSSIBLE TO DIRECT STAFF TO PREPARE FOR AUTHORIZATION AND ADVERTISING AN AMENDMENT TO THE COMPREHENSIVE PLAN AND AN AMENDMENT TO THE ZONING ORDINANCE TO INCORPORATE THE NEW – TO STUDY AND INCORPORATE A NEW MWAA MAP AS SOON AS THAT IS AVAILABLE.

Commissioner Sargeant: Second.

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

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder and then Ms. – yes Mr. Tanner and then Ms. Hurley or whatever.

Commissioner Tanner: [Inaudible].

Chairman Murphy: Okay. Ms. Hurley and then Mr. Tanner. Go ahead.

Commissioner Hurley: Thank you, Mr. Chairman.

Chairman Murphy: Well, I – Ulfelder came first.

Commissioner Ulfelder: I – I think that I would – I support – I would support that motion. I think that – that would be a first step. I think that the County should also be taking the broader look at its current aircraft noise policy as illustrated in the Area III Plan, the Dulles Suburban Center Area Plan, the Bull Run Section Plan, the environment of the Policy – the environment section of the Policy Plan and the land use section of the Policy Plan as well. All of which to varying degrees and various ways address the current policy about anything over 60 dBA. And that would be something that I think that needs to be looked at as well in connection with the adoption of the new map.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Mr. Chairman to that point. I – I don't disagree with that. I think maybe that's the second motion. I just didn't necessarily wanna tangle up one with the other...

Commissioner Ulfelder: Okay. Okay.

Commissioner Hart: One is a little more time sensitive perhaps. But that's certainly consistent with what I think the Board ought to be doing.

Chairman Murphy: Ms. Hurley then Mr. Tanner.

Commissioner Hurley: Thank you, Mr. Chairman. I'd like to add a friendly – I supported the motion, but I'd like to add a friendly amendment to also consider the flight paths, which I – as I understand it, would give a lot more space to build houses as long as they're not directly under the flight path. The flight paths are far more narrow than the noise contours are. So, I – to consider the noise contour map, yes, but also in conjunction with the actual flight paths, which is where the concentrated noise is which is there're getting all of the – most of the complaints from regular airport is because of the narrow flight path.

Commissioner Hart: Mr. Chairman, I think that could be part of the second motion the things Mr. Ulfelder has suggested. I think the flight paths are not necessarily part of the ANIOD. So I don't know if I would want it in the first motion, but maybe we put it in the second motion.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: So, I'll actually will address Commissioner Hurley's point first. I'd like to go back to the first night we've had this discussion and one of the last things that Commissioner Ulfelder said was, as a Fairfax County, we use noise contours, we don't use flight paths, and we shouldn't change that right now because that's not what – that's not what the policy is.

Commissioner Ulfelder: I said that?

Commissioner Tanner: Yeah. You said that.

Commissioner Ulfelder: See, that was February?

Commissioner Tanner: Second...

Chairman Murphy: Yeah.

Commissioner Tanner: I wanna at least...

Commissioner Hart: [Inaudible].

Commissioner Tanner: Slow down a little bit because we talked about – making that recommendation to the Board, but according to email we got from staff this week, MWAA is has not finished their process yet. And to quote the email they're – "they're awaiting supporting information, including a final report so that staff can describe how the new noise contours were developed with the assumptions used in the model. Staff also needs formal documentation from MWAA as MWAA's endorsement of final action and any related FAA comments or actions." So I believe we should wait until MWAA finishes their process first before actually advising the Board to adopt noise contours that have not yet been finalized.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My – my motion was to do it as soon as it's ready. And it – I – I think it's – it's either done or close. And I – my – I mean that was the wording I had intended. That as soon as it's available, the Board move forward with it. If it – if they're a hundred percent done, and I thought they was a couple days ago. But my – the spirit of my motion is, not to approve something that isn't ready. It's – as soon as we've got something from MWAA that's ready to go, we go with it.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Tanner: Abstain.

Chairman Murphy: Motion carries. Mr. Tanner abstains. Now we have another motion? Mr. Ulfelder, did you wanna...

Commissioner Ulfelder: You want me to make it?

Commissioner Hart: Please.

Commissioner Ulfelder: Please.

Chairman Murphy: Well, you were the one that...

Commissioner Hart: I had to do all the talking.

Commissioner Ulfelder: Okay. Yeah. Well, I think that's appropriate. The – I was suggesting that I – I understand the need to address initially the overlay district and the Zoning Ordinance as well as the changes in the Comprehensive Plan related to the noise contours map, which I agree is also of potential noise contours based on future growth Dulles Airport and the future of aircraft. And the – and how they handle aircraft at Dulles. But I also feel that based on the material that we received during the review of this particular Plan Amendment, that there clearly are differences in different places about how they look at the noise levels in connection with the potential residential development. And that a lot of areas, including maybe the FAA itself, don't have as big a problem with noise in the 60 and 65 dBA. Starting with 65 and going up that there's a real problem. And so my point was that I think that the Board should also, at the appropriate time, consider authorizing or requesting staff to look into and study, and perhaps bring to them something to consider in connection with current noise, aircraft noise policies relating to the areas that I outlined, which is Area III – which is, Dranesville and Sully, and the – which includes the Dulles Suburban Center District, as well as Bull Run. And – that are affected by aircraft noise and consider whether they want to make some changes in that policy going forward. But I think that's correct. It would be an action that would follow at some point, the

initial action that Commissioner Hart motion calls for. And so, let's see. You want this in the form of a motion, right?

