

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 12, 2019**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John A. Carter, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: James T. Migliaccio, Lee District
Phillip A. Niedzielski-Eichner, Providence District

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The meeting was called to order at 7:38 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Janyce Hedetniemi, a former at-large Planning Commissioner, passed away on August 11, 2019 from complications due to Parkinson's Disease. He briefly described her career with the National Institute of Health and commitment to public service. He also noted the various roles she held with the County and local civic organizations. Chairman Murphy stated that Ms. Hedetniemi served on the Commission from 2013 to 2017. In addition, she had also been named Lady Fairfax in 2004 and Citizen of the Year by the Fairfax County Federation of Citizens Association in 2014. On behalf of the Commission, Chairman Murphy commended the memory of Ms. Hedetniemi for her service and expressed condolences to the Hedetniemi family.

In honor of Ms. Hedetniemi's memory, Chairman Murphy requested that the Commission rise and share a moment of silence.

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Chairman Murphy announced that the Fairfax County Environmental Quality Advisory Council had voted unanimously to present Commissioner Hart, who also served as Chairman of the Planning Commission's Environment Committee, with an award commending his service to furthering the County's environmental policies. He added that an award ceremony was tentatively scheduled for Tuesday, October 22, 2019 at 7:00 p.m. in the Fairfax County

Government Center. On behalf of the Commission, Chairman Murphy congratulated Commissioner Hart for receiving this award.

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SE 2018-HM-024 – ORR-BSL HUNTER MILL, LLC

(Start Verbatim Transcript)

Commissioner Carter: I would like to take up SE 2018-HM-024, the Orr-BSL Hunter Mill, LLC. This was on as administratively as a deferral, but after talking to the County Attorney, since I advertised this for decision only today, we need to have a vote on it. So, I would like to say a few things on it before I make my motion. One, this is only one case. I expect more cases on this site. So, I think it's important to get some of these points out. The Comprehensive Plan for the Hunter Mill area recommends at least the following four areas. One, the uses – suitable for low density, are rural residential, and not appropriate for commercial uses. Two, the County has a two-lane scenic byway policy for this site. And Hunter Mill should remain as a two-lane road with traffic-calming devices, such as roundabouts at the entrance areas of 123 and maybe in the future at Crowell Road. Narrow bridges – and these are designed to reduce traffic speed and discourage use. So any high-density areas – it'll be a challenge to get to it for emergency vehicles. Three, public sewer. Most of areas in the Hunter Mill area are not designated for public sewer and water service and, therefore, should remain another reason for the low density. And four, Angelico Branch – this is the headwaters or part of the headwaters of Difficult Run. This area is a fragile watershed and requires attention to environmental protection areas, such as more setbacks. Not – not just the minimum, but the setbacks – protection of steep slopes and attention to tree preservation. Now, as far as this case is concerned and any future applications, during the public hearing, there were several significant items that were identified that require resolution before this application, or any other application for this site, should be reviewed. One, the famous missing spring or seep – that has now been verified by the applicant, the staff, myself – who has been down there as well – there is a stream. You might argue whether it's a seep or a stream, which – which has to do with the environmental – the appropriate environment protection measures that go with it. But it – it is clearly there and this would affect the RPA and the setbacks from the RPA, therefore making this application problematic, as it is. Impact on the designation of the scenic highway. Commissioner Ulfelder particularly brought this up. Staff has not had time to analyze the impact of the new four-lane intersection proposed by the application. The size of the large building – it's a football field in length – the limited opportunities for screening because of the septic fields and this could impact the scenic designation and I think that is a problem, especially without a staff determination on that. This is the only area – at least of the ones I looked at – I looked at two other scenic byways. One's in Reston. It's Old Reston Avenue. It's very short. It has no – it's in the transit station areas. It has no four-lane cross-section, even at intersections. And if you look at the other favorite one in the County – probably the more famous one is Georgetown Pike. I don't believe there's any four-lane section, even at some of the major intersections, like Old Dominion Road. There are no four-lane sections. So – so this is a problem. The one which is perhaps a little more subjective, although not to me, is that – in harmony with the recommendations in the Comprehensive Plan. The question remains about the large size of the building. It's a football field in length. You saw – you heard a comparison in terms of FAR, but you didn't hear a comparison just in plain English – the square-footage comparison. This is the largest one in the area. It also has the most coverage in the area. And because of at least those

two items, it is – it is in my view not in harmony with adjacent development. I also believe that the proposed setback from – Angelico Branch – it has, in comparison to the other projects, it has reduced tree canopy. The church that was next door has 50 percent tree canopy. And it's all adjacent to the branch. This – this is – reduces it substantial in comparison. Increase imperviousness. This has 25 percent. The average for the area is 12 percent and even 12 percent is a little high in an important stream, such as this. And because of that, I would believe that this would not be in harmony with the standards found. Okay, the conservation easement. There's a conservation easement and the applicant was proposing to abandon that. That happens very rarely. And in the cases that I could – I think there's like five – the cases I found, there was always something in return. You just don't give it up. There's something in return. In this case, I think the conservation easement is necessary because it's on the steep slope adjacent to Angelico Branch and that's the reason why it was there. It was part of the previous application. Five, adequacy of access. This is a two-lane highway. You can't get to it from the south on certain times. There was an accident there this summer where I – I think Hunter Mill Road was closed for a couple of days. It floods. So any of the emergency stations in Reston – or there's one on – on Beulah, I think, just to the south – or Fox Mill – can't get there on certain times. If you are coming from the north, there's a roundabout and perhaps you can get there. But this isn't conducive to this kind of development. It's one thing if you have single-family detached where the – the emergencies are certainly important, but the scale of them is much smaller. So I think that two-lane section is a problem. And then finally – is the septic system. We had a little bit of discussion about that. I'm not sure that, at least in terms of my satisfaction, that you can handle 90 or 95 percent of the – what I'll call the bad stuff that comes, but is that good enough for Fairfax County? I'm not so sure. I think this – it's stretching it to call it a septic system, it is. But it's really a package sewer plant – is really what that is. A septic system, I think what we're talking about, is like for house or something much smaller. So, for those reasons, I'm gonna still recommend deferral. We talked about a denial with the County Attorney. Unfortunately, it's been advertised as a deferral. So, if we wanted to do something else, we would have to take it off the agenda and put it on some other date. And in the meantime, I've got more applicants coming in for that site. And so I would like to get these items on the record out tonight. So, I'M GONNA RECOMMEND DEFERRAL WITH – INDEFINITE DEFERRAL AND THAT ALL OF THESE ISSUES WOULD BE ADDRESSED ON THIS APPLICATION OR ANY OTHER APPLICATION. So, unless there's discussion, I will proceed to the motion. Okay, I RECOMMEND DEFERRAL...

