

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 15, 2020**

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

ABSENT: None

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The meeting was called to order at 7:29 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 four members of the Planning Commission were serving their last night with the Commission. He thanked Commissioners Hart, Hurley, Migliaccio, and Tanner for their contributions and work to the Planning Commission.

Commissioner Hart shared comments about his work during his 16 years on the Planning Commission. He talked about working with both past and present Commissioners and staff. He also expressed gratitude to those individuals and for the work they did for the County.

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Chairman Murphy announced that the Board of Supervisors would appoint new Planning Commissioners at their meeting on Tuesday, January 28, 2020. He also stated that the Commission would conduct a swearing in ceremony for those Commissioners at the Planning Commission meeting on Wednesday, January 29, 2020. In addition, Chairman Murphy indicated that officers would be elected shortly after that date.

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Chairman Murphy reminded Commissioners that financial disclosure forms were due on February 3, 2020.

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On behalf of the Planning Commission, Chairman Murphy expressed condolences to the family of Larry Aaronson, who worked for Channel 16, Department of Cable and Consumer Services. He said that Mr. Anderson passed away on March 1, 2020, after battling cancer.

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RZ/FDP 2019-SU-009/PCA 78-S-063-09/PCA 85-S-061-06/PCA 86-S-039 – ELM STREET COMMUNITIES, INC

(Start Verbatim Transcript)

Commissioner Tanner: So, with that, I'll go ahead and make a few motions. The first one – we were supposed to have a public hearing for the Elm Street Communities case. The applicant has requested a deferral of the public hearing, therefore, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2019-SU-009, PCA 78-S-063-09, PCA 85-S-061-06, AND PCA 86-S-039 TO A DATE CERTAIN OF JANUARY 29TH, 2020.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Second Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on the aforementioned applications, say aye.

Commissioners: Aye.

Chairman Murphy: To a date certain of January 29th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you, Mr. Chairman.

The motion carried by a vote of 12-0

(End Verbatim Transcript)

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SE 2019-SU-019/2232-Y19-8 - MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A
MILESTONE: T-MOBILE

(Decision Only) (Public Hearing held on January 8, 2020)

(Start Verbatim Transcript)

Commissioner Tanner: The next up is Milestone Tower Limited Partnership IV, D/B/A T-Mobile. I request the applicant state on the record their acceptance of the development conditions dated January 15th, 2020.

Tracy Themak, Applicant's Agent, Donohue & Stearns, PLC: Good Evening, Planning Commissioners. Tracy Themak for the applicant, Milestone. We do accept the development conditions, as recommended by staff.

Commissioner Tanner: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE TELECOMMUNICATION FACILITY PROPOSED UNDER 2232-Y19-08 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED, AND THEREFORE, IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion approve 2232-Y19-8, say aye.

Commissioners: Aye.

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

Commissioner Tanner: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2019-SU-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2020.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2019-SU-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE MODIFICATION OF SECTION 13-302 OF THE ZONING ORDINANCE FOR THE

TRANSMIT - TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE EASTERN, NORTHERN, AND WESTERN BOUNDARIES OF THE SUBJECT PROPERTY IN FAVOR OF THE EXISTING CONDITIONS, AS DEPICTED ON THE SPECIAL EXCEPTION PLAT.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Tanner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you Mr. Chairman.

Chairman Murphy: Thank you very much.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT (ARTICLE 14: OUTDOOR LIGHTING AND RELATED PROVISIONS)

(Decision Only) (Public Hearing held on January 8, 2020)

(Start Verbatim Transcript)