Commissioner Hart: You'll say it better than I will.

Commissioner Ulfelder: What?

Commissioner Hart: I say, you'll say it better than I will.

Commissioner Ulfelder: Mr. Chairman, I – I – I recommend that the – I would – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ASK STAFF TO PREPARE FOR A POSSIBLE AUTHORIZATION FOR FURTHER STUDY AND REVIEW, AND POSSIBLE REVISIONS TO THE CURRENT AIRCRAFT NOISE POLICIES FOUND IN VARIOUS PARTS OF THE COMPREHENSIVE PLAN FOR THE AFFECTED AREAS IN – AROUND DULLES AIRPORT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded Mr. Niedzielski-Eichner. Discussion of the motion? Ms. Hurley.

Commissioner Hurley: Just to same comment. It's not just the noise. It's also the flight paths, if I may offer that friendly amendment.

Commissioner Ulfelder: It would be fine. The MWAA raised flight paths issues in connection with aircraft presentation and the materials and presentation of us. And that is an issue now because of the new – the new GPS systems is going to be used for landings at the airport. And I think it's part of what they should be – what they should ask staff to look at and see to what extent, if at all that is a factor that they should take – they can and should take into account in developing any revisions to the current noise policy.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: As the seconder to that motion, I agree with that. I recognized that historically that has not been a – incorporated in our policy, but I do think that technology is changing, and we have to be prepared to adapt to the changes that technology brings us. And this might just be one of those. I'm not saying it should, but I do think that staff ought to be looking at it.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: So, I just wanna clarify. You're just making a recommendation to look into it further, then later on there will be a decision made whether or not we should do it or not, right? Because I was with you until flight paths. Only because, again, flight paths change. It's not based on GPS, it's based on weather. So, if it's – if the only goal is just to look into it and see if that's a possibility, then I understand.

Commissioner Ulfelder: I'm just – I'm suggesting that – I think Commissioner Hurley is raising the issue that the MWAA said that because of the tight – because of the ability to plan – land planes more efficiently, and safely at the same time and that the airport plans include the potential for using three – three runways at a time and maybe four, and eventually five. In other words, you could land up to three, four, or five planes at the same time at Dulles airport, that it – it reflects a narrow pipe – narrow flight paths. And therefore, we can look at what those kind of flight paths are going to be as a – fairly specifically. And meet – and the question is whether we need to factor that into our consideration of any revisions to current noise policy. But I – you're it's just – it's a – it's a general reflection, a general suggestion.

Commissioner Tanner: Understood. But just to clarify your point. There will never be an instance where flying planes land at the same time because the runways are oriented differently.

Commissioner Ulfelder: Well, I understand, but it could be up to four for sure. Because that's a long – I agree it's a long way off. And I think that's – that's one of the problems we are wrestling with here. Is that we're dealing with predictions of future potential traffic and use at the airport not just for passengers, but for cargo. And it's – so it's difficult to know when it's all gonna happen. If it's – if it's gonna happen, if so, when it's going to happen. And – but we do know based on the current configuration of Dulles airport we have a pretty good idea of what those flight paths will be.

Commissioner Tanner: Understood. Thank you. I will support the motion. I just want to make sure we're clear on the – the actual flight...

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Again, one more time on this. This is a Comprehensive Plan question. I recall being – visiting, well actually not visiting – I worked in Washington, DC for as an intern in my younger days and was given the opportunity to ride out to Dulles Airport in a car and all I could on either side of the ride was a tunnel with trees. There was just nothing out there except Dulles Airport. So, this airport was called the folly by a lot of people. It's never – how's it gonna serve the community? But somebody had vision and said this is to how we should put – this is where we should put this airport. I – our job is to think long term and so, I think it's prudent that to think in terms of what are the implications of technology on flight paths, on noise levels, on the operation of a – of an economic center for our community. I think that's the Planning Commission's job. So, I – I don't want to – to use today's knowledge and only limit ourselves to today's knowledge. I want us to be thinking in terms of what is the longer-term prospects and – and then let the zoning and the housing and everything else follow that longer-term vision. But I don't want us to limit ourselves at this point in time. Thank you.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first motion carried by a vote of 4-5-2. Commissioners Niedzielski-Eichner, Hart, Sargeant, Hurley, and Cortina voted no. Commissioners Murphy and Ulfelder abstained from the vote. Commissioner Strandlie was absent from the meeting.

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

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

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT – ARTICLES 2, 3, 6, 8, 10, 18 AND 20
COMMUNITY GARDENS, FARMERS MARKETS, GARDENING AS AN
ACCESSORY USE AND RELATED CHANGES
2. FDPA 2010-PR-022 – THE BORO I RESIDENTIAL TOWER RENTAL, LLC
3. PCA 2011-PR-023-02/CDPA 2011-PR-023-02/FDP 2011-PR-023-05/PCA 2011-PR-023-
03 – CITYLINE PARTNERS, LLC
4. PA 2018-II-F2 – COMPREHENSIVE PLAN AMENDMENT (ONE UNIVERSITY)

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT – ARTICLES 2, 3, 6, 8,
10, 18 AND 20 COMMUNITY GARDENS, FARMERS
MARKETS, GARDENING AS AN ACCESSORY USE AND
RELATED CHANGES. COUNTYWIDE. PUBLIC HEARING.