Chairman Murphy: Hold on. Hold on. Mr. Ulfelder?

Commissioner Ulfelder: I just wanted to agree with the points you've raised and just refine a little bit on the historic nature and the status as a scenic byway. It's also been found to be eligible for listing on the National Register of historic places by the Virginia Department of Historic Resources. That's still pending. At one time, that included the entire road from 123 down to Baron Cameron. But subsequently, they took part of the northern section off because of additional commercial development and I have a concern reflecting what you said that a use – a certain institutional uses seem to me to be appropriate here – churches, schools – they've always been there. They have been made out of logcat logs at one point, but we – that's a use that people see and expect in a – on a road like this, even based with its historic aspect and its semi-rural character. But I think once you start adding some other uses, such as the one we were talking about here – a medical facility, particularly an assisted living facility – I think it starts to

potentially erode that historic listing or potential listing for this road. And I would be very concerned about any future application that tries to go off in a direction for something that could be harmful to the designation. So I'm going to support the...

Commissioner Hart: Mr. Chairman?

Commissioner Carter: Okay.

Chairman Murphy: Yes, Mr. Hart?

Commissioner Hart: I wanted to make a couple of other comments as well. I think that Commissioner Carter has identified the principle issues associated with this case, many of which are susceptible of countywide application or at least application beyond this particular site and a couple of which, I think, may come up sooner rather than later in the context of zMOD and some of the Clarion recommendations. I wanted to comment on a couple of those. Nineteen years ago, the Zoroastrian temple application was approved on this site. That was my case then. It was a very difficult case. I think – the vote was either 4 to 2 or 4 to 3 and it was in court for years after that and it was a – it was a very difficult thing. Although, I don't think our appreciation of all the environmental issues was quite as sophisticated 19 years ago. Some of the issues that are still evolving are the ones that I think gave us the most trouble this time around. Some of those are presented by the Ordinance, I think. We heard from many of the folks – actually, the – the – I – we appreciated, I think, that staff and the applicant meeting with the neighbors in Sully – this was a – this is across the street from Sully – the Sully folks – other folks are concerned about the RC. One of the peculiarities of the Ordinance is that this use is technically allowed in RE by special exception, but is prohibited in the RC. And we – I don't know that we ever got a clear answer as to what – what could conceivably be different. Why we would allow this in RE, but not in RC if we had some of the same issues. And I think that may be a question at the time of the zMOD. If we're gonna have this use, and every case, it seems like we've had – in residential where we've tried to do this use – the one in McLean that got denied – the one on 28 where they withdrew it after the public hearing – the one in Reston that got approved, but it was a – it was a blood bath. Every time, it seems like we try and do this, it's going to be controversial. Should we allow these outside the sewer service area? If – if there's people on wells and – and – or – if this facility is going to be on septic, what are the long-term effects of medications or chemicals or what else going into the – the ground from effluent – from a septic tank. Does it get into the food chain? What does that do? And those are policy issues we haven't scratched the surface on. The issue of CECs or contaminants of emerging concern – it's something we didn't – we never heard of 19 years ago and I think we still don't really have a handle on where that's going or what do we do with that. But I think that's an issue also susceptible of countywide application for non-residential uses on septic. What are we going to do about that? The vacation of the conservation easement – we don't have a policy on that. Under what circumstances – if we have a conservation easement, once it's been established – and we want to – somebody wants to come in and do a different development, under what circumstances would we vacate it to facilitate development? The whole point of the conservation easement, I think, is to freeze things so that there wouldn't be development. And maybe on a constrained site like this – long and narrow with RPA at one end and maybe it's going to be difficult to fit something in, but maybe we've already hit the high-water mark once the conservation easement has been established. In any event, whether there's some flexibility in that or not, I think we need a consistent policy and we

don't have it. We haven't – we haven't scratched the surface on that. I – I agreed in general that the scale of the building was too big for this site in this context. Again, comparing it to 19 years ago, this was about twice as big as the building we barely got through then with a much less intense, once-a-week kind of use with a very small congregation rather than a 24/7 thing with all these residents and all these bathrooms and all this activity going on. These issues are going to come back, whether they come back on this site with another non-residential application or whether they come back on other sites in the RC or the RE or whatever it is. We – this case brought up all kinds of problems. There's all kinds of things for us to think about and I think we can help the Board if we can focus on what these types of policies ought to be. I understand the procedural dilemma that we're in now and why we're doing a deferral. And I – I'll go along with the motion, but I think – based on what we heard, I would have been prepared to go further as well. Thank you.

