

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 10, 2019**

PRESENT: James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Julie M. Strandlie, Mason District
Phillip A. Niedzielski-Eichner, Providence District
Mary D. Cortina, Commissioner At-Large

ABSENT: Peter F. Murphy, Chairman, Springfield District
Walter C. Clarke, Mount Vernon District
Donté Tanner, Sully District

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The meeting was called to order at 7:37 p.m., by Vice Chairman James R. Hart, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

RZ/FDP 2017-PR-015/PCA 88-D-005-09 – PS BUSINESS PARKS, L.P. AND PCA 2014-PR-004 – AMHERST PROPERTY, LLC (Decision Only) (Public Hearing on these applications was held on June 19, 2019)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. This is a complicated project of very high significance for the future of Tyson's, so it's taken time to work itself through. Mr. Chairman, the applicant PS Business Parks, LP seeks Planning Commission action on four concurrent applications to permit mixed-use development consisting of 10 new buildings within the 8 new blocks on a sizable 38.8 acre site in Tyson's, bound by – bounded by West Branch Drive, West Park Drive, and Jones Branch Drive. I want to thank Commissioner Ulfelder for so effectively managing the June 19th public hearing on this application and for his follow-up with me regarding his assessment of key outstanding issues. Mr. Chairman, I took the opportunity to review the video of the July – I'm sorry, the June 19th hearing and discussed this application with Mr. Ulfelder, staff, and with the applicant. I believe I am sufficiently versed in the issues posed by the Commission and the public speakers and further believe that subsequent engagement with the applicant has resulted in improvements to the application, particularly as related to proffer commitments. Therefore, Mr. Chairman, I am prepared to move that we recommend approval to the Board of Supervisors. All seven of the outstanding issues noted in the staff report are resolved or proffers revised to my satisfaction. Three issues in particular warrant attention for the

record. These are architecture, payments to the housing trust fund, and sidewalks. Architecturally, the applicant commits to constructing buildings with high-quality architecture, which are designed to ensure a variety in height, massing, roofline, and style throughout the property. Further, the applicant commits to providing the Planning Commission a design narrative to accompany the Final Development Plan for each building that describes how the proposed building meets these building diversity objectives. I find this to be important because of the scale this development, 10 buildings, will be constructed over time. Perhaps in 10 to 20 years, and it's going to be beyond this Commission's life, beyond perhaps, it will be new members of the applicant who will be pursuing these. And I feel it's important that this level of commitment to this diversity of architecture, in particular the skyline, be such that the future Planning Commission has a clear narrative from the applicant on how each building that's being proposed is going to be different the other buildings in the – on the property. So with regard to payments to the housing trust fund, the applicant increases the non-residential contribution from 25 cents per square-foot to 1 dollar and 50 cents per square-foot for workforce dwelling units, specific to many warehousing establishments. And as for the wider sidewalks, I expect the proposed signature park and ground level retail will be a magnet for lots of human activity, and that the sidewalks along the perimeter of both the parks and retail should be designed and built to accommodate that activity. Therefore, I am pleased that the applicant has committed to 8-foot sidewalks along Rolling and Blighton streets. Mr. Chairman, I do want to make one final comment regarding the issue raised at the public hearing regarding the need for school construction. I do believe that it's time for FCPS to talk about possible timing for new schools to serve Tysons. We have a site next to Ken Lawrence Park for an urban elementary school. What will it take to get it funded, designed, and built? As Commissioner Ulfelder points out, and as brought to our attention by the McLean Citizen Association, the problem is the difficulty we have estimating how many students might be generated by the Mile or other pending residential developments to come before us for our review. However, and solely based on current projections, we know the numbers are substantial. In addition, we are all collectively concerned about the inability of current FCPS formulas to make more accurate predictions of future student populations from the types of housing being planned and built in Tysons. I believe in this regard, Mr. Chairman, that it would be appropriate to ask that an FCPS representative attend our hearings and answer Commission questions that with regard to future new residential developments as the come before us. So, with this commentary, Mr. Chairman, I will now move the pertinent motions, of which there are many so I do ask for your patience. First of all, will the applicant come forward and affirm for the record that you accept the FDP conditions dated July 10th, 2019, for FDP 2017-PR-015?

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubley & Walsh: Yes, the applicant does confirm those conditions.

Commissioner Niedzielski-Eichner: Thank you, Ms. Baker. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 88-D-005-09.

Vice Chairman Hart: Is there a second?

Commissioners Ulfelder and Hurley: Second.

Vice Chairman Hart: Seconded by Commissioner Ulfelder and Commissioner Hurley. Somebody seconded it. Any discussion on the motion? Well, I thought maybe it would be subject to the development conditions or something, but okay. Any discussion on the motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Chairman Hart: Those opposed? That motion carries.

Commissioner Cortina: I'm abstaining.

Chairman Hart: One abstention. Commissioner Cortina Abstains.