Commissioner Hart announced his intent to defer the decision only on the proposed zoning ordinance amendment at the conclusion of the public hearing.

Jennifer Josiah, Zoning Administration Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed Zoning Ordinance Amendment with an effective date of 12:01 a.m. the day following adoption.

There was a discussion between Ms. Josiah; Donna Pesto, Zoning Administration Division, DPZ; and multiple Commissioners on the following issues:

- The public concerns that the proposed amendment had expressed on front yard gardens;
- The ability of the Commission to approve certain portions of the amendment while omitting others;
- The scope of the proposed amendment with respect to delineating the regulation of front yard gardens;
- The process for determining an appropriate size of front yard gardens;
- The support and recommendations that various civic associations had expressed for the amendment;
- The impact the proposed amendment would incur on existing neighborhood covenants;
- The reason why residents would pursue front yard gardens;
- The definition of a backyard and a street line under the Zoning Ordinance;
- The recommended daylight hours for farmer's markets, as prescribed by the proposed amendment;
- The operation of community gardens;
- The structures and equipment that would be permitted or prohibited for front yard gardens under the proposed amendment;
- The provisions and requirements for fencing for community gardens under the Zoning Ordinance; and
- The existing County regulations for growing hemp in gardens.

The discussion resulted in no changes to the proposed amendment.

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

H. Jay Spiegel, P.O. Box 11, Mount Vernon, expressed concern that the increased frequency of front yard gardens would negatively impact the residential character of existing communities and adopt standards that were difficult for County staff to enforce. He recommended that the proposed amendment be revised to require appropriate screening of front yard gardens. (A copy of Mr. Spiegel's testimony is in the date file.)

Chairman Murphy called for speakers from the audience.

Terri Siggins, representing the Fairfax Food Council, spoke in support of the proposed amendment because it promoted improved nutrition and gardening activities throughout the County.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Josiah, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this case.

(Start Verbatim Transcript)

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Commissioner Hart: Thank you, Mr. Chairman. I wanna thank, first, the folks that came out tonight to speak and the folks that have sent us letters and e-mails. I think we need a little time to digest what we've gotten in. We got a resolution tonight from Mount Vernon Council. I think we got a letter today from Mason District Council. Therefore, Mr. Chairman, I MOVE TO DEFER THE PLANNING COMMISSION'S DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMUNITY GARDENS, FARMERS MARKETS, GARDENING AS AN ACCESSORY USE AND RELATED CHANGES TO A DATE CERTAIN OF MAY 1, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only Zoning Ordinance Amendment on gardens to a date certain of May 1st, with the record remaining open for comments, say aye.

Commissioner: Aye.

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

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

(End Verbatim Transcript)

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FDPA 2010-PR-022 – THE BORO I RESIDENTIAL TOWER RENTAL, LLC – Appl. to amend the final development plans for RZ 2010-PR-022 to permit hotel as a temporary use and associated changes to development conditions. Located in the southern quadrant of the intersection of Greensboro Dr. and Westpark Dr. on approx. 3.42 ac. of land zoned PTC, SC, and HC. Tax Map 29-3 ((37)) 1. PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated March 11, 2019.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had two cases where the attorneys in Ms. Baker's firm represented an adverse party or adverse parties. He stated that matter and those parties were unrelated to this application and there was no business or financial relationship; therefore, it would not affect his ability to participate in the case.

Katelyn Antonucci, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application FDPA 2010-PR-022.

There was a discussion between Ms. Antonucci, Cathy Lewis, ZED, DPZ; and multiple Commissioners on the following issues:

- The usage of short-term rental units in neighboring properties;
- The existing standards for short-term rental units within residential and mixed-use developments;
- The policy implications for permitting short-term rental units in new residential or mixed-use developments;
- The interim uses that would be permitted within the proposed development;
- The number of affordable dwelling units and workforce dwelling units (WDU) that were included with the proposed development;
- The location, distribution, and size of the WDUs within the proposed development; and
- The process for leasing WDUs.

The discussion resulted in no changes to the subject application.

Ms. Baker gave a presentation on the subject application.

There was a discussion between Ms. Baker; Jason Fudin, Applicant's Agent, WhyHotel, Inc.; and multiple Commissioners on the following issues:

- The reason why neighbored developments had not utilized short-term rental units;
- The timeframe for leasing the various residential dwelling units on the site within the proposed development;
- The impact that permitting short-term rental units would incur on the leasing of other dwelling units within the development;
- The existing and future market trends in for housing at the site and throughout Tysons;
- The development concepts that would be utilized for the proposed development;
- The interim uses of the proposed development and the process for discontinuing those uses upon completion of construction;
- The amenities, services, and staffing that would be included with the proposed development;
- The amount of guest parking included with the development;
- The operation of the short-term rental units;
- The similar developments that the applicant had constructed in other parts of the County and in neighboring jurisdictions;
- The typical duration of residents utilizing short-term rentals at similar developments;
- The ability of the applicant to adjust the leasing terms for the residential units in the proposed development in reaction to market trends;

- The County's various policies and efforts to facilitate the development of affordable housing;
- The applicant's commitment to providing affordable housing opportunities;
- The benefits for utilizing short-term rental units as an interim use for the development;
- The potential for the applicant's usage of short-term rental units as interim use to apply to other developments; and
- The impact that the usage of short-term rental units on the market for hotel facilities.