Chairman Murphy: Anyone else? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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SE 2018-SU-027 – STONEBRIDGE INVESTMENTS, LLC

(Start Verbatim Transcript)

Commissioner Tanner: Thank you, Mr. Chairman. I'm actually going to defer once again, SE 2018-SU-027, Stonebridge Investments, LLC. At the request of Fairfax County Department of Transportation, the applicant has agreed to conduct September counts on a Saturday and a weekday for staff evaluation. As those – as that information is not present yet, we need more time to be able to have that information digested and actually make a decision based on the new information. Deferral is now needed to allow for enough time and review for comment by FCDOT. A staff report addendum will be published once the counts have been reviewed prior to the Planning Commission decision and recommend that the Board of – sorry, and I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR SE 2018-SU-027, TO A DATE CERTAIN OF OCTOBER 2ND, 2019 AND RECOMMEND THAT THE BOARD OF SUPERVISORS' PUBLIC HEARING BE DEFERRED TO A DATE FOLLOWING THE PLANNING COMMISSION DECISION.

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 on SE 2018-SU-027, to a date certain of October 2nd with the Board meeting following the date of the Planning Commission public hearing, say aye.

Commissioners: Aye.

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

Commissioner Hart: Yes, Mr. Chairman, on that particular case, let me just announce that the BZA public hearing on the related SPA was going to have been this coming – this coming Wednesday, the 18th. It's being moved to – I want to say October the 23rd. Mr. O'Donnell, is that...

William O'Donnell, Zoning Evaluation Division, Department of Planning and Development: I'm – I'm not sure.

Commissioner Hart: It's a Wednesday.

Mr. O'Donnell: Yeah, I...

Commissioner Hart: And I had it and I didn't print it out.

Mr. O'Donnell: It – it will be moved, as a result of this motion.

Commission Hart: Yes, it's – it's moving into October.

Mr. O'Donnell: Yes.

Commissioner Hart: So it isn't going to happen next week. We'll – we'll – staff will have that.

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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CODE AMENDMENT – CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) AND CHAPTER 124 (STORMWATER MANAGEMENT ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) RE: LONG-TERM MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, ILLICIT DISCHARGES, AND ENFORCEMENT

(Start Verbatim Transcript)

Commissioner Hart: Secondly, Mr. Chairman, on the Stormwater Amendment, we're also going to defer this. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE AND STORMWATER MANAGEMENT ORDINANCE TO A DATE CERTAIN OF SEPTEMBER 18, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to defer decision only on the Code Amendment on Chapter 118 to a date certain of September 18th, with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2018-BR-025/PCA-C-058 – ONE UNIVERSITY DEVELOPMENT PARTNERS, LLC
(Decisions Only) (The public hearing on these applications was held on July 25, 2019.)

(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman, I think. Tonight, I ask my fellow Commissioners to vote in favor of the rezoning application for the One University project, which addresses several County needs. Since the site is adjacent to a major university, it is an appropriate location for privately built and operated university student housing for almost 800 occupants. And particularly, since this is County-owned land in the middle of the County, it is an appropriate location for redevelopment and construction of 240 much needed new multifamily and senior affordable dwelling units. This application has brought a great deal of correspondence and other communications, much of it negative. Even the Braddock Land Use and Environment Committee and the Board of Directors for the Fairfax County Federation of Citizens Association have voted in opposition. Quite a bit of the opposition to this project has come from parties who are rarely, if ever, involved in Fairfax County land use cases. I will therefore take more time than usual to explain my support for this rezoning application. Several parties have requested more time to consider various issues, but this project should hardly be a surprise. The adjacent neighbors, including the City of Fairfax and the University, have all known about this pending application for well over a year and have been invited to and many have attended multiple meetings about it. While this site is not a near Metrorail station, it is within a quarter mile of six bus lines plus the Mason West Campus shuttle bus. This site is literally across the street from the George Mason University field house. This fall, the GMU Fairfax campus hosts over 32,200