Commissioner Cortina: Yes, due to absence of the public meeting.

Commissioner Niedzielski-Eichner: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2017-PR-015, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 10TH, 2019.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Hart: Those opposed? Same abstention. Oh, we have two abstentions now.

Commissioner Strandlie: I would abstain...

Chairman Hart: Alright well then, without objection Commissioner Strandlie being another abstain on the first motion and then Commissioner Strandlie and Commissioner Cortina both abstaining on the second motion. That motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS MODIFICATIONS FOR RZ 2017-PR-015, AND THERE ARE FOUR THAT I WILL READ. FIRST WAIVER IS MODIFICATION OF SECTION 2-505 TO PERMIT STRUCTURES AND OR PLANTINGS ON A CORNER LOT AT AN INTERSECTION AS SHOWN ON CDP/FDP AND AS PROFFERED. MODIFICATION OF SECOND, SECTION 2-506 TO PERMIT PARAPET WALLS, CORNICES, OR SIMILAR PROJECTIONS UP TO A MAXIMUM HEIGHT OF SIX FEET. THE THIRD MODIFICATION OF SECTION 10-104.3.E TO INCREASE THE MAXIMUM FENCE HEIGHT FROM 7 FEET TO 14 FEET. AND FINALLY, MODIFICATION OF SECTIONS 11-201 AND 11-203 TO PERMIT THE MINIMUM NUMBER OF REQUIRED LOADING SPACES AS SHOWN ON THE CDP/FDP.

Chairman Hart: Is that it?

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Hart: Those opposed? Same abstentions? Same abstentions. That motion carries.

Commissioner Niedzielski-Eichner: Thank you Mr. Chairman, two more motions. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-PR-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 10TH, 2019, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2017-PR-015.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Hart: Those opposed? Same abstentions. That motion carries.

Commissioner Niedzielski-Eichner: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2014-PR-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 7TH, 2019.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Those opposed? Same abstentions. That motion carries.

Each motion carried by a vote of 7-0-2. Commissioners Cortina and Strandlie abstained from the vote. Commissioners Clarke, Murphy, and Tanner were absent from the meeting.

(End Verbatim Transcript)

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SE 2019-MV-001 – 7-ELEVEN, INC. (Decision Only)
(Public Hearing on this application was held on June 26, 2019)

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one decision only this evening, as it is on behalf of Commissioner Clarke, who is on travel today. It is an SE in the Mount Vernon District.

Vice Chairman Hart: Are we recycling? Is that what we are doing here?

Commissioner Migliaccio: Yes.

Vice Chairman Hart: Okay.

Commissioner Migliaccio: And if I can just get a representative of the applicant to come down please. Hi, do you mind stating your name?

Zach Williams, Applicant's Agent, Bean, Kinney & Korman, P.C.: Zach Williams for the applicant.

Commissioner Migliaccio: Thank you. Do you agree with the development conditions now dated July 10th, 2019, for SE 2019-MV-001?

Mr. Williams: Yes, the applicant agrees with the revised development conditions.

Commissioner Migliaccio: Okay, thank you. And I don't know if any other Commissioners had any comments, questions since the development conditions were just sent out today.

Vice Chairman Hart: Well, I'd say Mr. Chairman, but I'm Mr. Chairman now. The – I do have a question Mr. Williams. Just in case, hypothetically, if we deleted Development Condition 14, would the applicant still be on board with the package?

Mr. Williams: Yes, I would.

Vice Chairman Hart: Thank you. I was just asking.

Commissioner Migliaccio: Would you like to ask staff also?

Vice Chairman Hart: Well...

Commissioner Migliaccio: As they made the development condition?

Vice Chairman Hart: We've opened this up. Yeah, let me ask. Mr. Rodenbeck, the Development Condition 14 in the new set today jumped out at me because I thought we had been instructed in the back on other cases to – to not do this. This type of condition had resulted in, I think, not one but two SEA's just to fix that when there was a new tenant in the building that wanted to change

the colors of the sign or was a different bank or something like that. The development condition to me didn't seem to be mitigating any particular impact from the use. It's just sort of an aesthetic thing that if they want to do it, it seems like that's perfectly fine if they want to agree – and I don't know who's asking for this – but it seemed to me odd that we would require officially the applicant to not have colored striping. What difference does it make? Maybe if staff could address that?

Jay Rodenbeck, Zoning Evaluation Division, Department of Planning and Development: Jay Rodenbeck with the Department of Planning and Development and the answer to that question is staff had originally – in the staff report noted that, per OCR's comments in Appendix 5, that we had asked for the colored striping on the canopy to be removed. And the applicant kind of met us halfway and removed the striping from two of the four sides on the canopy. Which, that being the south and the east side not facing the road – facing Lukens Lane and Richmond Highway, they continued to have the striping, so staff did not have a development condition which addressed that, but we noted our issue with that in the staff report. However, we had not comments on striping on the buildings itself. This was a comment that was raised later, I believe, by the MVCCA and Commissioner Clarke. And so that was a condition that was added as a result of that concern.