The discussion resulted in no changes to the subject application.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Yeah. Thank you, Mr. Chairman. Mr. Chairman, I'm going to move for approval of this, this evening. The applicant has done an excellent job of answering the – kind of a fundamental question and that is – what – what is this a – a potential has it – does this has a potential for taking housing opportunities off the market for a more lucrative or beneficial to the applicant? Is it – is it more profitable for the applicant to go down this road and, therefore, build it into a business model and, therefore, we're going to see leasing – less apartments being leased? And I absolutely don't see that in this model. I think it's – what I like about is it facilitates the success of the applicant. And, therefore, while it doesn't fully pay for the cost of the apartment, it perhaps will provide additional rationale for the future applicants to put – to bring apartments to the Tysons area or to other parts of the County. So, I think that it's – I like the concept and I want to support it this evening. Mr. Chairman, I request that the applicants confirm for the record their agreement to the proposed FDPA development conditions dated April 11th, 2019.

Elizabeth D. Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, we – we do abide by those conditions.

Commissioner Niedzielski-Eichner: Okay. Thank you, Ms. Baker. So, with that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2010-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 11TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 2010-PR-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, I abstain.

Chairman Murphy: Mr. Migliaccio abstains.

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

(End Verbatim Transcript)

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The Planning Commission went into recess at 9:50 p.m. and returned at 10:12 p.m.

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PCA 2011-PR-023-02/CDPA 2011-PR-023-02/FDP 2011-PR-023-05 – CITYLINE PARTNERS, LLC – Appls. to amend the proffers and conceptual development plan and to approve a final development plan for RZ 2011-PR-023, previously approved for mixed-use development to permit a continuing care facility and retail, and associated modifications to proffers and site design at an overall Floor Area Ratio (FAR) of 3.80. Located on the S. side of Westpark Dr., E. of its intersection with Westbranch Dr., on approx. 4.04 ac. of land zoned PTC. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-4 ((7)) 9pt. (Concurrent with PCA 2011-PR-023-03). PROVIDENCE DISTRICT. PUBLIC HEARING.

PCA 2011-PR-023-03 – CITYLINE PARTNERS, LLC – Appl. to amend the proffers for RZ 2011-PR-023 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 3.09. Located on the S. side of Westpark Dr., E. of its intersection with Westbranch Dr. and W. of its intersection with Jones Branch Dr. on approx. 2.91 ac. of land zoned PTC. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-4 ((7)) 3A and 9pt. (Concurrent with PCA 2011-PR-023-02, CDPA 2011-PR-023-02, FDP 2011-PR-023-05). PROVIDENCE DISTRICT. PUBLIC HEARING.

Commissioner Niedzielski-Eichner announced his intent to defer the decision only on the subject applications at the conclusion of the public hearing.

John McGranahan Jr., Applicant's Agent, Hunton Andrews Kurth, LLP, reaffirmed the affidavits dated March 22, 2019 and March 25, 2019.

There were no disclosures by Commission members.

Stephen Gardner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of applications PCA 2011-PR-023-02, CDPA 2011-PR-023-02, FDP 2011-PR-023-05, and PCA 2011-PR-023-03 because of the following:

- The proposal was inconsistent with the Comprehensive Plan and the Zoning Ordinance;
- The applicant had not adequately addressed staff's concerns related to the building height of the proposed structure, the footprint and massing of the structure, and the design and compatibility of the open space provisions; and
- The unresolved agency specific issues listed on page 18 of the staff report under the Executive Summary section.

There was a discussion between Mr. Gardner; Catherine Lewis, ZED, DPZ; and multiple Commissioners on the following issues:

- The status of pending addendum to the staff report that had been under review by staff;
- The extent to which the pending addendum addressed staff's outstanding concerns for the proposal;
- The applicant's justification for requesting an increase in permitted building heights;
- The extent to which the character and compatibility of a development was considered in permitting an increase in building height;
- The reasons staff opposed the applicant's request to permit an increase in building height;
- The public facility contribution that the applicant had included with the proposal and the operational cost of maintaining such a facility;
- The massing, architecture, streetscape, and visual impact of the buildings within the proposed development;
- The parks and open space provisions included within the proposed development;
- The design of the park facilities and the pedestrian connections included within those facilities;
- The concerns that staff had raised on the applicant's park contributions and the extent to which those concerns had been addressed;
- The development history of the site, the issues that had been raised over the course of that history, and the extent to which such issues had been addressed;
- The business model utilized by the applicant; and
- The similarities between the proposal and similar development at other sites operated by the applicant.

Mr. McGranahan gave a presentation on the subject applications. He then addressed the concerns raised by staff as follows:

- The intended usage of the development as a continuing care facility required an increase in building height to accommodate the appropriate amenities for such a facility while not modifying the overall density;
- The provisions of the applicant's commitment for the public facility portion of the proposal had been determined after substantial coordination with staff;
- The massing of the building within the proposed development was consistent with similar structures in the area and designed to mitigate the visual impact; and
- The pedestrian connections included within the applicant's park and open space commitment supplemented the design of those areas.