students, almost 4,700 faculty and staff, plus an event venue that holds 10,000. So, while this site is not a formally designated activity center, it appears that being across the street from the largest public university in the Commonwealth of Virginia qualifies it as being pretty darn close to a large center of activity. Yet one major and repeatedly expressed concern in regards to this application is density. Yes, adding over five hundred additional dwelling units to the site would be a dramatic increase in density, but the Board of Supervisors determined in July that this significant increase would be appropriate if some specific Comprehensive Plan conditions were met. I concur with the staff that overall, the application is in conformance with the Comprehensive Plan and the applicable zoning ordinances, subject to the proffers. Related to density is the concern of nearby residents that these new buildings would loom over their houses. While the three new buildings do have more stories, especially when underground parking is counted, the site itself drops significantly from the adjacent townhouses. In addition, although the County requires multifamily dwellings to have 25 feet of transitional screening to the property lines of adjacent townhouses, the proposed vegetative buffer in this application is at least twice that and varies from 50 to 90 feet. In addition, the applicant is now proffering to provide supplemental trees, including the largest native evergreens that are likely to survive transplanting, and will warrant them for a year after bond release. To further alleviate any intrusion into the townhouses' privacy, the student building will have no balconies or operable - operable windows on that side, nor will there be any common areas on that side, such as stairwells or study rooms, that would have lights on all night. Several speakers and correspondents have expressed concern over the well-being of the current residents of the Robinson Square affordable dwelling units. Yes, they will be relocated, by the County, to vouchered apartments, during construction. But, if they still qualify when the new buildings open, they will be able to return. Whenever possible, families with school children will be relocated to within the same school attendance areas. In any case, current plans are to relocate these children from Robinson Square after the end of the 2020-21 school year, two school years from now. In regards to environmental issues, the site will actually be improved by this application. Currently, some of the Robinson Square units and impervious parking areas are within the RPA. These will be removed, and the area remediated and replanted. The single biggest issue in regards to this application is, without doubt, the vehicular, pedestrian, and bicycle traffic through the intersection of 123 and University Drive. And I see Tom Biesiadny and others from Transportation are present to address – to address traffic concerns. Many of the factors addressing this – affecting this intersection are well beyond the applicant's ability to adjust. After the final PC vote on this application tonight, I will move that we recommend that the Board of Supervisors direct staff to create a task force with representatives from the City of Fairfax, George Mason University, VDOT, FCDOT, and both Braddock District and Fairfax City residents to analyze this intersection, as well as its feeder streets and intersections, to determine what if any additional future improvements might be implemented. In the meantime, I must note that this site is covered by the 2016 Proffer Law, which exempts the applicant from most off-site improvements, even though the applicant did request in writing to be considered under the revised proffer law. Some correspondents have expressed concern that VDOT might not approve the improvements that – that were offered in the original proffers and, as were discussed at our Public Hearing back in July. However, the state and county transportation departments have submitted an unusual joint letter that accepts, in principle – excuse me, that accepts, in principle, the original submission, including the bump-out curb cuts to protect pedestrians and bicyclists waiting to cross the streets. Mr. Riegler, I believe you're here, if you could come down please and explain these original traffic improvement proposals that have been accepted in concept and

especially the resulting new proffer? There's a new proffer created that is rather elaborate and takes a bit of explanation.

Gregory Riegle, Applicants Agent, McGuireWoods LLP: Thank you – Commissioner Hurley and members of the Commission. For the record, I'm Greg Riegle and I represent the applicant in this rezoning. I think the proffer you're referring to is – is number 10 and your lead-in was actually very correct. I think to start, the proffer is a product of coordination and, as was said correctly during the deferral, both the applicant team, representatives from FCDOT and VDOT worked together to reach an understanding of what could be done and what could be implemented and I think, as was referenced by Commissioner Hurley, the fact that we have a signed statement from the Virginia Department of Transportation indicating that agreement in principle, goes a long way toward addressing concerns were raised both inside and outside the public hearing process as to whether the Virginia Department of Transportation was onboard with the analysis and the proffered improvements. So what we've proffered to as you would expect frankly in virtually any rezoning that comes before you, is we've proffered to all the mitigation measures that were reflected in the operational analysis that was reviewed and approved by the Department of Transportation, who are seated behind me. I think what makes the proffer interesting and arguably unique is we've added, if you will, the proverbial bootstrap and suspenders in terms of not only doing what the operational analysis required, but also providing a significant escrow for potential future improvements and re-testing the intersection at two critical points in the development process just to make sure there are no surprises so that last sort of, if you will, testing and the presence of an escrow for future improvements are really reflective of the evolution that's occurred and I think that's also a concept that was supported by VDOT and FCDOT and, of course, the applicant as well. Thank you.

Commissioner Hurley: Thank you, Mr. Riegle. Now will you explain the other new transportation proffers that will be subject to VDOT approval?

Mr. Riegle: I think you're referring to Proffer 11 which enumerates roughly 10 measures to enhance the – the safety and functionality of the intersection from a pedestrian standpoint and I think that's always been a priority of this application and as I've said to many, inside and outside of this process, I'd respectfully suggest the fact that we have pedestrians in not large enough numbers to think about and manage is ultimately a very good thing and indicative of some of the positive site sort of features and orientation that Commissioner Hurley referenced. So what we've done is come up with these 10 measures and many of them were summarized narratively and pictorially in the letter the Commission received from me earlier this week, that detailed the degree to which we are improving the intersection detailed the capacity of the refuge areas and frankly the capacity to move pedestrians through this intersection, which objectively exceeds even the demands generated by this proposal. In an effort to ensure certainty, we chose measures deliberately that have been used elsewhere in Fairfax County, so we're not doing anything that VDOT hasn't seen and approved before in other areas like you described that have proximity to employment centers for a large number of pedestrians, whether that's in Reston, whether that's in Tysons, whether that's in other places where you have that automobile/pedestrian balance. Perhaps not surprisingly, VDOT doesn't have the ability to prospectively approve those measures at this point, but again we're relying on measures that are tested and measures that have been used other places and we're very confident we'll get to a good solution and I think FCDOT can – can if necessary, probably affirm those same perspectives. Thank you.

Commissioner Hurley: Thank you, Mr. Riegler. Are there any questions from the Commission?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I don't have a question, but this is an opportunity for me to jump in. I had intended to say something earlier. I had intended to participate in this case, but after the public hearing, my – my firm has a litigation matter in which my firm's client hired one of the engineers from Urban Limited, who's listed on the affidavit as an agent for the applicant. My client hired the engineer as a consultant in a case where they're probably going to be an expert witness now and in a case that I have. That was not something I knew about at the time of the public hearing, but I know now, and I would have said something then. I did participate in the public hearing, but since that's happened, I'm not going to participate, so I won't be voting on this. I may be sitting here working quietly, but I'm recusing myself from this and won't be participating, thank you.

Commissioner Ulfelder: Mr. Chairman?

Chairman Murphy: Yes, Mr. Ulfelder.

Commissioner Ulfelder: I – I was not present for the public hearing. However, since then I have reviewed the tape of the hearing and I have reviewed all the materials and comments that have – were made and have come in and I'm prepared to vote on this this evening.