Vice Chairman Hart: Well, I thought we had been encouraged to – to not require applicants on SE's to do certain things about colors or things like this that might be triggered as a problem if the tenant of the building needed to change, but nothing else. Or the name of the bank changed or, you know, a 7-11 becomes a Wawa or, you know, whatever else it is that they might have to change the sign and then we're stuck with a condition that doesn't let them do it in some way. Does that – does this – doesn't this conflict with that kind of guidance or am I missing something?

Mr. Rodenbeck: Well, I'll go back to OCR's comments. They wanted the canopy's architecture to be more compatible with the design of the retail building. And the retail building doesn't actually show any striping. That condition, I presume, would – would prevent the applicant from being able to add striping for a sign plan at a later date. I mean that would probably – it might require an interpretation perhaps, but that would just solidify striping not being put on the building. The applicant actually, right now, doesn't show striping on the building at all. It's just on the canopy. But, I mean, OCR's comment was wanting the canopy's architecture to be more compatible with the design of the retail building which has a more residential character to it. So, that was the reasoning behind our comments.

Vice Chairman Hart: Does staff want this in or was this put in because the citizens had asked for it and the applicant said okay?

Mr. Rodenbeck: It was put in because the citizens asked for it and the applicant said it was okay.

Vice Chairman Hart: Alright, thank you. Further questions on this package? Alright, Commissioner Migliaccio.

Commissioner Migliaccio: Okay, if there is no other questions on the development conditions, I'll just move straight to the motion about – this is simply to build a 4,500 square foot service

station on Richmond Highway with six fuel pump stations. We have the new development conditions dated July 10th and Mr. Clarke is satisfied with this and he believes the Mount Vernon Council is also satisfied with the new conditions. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2019-MV-001, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS DATED JULY 10TH, 2019.

Commissioner Ulfelder: Second.

Vice Chairman Hart: Seconded by Commissioner Ulfelder. Discussion on the motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Migliaccio: Thank you Mr. Chairman, I have two modifications to move on also. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING TWO MODIFICATIONS. THE FIRST, MODIFICATION OF THE 20-FOOT FRONT YARD SETBACK IN THE RICHMOND HIGHWAY COMMERCIAL REVITALIZATION DISTRICT IN ACCORDANCE WITH PARAGRAPH 2 OF SECTION A7-407, OF THE ZONING ORDINANCE TO PERMIT A 15-FOOT FRONT YARD SETBACK. AND SECONDLY, A MODIFICATION OF SECTION 13-303, OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT TO THAT SHOWN ON THE SE PLAT.

Vice Chairman Hart: Is there a second?

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Each motion carried by a vote of 9-0. Commissioners Clarke, Murphy, and Tanner were absent from the meeting.

(End Verbatim Transcript)

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PA 2013-I-L1(C) – COMPREHENSIVE PLAN AMENDMENT (LINCOLNIA PLANNING DISTRICT STUDY PHASE III: LINCOLNIA CBC LAND USE AND TRANSPORTATION ANALYSIS) (Decision Only)

(Public Hearing on this application was held on June 26, 2019)

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you very much, Mr. Chairman. Tonight, we will consider the decision only regarding PA 2013-I-L1, the Comprehensive Plan Amendment for the Lincolnia Planning District Study, Phase III, which is the Lincolnia CBC Land Use and Transportation Analysis. The Planning Commission held a public hearing on this Comprehensive Plan Amendment on June 26, 2019, and we deferred the decision only until tonight to add some clarifying language related to the preservation of affordable housing. I will provide some background regarding the planning process then I will address the proposed language and my motion to recommend approval to the Board of Supervisors. Tonight's vote has been several years in the making and the proposed Comprehensive Plan has been the subject of prolonged community input. On July 9th, 2013, through the approval of the 2013 Comprehensive Plan Work Program, the Fairfax County Board of Supervisors authorized the plan amendment for the Lincolnia Planning District. In Phase 1 of the study, new documentation of the existing conditions of the area and primarily editorial revisions were adopted on October 20th, 2015, by the Board. In Phase 2, a task force, originally comprised of six local residents and two commercial property owners, was appointed by Supervisor Gross and considered whether a portion of the planning district should be re-designated from a suburban neighborhood to a community business center. The CBC designation was supported but the task force staff, task force staff, and the Planning Commission, and the new CBC was approved by the Board of Supervisors on March 6, 2018. This new CBC allows for the provision of contributions to infrastructure and community amenities, which was put in jeopardy by the proffer law that was enacted. Following the CBC designations, Land Use and – Land Use and Transportation network alternatives within the Lincolnia CBC were evaluated as part of Phase 3 of the study. The task force, County staff, community members, and stakeholders identified appropriate locations for the redevelopment. The type, the mix, and intensity of land uses in the redevelopment areas and new multi-modal transportation options. The community was extensively involved in all levels of this plan. A total of 34 task force meetings were held between February 2017 and April 2019, with 18 meetings held during Phase 3. For Phase 3 of the study, the portion we are considering tonight, the task force provided feedback and recommendations on the proposed Land Use, Transportation, and Urban Design recommendations for the Lincolnia CBC. All task force meetings were open to the public with the task force Chair inviting public comment at each meeting. I attended several of the meetings, but not all due to some other meeting conflicts, and I observed that members of the public were often engaged in asking quite often – as engaged in asking questions as members of the task force, so this was truly an open process. Additional public outreach efforts included meeting notifications and study updates via social medial channels, including Nextdoor and Facebook, as well as postings to the study listerve and webpage. On April 29th, 2019, the task force voted 6 to 1 to support the proposed Comprehensive Plan recommendations. In addition to the task force meetings, staff presented the developments and the final plan to the Mason District Land Use Committee and the City of Alexandria, which borders the area on two sides, was also consulted. The resulting proposed Comprehensive Plan offers an opportunity for the Mason District to have its first town center in the Lincolnia Planning District area. A walkable mixed-use community with new housing, shopping, and public area amenities. Mr. Chairman, at the public hearing on June 26th, 2019, we expressed an interest in the inclusion of additional Plan guidance addressing the preservation of market