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

- The applicant's stormwater management commitments and the extent to which those provisions were consistent with the standards prescribed by the Comprehensive Plan;
- The interim conditions on the site during the development process;
- The design of the park facilities that would be included with the proposed development;
- The applicant's transportation demand management commitments and the extent to which it reflected the usage of a continuing care facility;
- The market for senior housing in Tysons;
- The visual impact of the proposed development on pedestrians; and
- The features included in the streetscape around the site.

The discussion resulted in no changes to subject applications.

Chairman Murphy called the first listed speaker.

Linda Jones, 804 Towlston Road, McLean, spoke in support of the subject applications because it provided additional opportunities for senior housing in Tysons, served a growing need for such housing in the County, enhanced the character of the surrounding community, and were the County's efforts to support aging populations. (A copy of Ms. Jones' statement is in the date file).

Winnie Pizzano, 1540 Bruton Court, representing the McLean Citizen Association (MCA), spoke in support of the proposal because it improved the character of the surrounding community and providing housing for a growing demographic that required specific needs. She also stated that she did not concur with staff's concerns regarding the building height of the proposed development because the applicant's commitments to providing public space within the facility and contributing to the County's Housing Trust Fund was sufficient justification to warrant greater flexibility. (A copy of Ms. Pizzano's statement is in the date file.)

There a discussion between Commissioner Ulfelder and Ms. Pizzano regarding the MCA's official resolution on the subject applications wherein Ms. Pizzano stated that a copy of the resolution would be submitted to the Commission during the deferral period.

Paul Kohlenberger, 640 Live Oak Drive, representing the Greater McLean Chamber of Commerce, spoke in support for the subject applications, echoing remarks from previous speakers regarding the proposed development's impact on providing housing opportunities for seniors and improving the character of the surrounding area. In addition, he expressed support for the applicant's commitments towards transportation improvements, park facilities, public facilities, and stormwater management. Mr. Kohlenberger also aligned himself with Ms. Pizzano's statement that the applicant's request for increased building height was justified and staff's opposition to that request was unwarranted. He added that staff's concerns on the massing of the proposed development was not justified because the applicant provided substantial streetscape improvements to mitigate and enhance the visual impact of the facility. (A copy of Mr. Kohlenberger's statement is in the date file.)

Donna Bruce, 313 Tucker Street, spoke in support of the subject applications, echoing remarks from previous speakers regarding the demand for senior housing opportunities in the County, the positive impact on the character of the surrounding area, and the applicant's transportation improvement commitments. (A copy of Ms. Bruce's statement is in the date file.)

Jo Leir, 1913 Lakeport Way, Reston, spoke in support of the proposal, aligning herself with remarks from previous speakers regarding the need for senior housing opportunities in the County and the positive impact would incur on the character of the surrounding area.

Kathleen Moore, 1915 Valley Wood, McLean, spoke in support of the subject applications, aligning herself with remarks from previous speakers regarding the demand for senior housing opportunities in the County and the positive impact the proposal would incur on the character of the surrounding area.

Allen Moore, 1915 Valley Wood, McLean, spoke in support of the subject applications, aligning herself with remarks from previous speakers regarding the need for senior housing opportunities in the County and the positive impact the proposed development would incur on the character of the surrounding area. In addition, he echoed remarks from previous speakers, stating that staff's opposition to the applicant's request for increased building height was unwarranted.

John Marshall, 7508 Royal Oak Drive, McLean, spoke in support of the proposal, aligning herself with remarks from previous speakers regarding the demand for senior housing opportunities in the County and the positive impact the proposal would incur on the character of the surrounding area. He also noted the quality of the amenities provided by the proposed continuing care facility and noted the inadequate conditions and limited availability of other similar facilities throughout the area.

Rachel Yirga, 2833 Cleave Drive, Falls Church, spoke in support of the subject applications, aligning herself with remarks from previous speakers regarding the need for senior housing opportunities in the County and the positive impact the proposed development would incur on the character of the surrounding area.

Abby Owen, 215 Wolfe Street, Alexandria, spoke in support of the subject applications, aligning herself with remarks from previous speakers regarding the demand for senior housing

opportunities in the County, the positive impact the proposal would incur on the character of the surrounding area, and inadequate conditions of other continuing care facilities throughout the area.

Eric Steward, 12501 Exchange Court, South, Potomac, MD, spoke in support of the proposal, aligning herself with remarks from previous speakers regarding the demand for senior housing opportunities in the County and the positive impact the proposed development would incur on the character of the surrounding area. He added that the design, amenities, and operation of the proposed continuing care facility was consistent with ongoing trends for similar facilities.

Charles G. Ivey, 12780 Fox Keep Run, Fairfax, spoke in support of the subject applications, aligning herself with remarks from previous speakers regarding the demand for senior housing opportunities in the County, the positive impact the proposed development would incur on the character of the surrounding area, the extent to which the proposal supported County policies for supporting aging populations, and the applicant's commitments for transportation improvements in the area.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. McGranahan, who stated that the applicant would coordinate with staff and Commissioner Niedzielski-Eichner to address the outstanding concerns.