Commissioner Cortina: Thank you, Mr. Chairman. First, I'd like to acknowledge and thank the hard work that went into this amendment. This is the Outdoor Lighting Zoning Ordinance Amendment, by Carmen Bishop and Andrew Hushour from DPD. The major change in this ordinance is a new standard for LED lights not to exceed 3,000 lumens. This is supported by a recommendation from the American Medical Association to limit the higher color temperatures that emit blue light at night. Many of the outdoor lighting standards adopted in 2003, such as full cut-off, shielded fixtures, mounted horizontally, direct light down, rather than toward – up toward the sky. This amendment keeps dark sky friendly fixture standards in place, but makes some adjustments for single family dwellings, which comprise the bulk of citizen complaints. To be exempt from shield - shielding and full cut-off fixtures, lights must be 1,500 Lumens or less, down from 2,000 lumens; motion-activated lights are reduced from 6,000 lumens to 4,000 lumens or less; and the requirement to mount lights 5 feet off the ground, which was difficult to enforce and not practical in many situations, is now simply that light be directed onto the property. The shut-off hours for lights on residentially zoned playing fields and sports courts was reduced from 11:00 to 10:00 p.m., in line with the sound ordinance, and swim clubs and Park Authority properties are not impacted by this provision. Other updates include a change to the perimeter areas for lighting around playing fields and ARB review of Sports Illumination Plans

in Historic Overlay Districts, in coordination with the Fairfax County Park Authority, which supports this amendment. Ms. Bishop conducted extensive outreach with citizens and industry stakeholders. Staff have acknowledged that this amendment will require more extensive public outreach than most and are working through a plan. I would like to acknowledge Commissioner Hurley's comments that information be provided to hardware stores, so buyers know which LEDs are legal in Fairfax County. We have two letters, one in full support from the Audubon Society applauding the lower color temperature for LED lights, and one letter in partial support from the Great Falls Citizen Association. No objections were raised by developer stakeholders. What does this amendment not include? The Great Falls Citizens Association, drawing on the most recent EQAC Report, that's the Environmental Quality Advisory Committee, on the Environment, request we go further in limiting the total light emitted from both commercial and residential properties. They also request Dark Sky Preserve overlays, particularly for the Observatory Park at Turner Farm Park in Great Falls, and other natural resource parks. And while I support additional measures for dark skies, I agree with staff's approach to go forward with this amendment now. Setting a standard for LED color temperature is crucial before too many lights are purchased and grandfathered over the life of the LED bulb. However, the legal department confirmed there is enabling legislation that would allow us to protect night skies around astronomical facilities. So, in consultation with P&D staff, the Dranesville District Supervisor's office, and the Fairfax County Park Authority, along with Supervisor Smith, whose committee this ordinance goes through, I will offer a follow-on motion to address a dark sky overlay or other zoning mechanism that would protect the night sky over the Observatory at Turner Farm Park in Great Falls. And as quick background, this was a former Department of Defense Nike missile site that was turned over to Fairfax County in 1990 for use as a park. And through the vision and contributions of Charles Olin and the Analemma Society, part of this park is used to teach science through astronomy. And every clear night on – every clear Friday night, rather, for the past 15 years, the Analemma Society volunteers have setup their telescopes and shared a view into the universe with residents of all ages. And finally, in 2016, a roll-top observatory and educational classroom, with four high quality permanent telescopes, was opened at Observatory Park. It was supported by County taxpayers through park bonds, the Analemma Society, and neighborhood donors, such as Ric and Jeanne Edelman and the family of Tom Lemke, and other county residents. Our region has the largest astronomy club in the United States. The NOVAC, Northern Virginia Astronomy Club, and so support of Observatory Park is by no means limited to, or isolated to Great Falls Residents. I look forward to being able to see a Red Giant or a Carbon Star this January and many Januaries to come. As a follow-up to this ordinance, a dark sky preserve overlay at Observatory Park is strongly advised in the near term, along with more frequent updates to the outdoor lighting ordinance to further reduce light pollution as part of the Green Initiatives. Therefore, without objection, Mr. Chairman, I'm ready to make a motion.

Chairman Murphy: Please.

Commissioner Cortina: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING OUTDOOR LIGHTING, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 19TH, 2019, INCLUDING THE FOLLOWING: ONE, A TURN-OFF TIME OF 10:00 P.M. FOR THE LIGHTING OF SPORTS FIELDS OR COURTS APPROVED WITH A SPORTS ILLUMINATION PLAN ON

PROPERTIES THAT ARE BOTH ZONED TO A RESIDENTIAL DISTRICT AND DEVELOPED WITH A SINGLE FAMILY DWELLING; AND TWO, A MAXIMUM OF 4,000 LUMENS FOR EXEMPT MOTION ACTIVATED LIGHTING ON LOTS DEVELOPED WITH SINGLE FAMILY DWELLINGS.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to – I’m sorry. Mrs. Hurley.