affordable housing, which comprises portions of the Lincolnia CBC identified as transitional areas – emphasis on transitional areas. To provide some background, I'd like to mention that with the adoption of the Seven Corner CBC in 2015, the Board made a motion, initiated here at the Planning Commission, that staff review policy relating to the production and preservation of affordable housing. This direction is being addressed in many ways, one of which was the adoption of the County, the Communitywide Housing Strategic Plan, which includes preservation of affordable housing as a principal focus. Among the strategies identified in Phase I of that plan was a short-term action such as the continued use and possible expansion of County funding for private and nonprofit organizations to acquire and fund new affordable housing. Phase 2 of the Housing Strategic Plan was launched in the Fall of 2018 and is developing possible long-term implementation strategies. Recommendations being considered include policy and regulatory changes to housing recommendations in the Policy Plan section of the Comprehensive Plan. The Affordable Housing Resources Panel recently submitted its recommendations to the Fairfax County Board of Supervisors. Page four of the report addresses the need to preserve existing affordable units, including those circumstances where apartments are renovated or repositioned short of a full-scale redevelopment. As Chair of the Planning Commission's Affordable Housing Committee, I would look forward to scheduling a meeting with these groups and the community in the near future. I would also like to clarify that the new plan for Lincolnia does not recommend redevelopment of existing residential neighborhoods. However, keeping in mind the importance of this topic and the goals of the Housing Strategic Plan, I recommend the inclusion of additional text in the Lincolnia CBC that recommends, at a minimum, no net loss of market affordable units if in the future redevelopment is proposed in the transitional areas. This aligns with ongoing community efforts to develop strategies to preserve market affordable housing. Before I move on to the recommendation, I would like to extend our appreciation and gratitude to the staff and the task force members for their excellent work and dedication. First, I recognize the staff, Clara Johnson, Liz Hagg, Jennifer Garcia, Michael Burton, Leonard Wolfenstein, and Arpita Chatterjee, and Kristin Calkins, who was formerly with FDOT. We also have some task force members who attended the public hearing and who are here this evening. Chair Daren Shumate, Matt Lyttle, who represented the task force at the public hearing. Alan Ackerman, Nazir Bhagat, Fred Cornett, Debi Gerald, and Rita Zimmerman. Therefore, Mr. Chairman, I AM READY TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2013-I-L1 (C) FOUND IN THE STAFF REPORT DATED JUNE 4, 2019, WITH PLAN TEXT MODIFICATIONS TO ADD GUIDANCE TO REINFORCE THE IMPORTANCE OF PRESERVING MARKET AFFORDABLE HOUSING IN LINCOLNIA. FURTHER, I ALSO RECOMMEND REVISIONS TO THE TRANSPORTATION FIGURES TO SHOW THAT LINCOLNIA ROAD REMAINS PLANNED FOR TWO LANES AS A MINOR ARTERIAL ROADWAY AND TO CONSISTENTLY SHOW THE RECOMMENDED REALIGNMENT OF THE NORTH CHAMBLISS STREET AND LINCOLNIA ROAD INTERSECTION. THESE MODIFICATIONS ARE SHOWN IN MY HANDOUT DATED JULY 10TH, 2019.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 9-0. Commissioners Clarke, Murphy, and Tanner were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. RZ/FDP 2019-SU-002 – JDA CUSTOM HOMES, INC.
2. RZ/FDP 2018-PR-024 – WILLIAMS MEADOW, LLC

This order was accepted without objection.