Chairman Murphy: Great, thank you. Mr. Tanner?

Commissioner Tanner: Thank you, Mr. Chairman, I too was not present for the public hearing but since that time I've had a chance to review all relevant materials and I'm prepared to vote on this as well tonight.

Chairman Murphy: Thank you, anyone else? Ms. Hurley.

Commissioner Hurley: Mr. Chairman, I request that the applicant confirm for the record their agreement to the final development plan conditions dated 10 July, 2019.

Mr. Riegler: Again, for the record, Greg Riegler on behalf of the applicant, we do agree to those conditions as referenced by Ms. Hurley, thank you.

Commissioner Hurley: With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA C-058.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant, is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA C-058 say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries, Ms. Hurley.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-BR-025 SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 5, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-BR-025, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2018-SU-008 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS, DATED JULY 10, 2019 AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT RZ APPLICATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant, is there a discussion? All those in favor of the motion to approve FDP 2018-BR-025 subject to the Board's approval of the Final Development Plan of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE REQUIRING LOADING SPACES TO PERMIT FOUR LOADING SPACES IN LIEU OF THE 10 REQUIRED SPACES.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF WAIVER OF SECTION 11-302 OF THE ZONING ORDINANCE TO ALLOW PRIVATE STREETS TO BE IN EXCESS OF 600 FEET.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Thank you, this – it's the end of the voting, this part – this complex project demands that I thank a wide variety of participants. First, of course, is the Zoning Evaluation staff starting with Mr. William O'Donnell. Billy, you have been incredible in carrying through this and several other applications, recent biggies in the Braddock District, and I do appreciate it. Sharon Williams has some well-earned time off this evening, but she has worked this rezoning even before the Comp Plan Amendment. And speaking of the Comp Plan, I again commend Meghan Van Dam and Mike Lynskey from the Planning Division. This case is a bit different in that the applicant is the County. Tom Fleetwood and his crew, Hossein Malayeri, Ahmed Rayyan, Rex Peters, and Amy Ginger have been unfailingly responsive to my many weird questions. This RHA team has also been working in a Public Private Partnership. From RISE, I note Matt Marshall and Greg Blais and from SCG, I note Stephanie Marcus and Steve Wilson. And the County's own Scott Sizer has pulled this entire project together. I must express special thanks to Will Capers with FCDOT because of his hard work as FCDOT's case reviewer on this project. Will was influential in providing the technical expertise and coordination with VDOT to establish this agreement for how to best implement the Route 123/University Drive improvements. Thanks also to Tom Biesiadny, Greg Fuller, Jeff Herman, and Gregg Stevenson with FCDOT, as well as Allison Richter, Lee Ann Hall, Kevin Nelson, Kamal Suliman, and Helen Cuervo with VDOT for their help in reaching consensus on an approach for this intersection. You can tell just from this list of names, it wasn't an easy – accommodation. Marcia Pape from Supervisor Cook's office is the lady who has pulled all of this together and her work has again been exemplary. And last but no means least, we must all thank the public. While we may have some disagreements about various details, this proposal, as a whole, has been greatly improved by the dedicated residents who, either by themselves or as part of an organization, have made clear their concerns and their commitment to our community. I thank you all. And finally, as I mentioned earlier, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DIRECT STAFF TO CREATE A TASK FORCE TO REVIEW AND STUDY THE INTERSECTION OF UNIVERSITY DRIVE AND ROUTE 123, AS WELL AS FEEDER STREETS AND INTERSECTIONS AND POTENTIAL TRAFFIC CUTTING THROUGH NEIGHBORHOOD STREETS, TO DETERMINE IF ADDITIONAL MULTIMODAL IMPROVEMENTS COULD BE MADE IN THE FUTURE, AND IF SO THEN TO MAKE APPROPRIATE RECOMMENDATIONS AND IDENTIFY

FUNDING MECHANISMS AND IMPLEMENTATION STRATEGIES. TO BE INCLUSIVE AND EFFECTIVE, THE TASK FORCE SHOULD INCLUDE AT A MINIMUM ONE REPRESENTATIVE EACH FROM THE CITY OF FAIRFAX, GEORGE MASON UNIVERSITY, VDOT, AND FCDOT AS WELL AS A BRADDOCK DISTRICT RESIDENT AND A FAIRFAX CITY RESIDENT FROM COMMUNITIES ADJACENT TO THIS INTERSECTION.

Commissioner Sargeant: Mr. Chairman, I will second Commissioner Hurley's motion. We have considered the application that we just voted on very specifically – to this application – however, we all know of the existing traffic and safety issues associated with the area, with this site and how significant they really are. We believe they require additional attention going forward. We are not able to address these issues through one application. That's why the recommendation will help us plan better for the future. Thank you.

Chairman Murphy: Okay, we have a correction in the motion. It should be that number.

Commissioner Hurley: Okay. Correction to case number to...

Chairman Murphy: Is that it? Just make sure. We have the wrong number on the sheet here so. Let me keep you in suspense for just a few more minutes.

Commissioner Sargeant: Mr. Chairman, may I suggest we – we vote on the motion we just seconded?

Commissioner Hurley: Can we vote on the motion?

Chairman Murphy: Okay, all those in favor...

Commissioner Hurley: If I can have Mr. O'Donnell, that's your brief, right?

Mr. O'Donnell, Planner V, Department of Planning and Development: Sure.

Commissioner Hurley: He's my guide in all of this.

Mr. O'Donnell: I'm wondering which – which case number you're referencing that may have been indicated wrong on the record? Is it the rezoning or was it the PCA?