Commissioner Ulfelder explained that the recommendations of the Health Care Advisory Board were limited to determining the need for a continuing care facility and whether the proposed use at a site was appropriate, but did not comment on outstanding land use issues.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Yeah. Thank – thank you, Mr. Chairman. I wanna thank all those who just – have – stayed with us this evening and – both to listen and also to speak. It's been edifying, and I appreciate it very much. As I announced early, prior to the public hearing, I am – it is my intent to defer to give us an opportunity to digest what we've heard tonight and for me to work with my colleagues and with staff and with the applicant to see if we can close some of the outstanding issues. So, with that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA/CDPA 2011-PR-023-02, FDP 2011-PR-023-05, AND PCA 2011-PR-023-03, CITYLINE PARTNERS, LLC, TO A DATE CERTAIN OF MAY 8TH, 2019 WITH THE PUBLIC RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to move these applications for Cityline Partners to a date certain of May 8th, with the – with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PA 2018-II-F2 – COMPREHENSIVE PLAN AMENDMENT
(ONE UNIVERSITY) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 10.8 ac. generally located at 4348 Ox Road, 4400 Saint Edwards Place, and 4500 University Drive, in the northwest quadrant of the intersection of University Drive and Route 123, Tax Map # 57-3 ((1)) 11A & 11B and 57-4 ((1)) 2B in the Braddock Supervisor District. The area is adjacent to George Mason University (GMU) and is planned for Public Facilities, Governmental and Institutional uses, and Residential Use at 3-4 du/ac. The amendment will consider up to 240 affordable multifamily housing units and 360 multifamily housing units envisioned to serve the GMU student population, as well as limited community space/use as may be appropriate. Recommendations relating to the transportation network may also be modified. PA 2018-II-F2 is concurrently under review with Rezoning application RZ/FDP 2018-BR-025. BRADDOCK DISTRICT. PUBLIC HEARING.

Commissioner Hurley stated that Comprehensive Plan Amendment PA 2018-II-F2 involved potential residential development on a site that was subject to *Virginia Code* Section 15.2-2303.4, which restricted the authority of localities regarding proffers in certain residential rezonings. She added that subsequent amendment to the statute, but such amendments were not applicable to the proposed amendment. Commissioner Hurley said that a concurrent rezoning application for the site had been filed and indicated that discussions regarding development of the site would be conducted in a manner that precluded suggesting, requesting, or requiring a proffer commitment. She then explained that, due to the provisions articulated by Section 15.2-2303.4, discussion on certain issues would be more constrained to review of previous applications. She added that comments from the public represented the views of the individuals and not those of staff, the Planning Commission, or the locality.

Commissioner Hurley announced her intent to defer the decision only of the proposed amendment at the conclusion of the public hearing to permit additional time to review the testimony submitted by the public.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of Comprehensive Plan Amendment PA 2018-II-F2.

There was a discussion between Mr. Lynskey; Thomas Fleetwood, Director, Department of Housing and Community Development (DHCD); Zachary Krohmal, Fairfax County Department of Transportation; and multiple Commissioners on the following issues:

- The status of the concurrent rezoning application for the subject application and the risks the applicant incurred by pursuing a concurrent application;
- The density afforded to developments with and without affordable housing provisions;
- The recommended buffering, tree preservation, transitional screening provisions for a redevelopment on the site;
- The long-term development plans of George Mason University and the areas that were subject to higher-intensity development;
- The pedestrian paths that would connect to the site;
- The existing condition of the resource protection area located to the west of the subject property and the impact a redevelopment would incur on that area;
- The proximity of the site to the City of Fairfax;
- The existing residential development in the area around the site;
- The recommended supplementary plantings for a redevelopment of the site;
- The recommended setbacks for a redevelopment of the subject property from neighboring sites;
- The DHCD's existing recommendations for affordable housing developments;
- The types, configurations, and distribution of affordable housing units (ADU) that were recommended for the site;
- The potential demographics of the residents who would utilize the ADUs on the site if it were redeveloped in accordance with the recommendations articulated in the proposed amendment;
- The impact that redevelopment of the site would incur the existing residents in the neighboring residential areas;
- The outreach that staff and the prospective applicant had conducted to inform neighboring residents of a possible redevelopment of the site;
- The impact the recommended redevelopment of the site would incur on the local school system;
- The current enrollment, capacity, and possible overcrowding at school facilities located near the site;
- The impact that certain types of residential development incurred on nearby school facilities;
- The intensity of the recommended redevelopment for the site;

- The possible safety hazards for pedestrians and residents of the recommended development on the site;
- The justification for DHCD's support of a residential development on the site;
- The demand for affordable housing opportunities in the area;
- The process that staff and DHCD utilized in determining the recommended development on the site articulated in the proposed amendment;
- The possible inclusion of senior units within a residential redevelopment of the site;
- The possible recourse in the event that the concurrent rezoning application for the site was not approved;
- The number of additional trips that would be generated by the recommended development for the site;
- The existing traffic patterns for the roads surrounding the subject property;
- The traffic evaluations that were being conducted by the prospective applicant for the concurrent rezoning application for the site; and
- The existing conditions and subsequent plans for the pedestrian crosswalk at the intersection of Ox Road and University Drive.

Chairman Murphy called the first listed speaker.