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Vice Chairman Hart indicated that he would handle RZ/FDP 2019-SU-002, JDA Custom Homes, Inc., in the absence of Commissioner Tanner; therefore, he relinquished the Chair to Secretary Migliaccio.

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RZ/FDP 2019-SU-002 – JDA CUSTOM HOMES, INC. – Appls.
to rezone from R-1 to PDH-2 to permit residential development
with an overall density of 1.89 dwelling units per acre (du/ac) and
approval of the conceptual and final development plan. Located on
the W. side of West Ox Rd. approx. 300 ft. S. of Franklin Farm Rd.
on approx. 6.36 ac. of land. Comp. Plan Rec: Residential at 2
du/ac. Tax Map 35-2 ((1)) 47B and 53. SULLY DISTRICT.
PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated June 18, 2019.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two cases in which attorneys from Ms. Strobel's firm were representing adverse parties, but those matters and those parties were unrelated to the subject applications and there was no business or financial relationship; therefore, it would not affect his ability to participate in the public hearing.

Commissioner Hart stated that the subject applications were subject to the restrictions contained in *Virginia Code* 15.2-2303.4, which significantly restricted the ability of a locality to discuss

possible proffers. He then explained that since such discussions could violate the statute and subject the County to liability, the Planning Commission would only discuss what the applicant had proposed and the impact of potential development. He further stated that nothing in those discussions should be construed as a request, suggestion, or requirement for any proffer and while the Commission would listen to the applicant's suggestions to mitigate impacts of the proposal, discussions would be constrained due to the constraints of the statute and uncertainty over its application.

Commissioner Hart said that testimony from the public represented the views of the speakers and not that of the locality.

Commissioner Hart indicated that a staff report addendum and a revised set of development conditions had been submitted prior to the meeting; therefore, he expressed his intention to defer the decision of the subject application at the conclusion of the public hearing.

Kelly Posusney, 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 approval of applications RZ/FDP 2019-SU-002.

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

- The applicability of *Virginia Code* 15.2-2303.4 to the subject applications;
- The applicant's schools contributions, as articulated in Proffer Number 4, Schools Contribution, in Attachment 2 of the staff report addendum dated July 10, 2019;
- The existing overcrowding issues at Oakton High School and the extent to which the applicant's schools contribution impacted that issue;
- The location and maintenance responsibilities of the stormwater management facilities that served the proposed development;
- The intent of the Oakton Ridge Homeowners Association (ORHOA) for the neighboring subdivision to incorporate the proposed development into its community;
- The design, materials, and orientation of the retaining walls in the proposed development, as reflected in the plat;
- The effectiveness of the applicant's stormwater management provisions;
- The process for determining the allocation of the applicant's schools contribution; and
- The existing school facilities that were subject to overcrowding.

The discussion resulted in no changes to the subject applications.

Ms. Strobel gave a presentation on the subject application in which she stated the applicant did not object to the following modifications:

- Revisions to the stormwater management provisions to articulate the maintenance responsibilities for the facilities.

There was a discussion between Ms. Strobel; Ms. Posusney; Theodore Britt, Engineer for the Applicant, Tri-Tek Engineering; and multiple Commissioners on the following issues:

- The difficulty in maintaining certain types of stormwater management facilities;
- The extent to which the proposal delineated maintenance responsibilities of the stormwater management facilities on the site;
- The road from which construction vehicles would access the site during the construction process;
- The parking provisions for vehicles during the construction of the development;
- The process for informing prospective residents of future development for infill sites located near existing residential communities;
- The requirements and standards for stormwater management facilities, as articulated by the Public Facilities Manual;
- The applicant's justification for the design and arrangements of the lots for the proposed development;
- The applicant's efforts to ensure adequate open space, tree preservation, and buffer provisions for the proposed development;
- The limitations and effectiveness of bioretention facilities for residential developments;
- The effectiveness of existing stormwater management facilities in the surrounding area;
- The process for determining an appropriate location for a stormwater management facility on a lot within a residential development;
- The maintenance responsibilities for the individual homeowners on each lot; and
- The ability of the County to approve the installation of certain stormwater facilities on multiple lots within a development.

The discussion resulted in no changes to the subject applications.

Secretary Migliaccio called the first listed speaker and recited the rules for public testimony.

William Jennings, 3100 Autumn Crest Court, Herndon, spoke in opposition of the proposal because it would incur negative impacts on the environment, existing wildlife, and the land values of existing residential communities.

Secretary Migliaccio called for speakers from the audience.

Ken Rohrer, 3213 Winter Sun Terrace, representing the ORHOA, stated that he did not oppose or support the subject applications. He said he favored integrating the proposed development into the ORHOA, but expressed concern regarding the cost and maintenance responsibilities of the stormwater management facilities that would be located within the subject property. In addition, Mr. Rohrer suggested that the applicant coordinate with the ORHOA to connect existing and planned pedestrian paths. He also supported utilizing West Ox Road as the primary road for accessing the subject property during construction to the greatest extent possible.