Sara Girello, Management Analyst I, Department of Clerk Services: The FDP.

Chairman Murphy: The FDP.

Mr. O'Donnell: It should be RZ/FDP 2018-BR-025.

Ms. Girello: She read FDP 2018-SU-008.

Mr. O'Donnell: Okay, that needs to be corrected. The FDP needs to be corrected.

Chairman Murphy: Okay, WITHOUT OBJECTION? Is that good?

Mr. O'Donnell: Yeah.

Chairman Murphy: Okay.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. All those in favor say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And on my other motion that Mr. Sargeant seconded?

Chairman Murphy: We voted on that, didn't we?

Commissioner Sargeant: We seconded the motion; we have not voted on it.

Chairman Murphy: Okay, seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion as articulated by Ms. Hurley and seconded by Mr. Sargeant say aye.

Commissioners: Aye.

Each motion carried by a vote of 9-0. Commissioners Migliaccio and Niedzielski-Eichner were absent from the meeting. Commissioner Hart recused himself from the vote.

(End Verbatim Transcript)

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SE 2018-MV-007 – NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES

(Start Verbatim Transcript)

Commissioner Clarke: Yeah, we have – I have a deferral from the Mount Vernon District.

Chairman Murphy: Okay, I'm sorry. Go ahead.

Commissioner Clarke: Sorry about that. It didn't make our sheet here, but the applicant has requested SE 2018-MV-007, National Trust for Historic Preservation in the United States – I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2018-MV-007 TO A DATE CERTAIN OF OCTOBER 17TH, 2019.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were 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. PCA 1998-HM-036 – SRINIVAS AKELLA & KRISHNA N. KIDAMBI; MAYUR H. MANIAR & SONAL B. MANIAR; NA AYUTTAYA ANUCHIT SUTHUS & PIYAWANNARAT BENJAWAN; PAUL D FAUSER; AZAAD SALENA & KHAN-RAMPRASHAD ZALENA
2. PA 2019-IV-RH1 – OAKWOOD ROAD SENIOR HOUSING
3. RZ/FDP 2016-HM-016 – GOLF COURSE OVERLOOK, LLC

This order was accepted without objection.

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PCA 1998-HM-036 – SRINIVAS AKELLA & KRISHNA N. KIDAMBI; MAYUR H. MANIAR & SONAL B. MANIAR; NA AYUTTAYA ANUCHIT SUTHUS & PIYAWANNARAT BENJAWAN; PAUL D FAUSER; AZAAD SALENA & KHAN-RAMPRASHAD ZALENA – Appl. to amend the proffers for RZ 1998-HM-036 previously approved for residential development at a density of 3.0 dwelling units per acre (du/ac) with associated modifications to proffers and site design. Located at 2721, 2723, 2719, 2725 and 2727 Robaleed Way, Oak Hill, 20171 on approx. 1.5 ac. of land zoned R-3. Comp. Plan Rec: 2-3 du/ac. Tax Map 25-4 ((21)) 1, 2, 3, 25 and 26. HUNTER MILL DISTRICT. PUBLIC HEARING.

Srinivas Akella, Applicant/Title Owner, reaffirmed the affidavit dated July 17, 2019.

There were no disclosures by Commission members.

Brandon McCadden, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application PCA 1998-HM-036.

Mr. Akella indicated that he concurred with staff's recommendation.

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

(Start Verbatim Transcript)

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Commissioner Carter: Okay, I'm ready to move on this project. Again, to – it – it's unfortunate these things happen. If you remember, we had a case last night about these setbacks and – every time we approve these, we have to realize that there are these decks and porches that can be in what we often think are the setbacks. And so, this actually would allow that to happen. It doesn't – the existing proffer, as was already explained by staff, does not allow any structures other than noise – noise attenuation fencing to be constructed in the 20-foot wide easement along Lawyers Road. I go by this site at least twice a week, as you might imagine, and there are many houses along Lawyers Road with a variety of setbacks. There are several with this kind of a setback, which is a little small, but there are several there. Those projects, I guess, don't have this setback requirement. So the revised proffer will allow structures, such as patios and decks, to extend on a limited basis in this buffer area, as permitted in the Zoning Ordinance, as we've talked about before. But the changed proffer does retain the intent of the setback area. The established violations for at least one house will still remain problematic. This doesn't – doesn't solve all of the issues along this area. Examples that include a patio on the – in the front yard – a fire pit, a storage shed on the front yard – these are not located along Lawyers Road. So these will still be an issue and I'm sure Commissioner Hart will do a wonderful job on this when it comes to the BZA.

Chairman Murphy: Happy birthday.

Commissioner Carter: Okay, so...

Chairman Murphy: Well, he is an award-winner now, so you know...

Commissioner Carter: That's right. So no problem.

Chairman Murphy: So he has to prove his metal here.

Commissioner Carter: So the staff, I – you know, Brandon has done a good job on this. The staff has tried to be fair with – to these applicants without destroying the original intent of the proffer. So in conclusion, I recommend – approve that the – project as a motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1998-HM-036, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of the motion? All of those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-HM-036, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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PA 2019-IV-RH1 – COMPREHENSIVE PLAN AMENDMENT (OAKWOOD ROAD SENIOR HOUSING) – 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. 6.2 ac. generally located at the southeast quadrant of the intersection of Oakwood Road and South Van Dorn Street (Tax Map # 81-2 ((1))17C and 81-4 ((1))32, 33 and 34) in the Lee Supervisor District. The area is planned for open space. The amendment will consider up to 150 units of senior affordable housing with limited community space as may be appropriate. PA 2019-IV-RH1 is concurrently under review with Proffer Condition Amendment 85-L-006 and Special Exception 2019-LE-006 (APAH Oakwood, LLC). LEE DISTRICT. PUBLIC HEARING.