Neil Gallagher, 10605 School Street, Fairfax, spoke in opposition to the proposed amendment because of the negative impact the recommended development would incur on surrounding residential communities and the incompatibility of such a development with the Comprehensive Plan. In addition, he expressed concern regarding the impact of the development on traffic, pedestrian safety, and the overall density of the surrounding area. Mr. Gallagher also indicated that the outreach conducted to inform the public of the possible redevelopment of the site was not adequate. (A copy of Mr. Gallagher's statement is in the date file.)

There a discussion between Commissioner Gallagher and Mr. Lynskey regarding the potential impact that delaying the approval of the proposed amendment and concurrent rezoning application would incur on redevelopment efforts on the site.

Rob Prunty, 10921 Santa Clara Drive, Fairfax, representing the University Square Community, voiced opposition to the proposed amendment because the recommended redevelopment of the site was not compatible with the surrounding residential neighborhoods and was inconsistent with the Comprehensive Plan. He also expressed concern about the impact on traffic congestion within existing road networks, trip generation during peak traffic periods, and pedestrian safety that such a redevelopment would incur. Mr. Prunty recommended that additional traffic studies be conducted around the site prior to approval of a redevelopment.

Tim O'Rourke, 4514 Andres Dive, Fairfax, representing the Fairfax Villa Community, spoke in opposition to the proposed amendment, echoing concerns from previous speakers regarding the possible safety hazards to pedestrians and increased traffic congestion that would be incurred by the recommended redevelopment. In addition, he expressed concern that the recommended development articulated in the proposed amendment would negatively impact the response times for emergency vehicles accessing the subject property and the surrounding residential areas. Mr.

O'Rourke also noted that increased traffic congestion generated by the recommended redevelopment could incur subsequent safety hazards at nearby school facilities. (A copy of Mr. O'Rourke's statement is in the date file.)

David Schumann, 4318 Chain Bridge Road, Fairfax, voiced opposition to the proposed amendment, echoing remarks from previous speakers regarding the incompatibility of the recommended development with the surrounding area. He also noted the density of the development, comparing it to that of the existing residential communities located near the subject property. In addition, Mr. Schumann stated that the recommended transitional screening provisions articulated in the proposed amendment were insufficient. (A copy of Mr. Schumann's statement is in the date file.)

Anne Wagner, 10627 Legacy Lane, Fairfax, representing the Royal Legacy Community, spoke in opposition to the proposed amendment, echoing remarks from previous speakers regarding the impact that the recommended redevelopment would incur on traffic congestion on the existing road network and the character incompatibility of the development with the surrounding area. She also expressed concern regarding the environmental, visual, and noise impacts that the recommended development would incur on the surrounding area. In addition, Ms. Wagner said that the need for a development at the recommended density had not been sufficiently justified. (A copy of a petition of opposition from the RLC is in the date file.)

Peter Tamin, 10620 Regent Park Court, Fairfax, representing the Chancery Park Community, voiced opposition to the proposed amendment, echoing concerns from previous speakers regarding the incompatibility of the recommended development with the surrounding area, the traffic congestion that such a development would incur on the existing road network, and the density of the development compared to that of neighboring communities. In addition, he expressed concern regarding the noise impact of the recommended development, the amount of tree removal that the development would require, the parking requirements for the development, and the provisions for trash disposal at the site.

Peter Bonner, 4334 Delegate Court, Fairfax, spoke in opposition to the proposed amendment, echoing remarks from previous speakers regarding the recommended development's character incompatibility with the surrounding area, the traffic congestion that such a development would incur, and the impact that the development would incur on neighboring residential communities. He also stated that the recommended development was not consistent with the guidelines of the Comprehensive Plan and negatively impact the operation of emergency vehicles around the site. (A copy of Mr. Bonner's statement is in the date file.)

Julie Scoville, 4404 Alta Vista Drive, Fairfax, voiced opposition to the proposed amendment, echoing concerns from previous speakers regarding the recommended development's impact on traffic congestion throughout the existing road network, the subsequent safety hazards to pedestrians generated by additional traffic congestion, and the inadequate parking provisions articulated by the amendment. In addition, she voiced concern regarding the recommended development's impact on the local school system, noting the existing overcrowding issues at nearby school facilities.

There was a discussion between Mr. Fleetwood and Commissioner Hurley regarding the impact that the recommended redevelopment of the site would incur on the local school system and the process for accommodating residents at existing developments that would be temporary displaced during construction.

Gregory Riegle, 1750 Tysons Boulevard, Suite 1800, Tysons, representing the applicant of the concurrent rezoning application for the site, spoke in support of the proposed amendment because it provided affordable housing opportunities in the County and within an area subject to significant demand for such housing. In addition, he noted that evolving trends in development throughout the area and around George Mason University provided adequate justification to revise the Comprehensive Plan for the site. Mr. Riegle addressed concerns from previous speakers regarding the impact that the recommended development would incur on the local school system, pointing out that type of dwelling units within the building and the demographics of the residents would limit such an impact. (A copy of Mr. Riegle's statement is in the date file.)

Andy Blomme, 2742 Oakton Park Court, Vienna, spoke in support of the proposed amendment because the recommended redevelopment provided affordable housing opportunities in the County and accommodate a growing demand for such opportunities in the area. (A copy of Mr. Blomme's statement is in the date file.)