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

- The efforts of the applicant and the ORHOA to coordinate to address issues related to pedestrian paths, stormwater management facility maintenance, and retaining walls;
- The limitations on the applicant's ability to address off-site impacts of the development due to statutes articulated in the *Code of Virginia*;
- The applicant's pedestrian path and tree preservation provisions;
- The existing tree cover and ingress/egress provisions of the Oakton Ridge Community;
- The impact the proposed development would incur on the student populations at local school facilities;
- The existing school facilities that were at or near overcrowding levels;
- The process and timeline for the ORHOA incorporating the proposed development into its community;
- The recourse for the proposed development in the event that the ORHOA did not incorporate it into the existing community;
- The maintenance responsibilities for the existing and planned road network that served the subject property and the existing residential communities; and
- The extent to which the proposed stormwater management facilities on the site served nearby properties located within the neighboring Oakton Ridge Community.

There being no more speakers, Secretary Migliaccio called for a rebuttal statement from Ms. Strobel and Mr. Britt, who addressed the following issues:

- The applicant's efforts to coordinate with the ORHOA to clarify the maintenance responsibilities for the stormwater management facilities within the proposed development;
- The ability of the applicant to extend existing trails or pedestrian paths located near the site;
- The presence of conservation easements near the site;
- The extent to which the stormwater management facilities on the site processed runoff from neighboring sites; and
- The process for creating a new homeowners association if the proposed development were not integrated into the ORHOA.

Secretary Migliaccio called for closing remarks from Ms. Posusney, who declined.

There were no further comments or questions from the Commission; therefore, Secretary Migliaccio closed the public hearing and recognized Commissioner Hart for action on these cases.

(Start Verbatim Transcript)

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Commissioner Hart: Thank you, Mr. Chairman. Commissioner Nedielski-Eichner said something at the beginning about a big giant case in Tysons and I thought, you know but the little – the little infill cases are just as – just as difficult. We still have some work to do. We're gonna aim for next week, Ms. Strobel, but we'll see how it goes. This has a Board date on the 30th so we've – we've

gotta do something and I got yelled at once today about even mentioning the 25th, which is five days before the Board date, so we're gonna aim for next week. We will see how it goes. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR APPLICATION RZ/FDP 2019-SU-002, TO A DATE CERTAIN OF JULY 18, 2019. Well, she's gonna be here that night anyway, the July 18th, 2019, which leaves us room to defer again if we absolutely had to. WITH THE RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Sargeant. Second.

Secretary Migliaccio: Moved and seconded by Commissioner Sargeant. All those in favor to defer the decision only for RZ/FDP 2019-SU-002, to a date certain of July 18th with the record remaining open for written and electronic comment, please say aye.

Commissioners: Aye.

Secretary Migliaccio: All opposed? Okay.

The motion carried by a vote of 9-0. Commissioners Clarke, Murphy, and Tanner were absent from the meeting.

(End Verbatim Transcript)

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Vice Chairman Hart resumed the Chair.

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RZ/FDP 2018-PR-024 – WILLIAMS MEADOW, LC – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.55 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the E. side of Sutton Rd. approx. 250 ft. N. of its intersection with Oleander Ave. on approx. 5.89 ac. of land. Comp. Plan Rec: Residential at 2-3 du/ac. Tax Map 48-1 ((1)) 77 and 78. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGurieWoods, LLP, reaffirmed the affidavit dated June 3, 2019.

There were no disclosures by Commission members.

Kelly Posusney, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ/FDP 2018-PR-024.

There was a discussion between Ms. Posusney; Suzanne Wright, ZED, DPD; and multiple Commissioners on the following issues:

- The expected traffic impact of the proposed development;
- The existing traffic conditions on Sutton Road;
- The stormwater management provisions for the proposed development, the extent to which those provisions had been finalized, and the process for determining the operation of such provisions;
- The maintenance responsibilities for the stormwater management facilities that would be included with the proposed development;
- The impact of state statutes regarding proffers, as articulated in *Virginia Code 15.2-2303.4*, on the staff's ability to coordinate with the applicant to address outstanding issues;
- The need for water main extensions that might be generated by the proposal for emergency response services;
- The process for determining the need and location of water main extensions;
- The concerns expressed by the public regarding stormwater drainage onto Sutton Road and the extent to which runoff would be contained on-site for the development;
- The ability for pedestrians to access nearby public park facilities from the trail network site and the location of existing public access easements;
- The accessibility of the trails connecting to nearby park facilities by the public and the maintenance responsibility for those trails;
- The location of privately maintained land on and near the site;
- The location of the proposed stormwater management facilities on the site;
- The location and maintenance responsibilities of fencing throughout the proposed development;
- The process for determining specific provisions and standards for the applicant's stormwater management facilities;
- The ability of the applicant to resolve the outstanding issues prior to the Board of Supervisors' public hearing; and
- The process for delineating maintenance procedures for the stormwater management facilities on the site.