Meghan Van Dam, Branch Chief, Planning Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of Comprehensive Plan Amendment PA 2019-IV-RH1.

There was a discussion between Ms. Van Dam and multiple Commissioners on the following issues:

- The standards for stormwater management provisions for any redevelopment effort that would occur on the subject property;
- The various stormwater issues that would be addressed at the time of the rezoning application;
- The sewer systems that served the site;
- The condition of the existing sidewalks and pedestrian paths on the site; and
- The process for implementing improvements to the sidewalks and pedestrian paths around the site.

The discussion resulted in no changes to the proposed amendment.

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

Charles Sims, 4318 North Carlin Springs Road, Arlington, spoke in support of the proposed amendment because it provided additional opportunities for the construction of affordable housing in the County and would help meet the growing demand for such housing throughout the area.

Zachary Williams, 2311 Wilson Boulevard, Arlington, stated that he was speaking on behalf of a prospective applicant for redeveloping the subject property under the provisions of the proposed amendment. He then expressed support of the proposed amendment because it would permit an affordable housing development that was consistent with the character of the surrounding area.

Adam Barmil, 5828 Piedmont Drive, Alexandria, spoke in opposition to the proposed amendment for the following reasons:

- The proposed amendment would permit development on the site at a density that was incompatible with the surrounding area;
- The density of such a development would incur a negative visual and safety impact on the neighboring residential communities;
- The development would increase the traffic congestion on the surrounding road network; and
- The buffer provisions for a development on the site were not adequate.

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

- The scope of the proposed amendment;
- The process for addressing concerns pertaining to traffic impacts, buffering provisions, and safety concerns for a redevelopment of the site;
- The topography of the subject property and the surrounding areas;
- The massing of the buildings on a potential redevelopment of the site;

- The adequacy of the proposed Plan text, as articulated on page 11 of the staff report;
- The prospective applicant's outreach efforts with the neighboring community;
- The timeframe for reviewing a prospective redevelopment plan for the site; and
- The opportunities for the prospective applicant to address the concerns of the surrounding community.

The discussion resulted in no changes to the proposed amendment.

There being no more speakers, Chairman Murphy called for a closing remarks from Ms. Van Dam, 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 want to thank Ms. Van Dam for pinch-hitting. We're both pinch-hitting on this. I think we have every opportunity to let Commissioner Migliaccio watch the tape and figure out what to do. Therefore, Mr. Chairman, in order to further consider the proposed amendment, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON PLAN AMENDMENT 2019-IV-RH1 TO A DATE CERTAIN OF SEPTEMBER 19, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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 on PA 2019-IV-RH1 to a date certain of September 19th, with the record remaining open for written comment, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2016-HM-016 – GOLF COURSE OVERLOOK, LLC –
Appls. to rezone from R-E and I-5 to PRM to permit residential
and secondary uses with an overall Floor Area Ratio (FAR) of 2.28
and approval of the conceptual and final development plan.
Located on the N. side of Sunset Hills Rd. between American
Dream Way and Isaac Newton Square on approx. 3.0 ac. of land.
Comp. Plan Rec: Residential Mixed Use. Tax Map 17-4 ((5)) S6.
HUNTER MILL DISTRICT. PUBLIC HEARING.

Mark C. Looney, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated August 5, 2019.

Commissioner Sargeant disclosed that he was an employee of Dominion Energy and the subject application included a potential proffered arrangement between the applicant and Dominion; therefore, he recused himself from the public hearing.

William Mayland, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2016-HM-016.

Mr. Looney gave a presentation on the subject applications.

There was a discussion between Mr. Looney; Clinton Abernathy, Site Development and Inspection Division, Department of Land Development Services; Marc Dreyfuss, Site Analysis Section, Fairfax County Department of Transportation; and multiple Commissioners on the following issues:

- The applicant's commitment to implement on-site urban park facilities, as articulated in Proffer Number 31, On-Site Urban Park, in the revised set dated September 11, 2019;
- The location of the applicant's on-site urban park facilities;
- The applicant's recourse in the event that an agreement with third parties regarding off-site park facilities was not secured;
- The status of the dwelling units as being for rent or purchase;
- The amenities that would be included with the proposed development;
- The amount of retail space that would be included with the proposed development;
- The applicant's efforts for ensuring the viability of the retail space;
- The applicant's recourse in the event that the retail space was not adequately utilized;
- The existing stormwater management systems on the subject property and the outstanding issues with that system;
- The previous instances of stormwater systems failing in nearby areas;
- The planned road improvements for the areas around the site;
- The applicant's design of the driveway that would be utilized to access the building on the proposed development;
- The possibility that the proposed development would be utilized by cut-through traffic in the event the site installed additional access points along the northern portion of the site;
- The portion of the site that the applicant would dedicate for public purposes;

- The feasibility of connecting the service drive from the proposed development to a public road located to the north of the site, which was subject to a planned extension;
- The slope and topography of the subject property;
- The possible implementation of alternate access points, as shown on Figure 13 on page 19 of the staff report;
- The possible need to provide a barrier for the site from stray golf balls that came in from the neighboring golf course and the ability for the applicant to implement such a barrier under the language of the subject applications;
- The inclusion of lever faucets for the residential units that would incorporate universal design, as articulated in Proffer Number 45, Universal Design;
- The removal of the option to install residential dwelling units in the retail space in the event that such space could not be adequately filled;
- The adequacy of the setbacks for the proposed development;
- The manner in which the portions of the neighboring property owned by Dominion Virginia Energy would be utilized and the types of uses that were possible for those areas;
- The recourse in the event that the applicant's proposed designs for the off-site park facilities were not accepted by neighboring property owners;
- The likelihood and guidelines that the neighboring property owners would accept the applicant's designs for off-site park facilities; and
- The extent to which the applicant's park provisions complied with the necessary standards prescribed by the Comprehensive Plan.