Commissioner Hurley: As has been mentioned, this is my last meeting so I just want to lay a charge on my fellow Commissioners as well as to staff. Commissioner Cortina mentioned that I asked about what are we – how are we actually going to notify the customer in the store that has ten thousand light bulbs in front of them. They just want a new lightbulb for their front porch. I personally went to a purveyor of lightbulbs yesterday, and said, “Okay, now what - what do I need?” “Well do you want LED or do you want incandescent? Is it going to be rained on or is it going to be...” – Now I, I just want a lightbulb. What, what can I buy? And, “Well this is 27-hundred something or another and this is three-thousand something or another.” Well, I want it really bright so I can see. “Well this is five-thousand something or another” At which point, I pulled out my little Planning Commission card and I said, “You know tomorrow night, we’re going to be voting on a recommendation on this, and how will I know, coming in off the street, that that five-thousand, whatever it is, is not legal?” And the store said, “Well, I’ll – I’ll know that, but you know we can’t, we’ve got customers from Alexandria, we’ve got customers from Arlington, and aside from that people but lightbulbs online.” So, this education piece – this is what I’m laying on – laying on the Commission and on the staff. This education piece, if it’s going to work at all, we’ve got to somehow educate the public on what in the world we’re talking about with these colors and watts versus volts versus LED versus etcetera, etcetera, because a whole lot of people will have no idea. If we want it to work we’ve got to get, you know, twelve, 1.2 million people educated on all this. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment, Article 14, Outdoor Lighting and Related Provisions, as articulated by Mrs. Cortina, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, I’m not voting.

Chairman Murphy: And Mr. Sargeant is not voting.

Commissioner Cortina: I FURTHER THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 AM, THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries and Mr. Sargeant is not voting.

Commissioner Cortina: I also have a follow-on motion. Mr. Chairman, recognizing the community interest in preserving dark skies around astronomical facilities, particularly the Observatory Park at Turner Farm, I MOVE, AS A FOLLOW-ON MOTION, THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT REVIEW OF ADDITIONAL ZONING PROVISIONS TO PROTECT DARK SKIES AROUND ASTRONOMICAL FACILITIES BE INCLUDED ON THE ZONING ORDINANCE AMENDMENT WORK PROGRAM, EITHER AS PART OF THE OVERALL GREEN INITIATIVES OR AS A STAND-ALONE AMENDMENT.

Commissioners Migliaccio and Ulfelder: Second.

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

Commissioner Sargeant: Mr. Chairman, I will vote in favor of the motion.

Chairman Murphy: Alright, all those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Sargeant votes on that one.

The first and second motion carried by a vote of 11-0. Commissioner Sargeant recused himself from each vote.

The third motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Secretary Migliaccio established the following order of the agenda:

1. PCA 84-L-020-26/CDPA 84-L-020-07/FDPA 84-L-020-02-15 – KINGSTOWNE M&N LP AND KINGSTOWNE TOWNE CENTER, LP
2. SE 2019-LE-013/ PCA 85-L-006 – APAH OAKWOOD, LLC

The order was accepted without objection.

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PCA 84-L-020-26/CDPA 84-L-020-07/FDPA 84-L-020-02-15 – KINGSTOWNE M&N LP AND KINGSTOWNE TOWNE CENTER, LP –
Appls to amend the proffers, conceptual development plan, and second final development plan for RZ 84-L-020, previously approved for mixed-use development to permit residential/mixed-use development and associated modifications to proffers and site design at a density of 119 dwelling units per acre (du/ac). Located on the S. side of Kingstowne Village Pkwy. approx. 1,650 ft. W. of its intersection with S. Van Dorn St., on approx. 5.46 ac. of land zoned PDC. Comp. Plan Rec: Mixed-Use. Tax Map 91-2 ((1)) 36B and 36G (part).
LEE DISTRICT. PUBLIC HEARING.