The discussion resulted in no changes to the proposed applications, but Ms. Posusney indicated that staff would coordinate with the applicant to address the Commissioner's concerns and implement appropriate revisions during the deferral period.

Ms. Greenlief gave a presentation on the subject applications wherein she addressed the concerns articulated by multiple Commissioners regarding the applicant's stormwater management provisions, the maintenance responsibilities for the stormwater management facilities, the proposal's traffic impact, the pedestrian path network that would serve the site, and the accessibility of nearby park facilities. She also stated that the applicant would revise the proffers to delineate that such maintenance responsibilities would be finalized at the time of site plan review.

There was a discussion between Ms. Greenlief, John Sekas, Applicant/Title Holder; and multiple Commissioners on the following issues:

- The size and dimensions of the garages for the dwelling units within the proposed development;
- The variance in garage sizes for certain dwelling units within the proposed development;
- The length of the driveways for the dwelling units within the proposed developments;
- The applicant's willingness to include language within the proffers that delineated the maintenance responsibilities for the stormwater management facilities on the site;
- The cost and lifespan of the stormwater maintenance facilities that would be installed with the proposed development;
- The proximity of the site to Nottaway Park and the impact of the proposed development on that park;
- The tree preservation, buffering, and landscaping provisions for the proposed development;
- The extent to which the Fairfax County Park Authority supported the proposal and the applicant's commitments for trail improvements and environmental preservation;
- The process for determining the location of the stormwater management facilities, the designated tree save areas, and the open space areas on the site; and
- The topography and slopes of the landscape.

The discussion resulted in no changes to the subject applications.

Vice Chairman Hart called the first listed speaker.

Mehdi Nazeri, 2744 Sutton Road, Vienna, said that he did not oppose developing the site, but expressed opposition to the subject applications because the character and density of the proposed development was not compatible with the surrounding neighborhood. He also voiced concern about the impact of increased traffic congestion and the safety hazards generated by such congestion.

There was a discussion between Mr. Nazeri and Vice Chairman Hart on the regarding the location of Mr. Nazeri's property in relation to the site.

Partmiss Mojallal, 2748 Sutton Road, Vienna, stated that she did not oppose developing the site, but aligned herself with the concerns expressed by Mr. Nazeri regarding the traffic impact of the proposed development and the associated safety hazards generated by that impact. In addition, she voiced concern about the proposal's impact on the stormwater runoff generated by the site, the ability for the existing stormwater management features to manage that runoff, and the condition of the stormwater ditches along Sutton Road. Ms. Mojallal recommended that the number of dwelling units within the proposed developments be reduced to mitigate the various impacts.

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

- The existing traffic conditions along Sutton Road;
- The condition, operation, and effectiveness of the existing stormwater ditches along Sutton Road during severe weather events;
- The impact that the proposed development would incur on the amount of stormwater runoff that flowed into the ditches along Sutton Road;
- The amount of impervious surface that would be installed under the proposed development;
- The amount of green space that the proposed development would remove on the site;
- The amount of stormwater runoff that would be contained on-site;
- The improvements to Sutton Road that the applicant would implement under the proposal;
- The applicant's efforts to coordinate with residents of the surrounding community to address their outstanding concerns;
- The process for discharging stormwater runoff from the site; and
- The extent to which the proposed stormwater management provisions complied with the standards prescribed by the County.

Anuj Mathur, 2740 Sutton Road, Vienna, spoke in opposition to the subject applications, echoing concerns from previous speakers regarding the proposed development's impact on stormwater runoff, traffic congestion along Sutton Road, and the associated safety hazards generated by such congestion. He also supported Ms. Mojallal's recommendation that the number of dwelling units on the site be reduced to mitigate the impact. (A copy of Mr. Mathur's statement is in the date file.)

There was a discussion between Mr. Mathur, Mr. Nazeri, Ms. Posusney, Ms. Greenlief, and multiple Commissioners on the following issues:

- The location, condition, and erosion of the stormwater ditches along Sutton Road;
- The number of accidents that had occurred on Sutton Road;
- The limited scope of the subject applications;
- The impact that the proposed development's stormwater management facilities would incur on the existing stormwater drainage ditches located along Sutton Road;
- The extent to which the applicant could improve the condition and operation of the existing stormwater management facilities in the surrounding neighborhood;
- The flow of stormwater runoff from the site;
- The limited ability of the Commission and staff to discuss certain issues with applicants under the statutes prescribed by the State of Virginia;
- The extent to which the applicant was required to mitigate existing off-site issues;
- The options the public could utilize to address issues relating to the condition and operation of stormwater ditches;
- The maintenance responsibilities for the stormwater ditch along Sutton Road;
- The analysis of the proposal that had been conducted by the Virginia Department of Transportation;
- The ongoing and future efforts to improve the operation of the stormwater ditch along Sutton Road; and

- The location and operation for stormwater outfalls from the subject property.