The discussion resulted in no changes to the subject applications, but the applicant did not object to revising the proffers to permit a barrier for stray golf balls, include lever faucets for the dwelling units that utilized universal design, and remove the option to convert the retail space to residential dwelling units. A copy of the revised set of proffers is in the date file.

Chairman Murphy called for speakers from the audience.

Lynne Mulston, 11472 Links Drive, Reston, voiced support for the proposed development's stormwater management provisions, but expressed concern regarding the proposal's impact on the existing road network in the area. She also recommended that a portion of unconnected public road located to the north of the site be removed from the Comprehensive Plan.

Commissioner Carter made a comment about the condition, status, and planned connections for the unconnected road that Ms. Mulston referenced in her testimony in which he expressed support for removing the road from the Comprehensive Plan.

Gray Wells, 11763 North Shore Drive, Reston, spoke in opposition to the subject applications due to concerns regarding the proposed development's traffic impact on the surrounding area, the visual impact of the buildings on the site, and the economic viability of such a development.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Looney, who responded to the testimony from the speakers as follows:

- The proposed development would reduce the peak-hour trips generated by the site;

- The transportation improvements included with the proposed development would further mitigate the traffic impact; and
- The applicant did not object to proffering funds for off-site park improvements in the event that the facilities proposed for the neighboring property were not accepted.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Carter for action on these cases. However, prior to a vote on a motion, there was a discussion between multiple Commissioners and Mr. Mayland on possible revisions to the proffers in which Chairman Murphy MOVED THAT THE PLANNING COMMISSION TO WITHDRAW all previous motions and go into recess to discuss the final language for the proffers.

Commissioner Hart seconded the motion, which carried by a vote of 9-0. Commissioner Sargeant recused himself from the vote. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

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The Planning Commission went into recess at 10:04 p.m. and reconvened at 10:21 p.m.

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Upon returning from recess, Chairman Murphy recognized Commissioner Carter for action on these cases.

(Start Verbatim Transcript)

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Commissioner Carter: Okay, from the beginning, so this is RZ/FDP 2016-HM-016, Golf Course Overlook, LLC. It's a motion to approve. I request that the applicant confirm, for the record, agreement to the proposed FDP development conditions dated September 3rd, 2019.

Mark Looney, Applicant's Agent, Cooley, LLP: Mark Looney, for the applicant. We agree with the condition.

Commissioner Carter: Okay, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-HM-016 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 11TH, 2019, WITH THE FOLLOWING CHANGES:

- NUMBER ONE, STRIKE THE WORD "RESIDENTIAL" THAT'S IN THE PROFFER THAT LIMITS THE USE OF THE RETAIL SPACE, SO IT WOULD ONLY BE USED FOR RETAIL OR NON-RESIDENTIAL SPACE;

- NUMBER TWO, IN THE EVENT THE APPLICANT IS UNABLE TO SECURE THE NECESSARY APPROVALS TO PREVENT CONSTRUCTION OF THE OFF-SITE URBAN PARK, THE APPLICANT WILL CONTRIBUTE TO FCPA, FAIRFAX COUNTY PARK AUTHORITY, MONEY EQUAL TO THE VALUE OF THE IMPROVEMENTS THE APPLICANT PROPOSED TO INSTALL, AS DETERMINED BY THE UNIT PRICING SCHEDULE MAINTAINED BY LDS OR \$40,000, WHICHEVER IS GREATER;
- THREE, NEW PROFFER, THE APPLICANT MAY INSTALL PROTECTIVE NETTING OR SIMILAR FEATURES TO PREVENT DAMAGE FROM GOLF BALLS ENTERING THE PROPERTY FROM THE ADJACENT GOLF COURSE USE, PROVIDED THAT THE APPLICANT FIRST OBTAINS APPROVAL OF A FDPA BY THE PLANNING COMMISSION...

Commissioner Tanner: Second.

Chairman Murphy: Seconded...

Commissioner Carter: Hold on. Hold on – AND THE MODIFICATION OF PARAGRAPH 4 OF SECTION 11-203 OF THE ZONING ORDINANCE TO REDUCE THE NUMBER OF REQUIRED LOADING SPACES FROM FOUR TO TWO.

Commissioners Cortina and Tanner: Second.

Commissioner Ulfelder: The – the levers.

Commissioner Carter: Okay, and the – let me – let me look at my notes.

Commissioner Hart: The faucet thing.

Commissioner Ulfelder: The facet levers.

Commissioner Carter: THE LEVERS FOR THE WATER FAUCETS WOULD BE ADDED AS A PROFFER.

Commissioner Cortina: Second.

Commissioner Carter: Now, we can second.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Finally, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-HM-016, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS DATED SEPTEMBER 3RD, 2019 AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2016-HM-016.

Commissioners Cortina and Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 9-0. Commissioner Sargeant recused himself from the vote. Commissioners Niedzielski-Eichner and Migliaccio were absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 10:25 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: March 4, 2020

Jacob Caporaletti

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

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 1 day of April 2020, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary



Notary registration number: 7114113

Commission expiration: January 31, 2024