Klara Bilgin, 11019 Del Mar Court, Fairfax, voiced support for the proposed amendment, echoing remarks from previous speakers regarding the need for affordable housing opportunities in the area and the growing demand for such housing in the area. In addition, she noted the difficulty for students attending George Mason University to obtain affordable housing near the campus and the benefits for students living at such facilities.

There was a discussion between Ms. Bilgin and Chairman Murphy regarding the potential safety hazards incurred by students at George Mason University not having sufficient on-campus housing opportunities.

John Boylan, 3901 Centerview Drive, Suite S, Chantilly, representing the Dulles Regional Chamber of Commerce, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the need for additional opportunities for affordable housing. In addition, he noted the negative social and economic impacts generated by a lack of affordable housing.

Steve Wilson, 8245 Boone Blvd, Suite 640, Tysons Corner, representing the SCG Development, voiced support for the proposed amendment, echoing remarks from previous speakers regarding the need for affordable housing opportunities in the County. He also stated that the recommended development provided a feasible model for similar developments throughout the County.

Randy Green, 4328 Chancery Park Drive, Fairfax, spoke in opposition to the proposed amendment, echoing concerns from previous speakers regarding the traffic congestion the recommended redevelopment would incur on the surrounding area, the safety hazards to pedestrians that such traffic would generate, and the character incompatibility of the buildings

with the existing residential development around the site. In addition, he stated that the buffer provisions articulated in the proposed amendment were inadequate.

Ken McMillon, 9451 Lee Highway, Apartment 1101, Fairfax, voiced support for the proposed amendment, echoing remarks from previous speakers regarding the need for affordable housing opportunities in the County and the negative impacts generated by a lack of such housing. He also pointed out that ongoing demographic shifts would impact the demand for affordable housing. (A copy of Mr. McMillon's statement is in the date file.)

Eli Hertz, 4340 Amnesty Place, Fairfax, spoke in opposition to the proposed amendment, echoing concerns from previous speakers regarding the recommended redevelopment's incompatibility with the standards prescribed by the Comprehensive Plan, the inadequate transitional buffering provisions articulated in the amendment, the traffic congestion generated by such a redevelopment, and the subsequent safety hazards incurred by additional traffic.

Lori Greenlief, 1750 Tysons Blvd, Suite 1800, Tysons, speaking on behalf of two individuals representing the Community Action Advisory Board, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the need for affordable housing opportunities in the area and the difficulty for securing such housing by various residents of the County.

There was a discussion between Ms. Greenlief and Commissioner Hart regarding the following issues:

- The existing traffic congestion at the intersection of Ox Road and University Drive;
- The existing pedestrian traffic at the crosswalk for the intersection;
- The impact of the recommended redevelopment on the volume of pedestrian traffic utilizing the crosswalk; and
- The traffic and pedestrian path improvements that a redevelopment of the site could potentially include.

Ann Bennett, 3901 Sandalwood Court, Fairfax, voiced opposition to the proposed amendment, echoing remarks from the previous speakers regarding the character incompatibility of the recommended redevelopment, the additional traffic congestion that such a redevelopment would generate, and the subsequent safety hazards that would be incurred on pedestrians throughout the area. In addition, she expressed concern that a redevelopment on the site would not include adequate stormwater management provisions and would generate negative environmental impacts on the surrounding area.

There was a discussion between Ms. Bennett and Mr. Sargeant regarding the Great Falls Citizens Association's position on the proposed amendment.

Stephanie Marcus, 8245 Boone Boulevard, Suite 640, Tysons, representing the SCG Development, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the need for affordable housing opportunities in the area and the growing

demand for such housing. In addition, she noted the growing demand for affordable housing among seniors due to trends in demographics.

Chairman Murphy called for speakers from the audience.

Michael Callahan, 4522 Andes Drive, Fairfax, voiced opposition to the proposed amendment, echoing remarks from previous speakers regarding the potential pedestrian safety hazards that the recommended redevelopment would incur on the surrounding area, the traffic congestion that such a development would generate on the existing road network, and the potential environmental impacts of a development on the site.

Anthony Hammerquist, 4321 San Juan Drive, Fairfax, spoke in opposition to the proposed amendment, echoing remarks from previous speakers regarding the additional traffic congestion that the recommended redevelopment of the site would generate, the subsequent safety hazards generated by that congestion, and the impact of such a development on the local school system. He also expressed concern regarding the intent of the prospective applicant for the redevelopment of the site.

Chairman Murphy called for closing remarks from Mr. Lynskey, who declined.

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

(Start Verbatim Transcript)

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Commissioner Hurley: Okay. Finally, it's been a long night. If nobody has any other questions? Alright. Due to the amount of public – due, in no small part, to the amount of public feedback we received this evening, I intend to defer this decision for at least these two more weeks. Therefore, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PLAN AMENDMENT 2018-II-F2 TO A DATE CERTAIN OF MAY 8TH, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: What was the date?

Commissioner Hurley: May 8th.

Commissioner Hart: May 8th.

Chairman Murphy: May 8th. Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PA 2018-II-F2, Comprehensive Plan Amendment on One University to a date certain of May 8th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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The meeting was adjourned at 2:37 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, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: October 24, 2019

Jacob Caporaletti

Jacob Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax

Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 20 day of March 2020 by

Jacob Caporaletti.

Dorothy M. Steel
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