The discussion resulted in no changes to the subject applications.

Vice Chairman Hart called for speakers from the audience.

Scott Flesch, 9617 Courthouse Road, Vienna, voiced opposition to the subject applications because of the proposed development's impact on neighboring park facilities, traffic congestion along Sutton Road, and existing safety hazards. He stated that the applicant's provisions for buffering, mitigating visual impact, and park contributions were insufficient.

There was a discussion between Mr. Flesch and Commissioner Hurley regarding the traffic and safety impact of the proposed development on Sutton Road during peak traffic periods.

The discussion resulted in no changes to the subject applications.

Eric Wedum, 2733 Sutton Road, Vienna, spoke in opposition to the subject applications, aligning himself with the concerns articulated by Mr. Flesch regarding the proposed development's impact on neighboring park facilities and traffic congestion along Sutton Road. He suggested that the applicant utilize an existing conservation easement located between the subject property and Nottaway Park to supplement the buffer between the sites. In addition, he expressed support of the applicant's stormwater management commitments. Mr. Wedum also voiced concern regarding the impact of construction activity on the subject property.

Richard Kaminski, 9601 Masterworks Drive, Vienna, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding the proposed development's impact on neighboring park facilities. He also voiced concern regarding the reduction of green space, tree canopy, and buffering on the site that would be required under the proposal.

Ronel Flores, 2752 Sutton Road, Vienna, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding the proposed development's impact on neighboring park facilities, stormwater runoff onto Sutton Road, and the amount of greenspace in the area.

Ben Mojallal, 2448 Sutton Road, Vienna, spoke in opposition to the subject applications, aligning himself with previous speakers regarding the proposed development's impact on neighboring park facilities, the amount of greenspace in the area, and traffic congestion along Sutton Road.

Chad Ludwig, 2729 Sutton Road, Vienna, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding the proposed development's impact on traffic congestion on Sutton Road and the associated safety hazards generated by increased congestion.

There being no more speakers, Vice Chairman Hart called for a rebuttal statement from Ms. Greenlief, who stated the following:

- The proposed development was consistent with the recommendations of the Comprehensive Plan;

- The applicant intended to coordinate with staff and the surrounding community to address outstanding issues pertaining to stormwater management;
- The proposal included improvements to Sutton Road;
- The construction hours for the development on the site were consistent with the requirements prescribed by the Zoning Ordinance;
- The allocation of the applicant's parks contributions would be determined by the Fairfax County Park Authority; and
- The proposal complied with the necessary requirements for tree preservation, tree canopy, and open space.

There was a discussion between Ms. Greenlief, Ms. Posusney, Mr. Sekas, and multiple Commissioners on the following issues:

- The hours in which construction activity would be permitted on-site and the parking provisions for construction vehicles;
- The adequacy of the applicant's tree preservation commitments and the portions of the site that would be subject to tree removal;
- The impact the proposed development would incur on the portion of the site that connected to the neighboring park facility;
- The location of open space within the proposed development;
- The visibility of the proposed development from the neighboring park and the applicant's efforts to mitigate the visual impact;
- The existing trails through which pedestrians accessed the neighboring park and the impact of the proposed development on those trails;
- The existing trees on the site that were reserved for preservation;
- The presence of fencing along existing trails that were utilized by pedestrian to access neighboring park;
- The areas of the site that would be subject to supplemental plantings;
- The process the applicant had utilized to determine the design and configuration of the lots on the site; and
- The applicant's landscaping plan for the proposed development and the types of plantings that would be included.

The discussion resulted in no changes to the subject applications.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I want to thank everybody who came out this evening to offer testimony and to let – be clear with us about what your aspirations are for both for the Sutton Road, the Nottaway Park, and to the extent to which we can influence

the outcome of this development to speak to those. So, thank you for that and thank you for those insights. As your Commissioner, Planning Commissioner for Providence District, I will take that testimony and speak with the Supervisor tomorrow about the points that you are making and those that are beyond the scope of this particular development proposal. I will make sure that she understands what those concerns are. But also, as a result of your testimony and the commentary from the Planning Commission, I do think that we need to defer for a week to give me an opportunity to work with the applicant on some ways we might be able to mitigate the concerns that were spoken to. So, I'm going to move, Mr. Chairman, that we defer for a week a decision only and to give time for digesting the testimony and see what mitigations we can develop with the applicant. So, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2018-PR-024 AND FDP 2018-PR-024, TO A DATE CERTAIN OF JULY 17TH WITH THE RECORD REMAINING OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Sargeant. Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 7-0. Commissioners Clarke, Murphy, and Tanner were absent from the meeting. Commissioners Cortina, Sargeant, and Strandlie were absent from the vote.

(End Verbatim Transcript)

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CLOSING

July 10, 2019

The meeting was adjourned at 10:51 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: December 11, 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 22 day of January 2020, by
Jacob Caporaletti.

Dorothy M. Steele
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