Tony Calabrese, DLA Piper LLP, reaffirmed the affidavit dated December 11, 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 PCA 84-L-020-26, CDPA 84-L-020-07, and FDPA 84-L-020-02-15.

Mr. Calabrese gave a presentation on the subject applications.

There was a discussion between Mr. Calabrese; Ms. Posusney; Catherine Lewis, ZED, DPD; and multiple Commissioners on the following issues:

- Clarification on why a traditional barrier was not required along certain sections of road;
- Clarification on whether the water feature required a lifeguard;
- Clarification on stormwater management requirements for the site;
- Clarification on whether the affordable dwelling units were for sale or leased;
- Clarification on parking and costs; and
- Clarification on the marketing efforts, including the personnel of the Fairfax Education Association and expanding to include organizations such as teachers' associations.

The discussion resulted in the following changes to the subject applications:

- Revisions to the marketing efforts to include other organizations that might include prospective customers.

Chairman Murphy called for speakers from the audience, but received no response; therefore, no rebuttal statement was required. 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 Migliaccio for action on this case.

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. I know this is my last night and I think it's been 10 years on the Commission. And I think every question we just had here tonight, we had four years ago. Every comment, every suggestion, the lifeguard. I think you were the one that mentioned the teachers last time...

Commissioner Strandlie: Probably.

Commissioner Migliaccio: And I think you put it in there so...

Commissioner Strandlie: We had more employees then.

Commissioner Migliaccio: No, that might be a new one.

Chairman Murphy: Actually, you're watching a replay of this four year.

Commissioner Migliaccio: Well, I will say my first, very first case, on the Commission ten years ago, was a FDPA in Kingstowne. I haven't – but it was for a patio and a townhouse. And they were very upset coming here. Glad the applicant's not as upset as they are coming here tonight. And this does have an FTP - FDPA and hopefully, I've progressed enough to be able to get this one through. It's a little bit more involved and difficult than the patio. But I appreciate all of the questions from the fellow Commissioners, I think this is ready to move forward to the Board. And I do have a few motions to make, Mr. Chairman. And before I say that and get to the motions, I mean this is simply a reduction in density in the heart of Kingtown – Kingstowne, and it will provide a plaza that everyone is looking for in phase one. It will be the gathering spot, I believe, right outside of the movie theatre once this is built. And hopefully, it can get built quickly. Mr. Chairman, I request that the applicant confirm for the record agreement to the proposed development conditions dated December 31st, 2019.

Tony Calabrese, Applicant's Agent, DLA Piper, LLP (US): Mr. Migliaccio, for the record, Tony Calabrese on behalf of the – of the applicant, and we concur with those development conditions.

Commissioner Migliaccio: Thank you.

Mr. Calabrese: Yes sir.

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF PCA 84-L-020-26 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, CDPA 84-L-020-07, CONSISTENT WITH PROFFERS DATED JANUARY 8TH, 2020.

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 84-L-020-26 and CDPA 84-L-020-07, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 84-L-020-02-15, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 31ST, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. Any discussion of that motion? All those in favor of the motion to approve FDPA 84-L-020-02-15, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you Mr. Chairman.

Chairman Murphy: Thank you very much.

Commissioner Migliaccio: I have a few more.

Chairman Murphy: Oh.

Commissioner Migliaccio: I'm not done. It's Lee District night.

Chairman Murphy: Oh.

Commissioner Migliaccio: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE WAIVERS AND MODIFICATIONS, AS LISTED IN THE HANDOUT DATED JANUARY 15TH, 2020 THAT WAS PROVIDED TO YOU TODAY, AND WHICH SHALL BE MADE A PART OF THE RECORD.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded Mr. Sargeant. Discussion of that motion? Say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And one last one, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF AND RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF A PARKING REDUCTION REQUEST #6105-PKS-012-02, PURSUANT TO PARAGRAPH 5D OF SECTION 11-102 OF THE ZONING ORDINANCE, BASED ON THE PROXIMITY OF A MASS TRANSIT FACILITY, SUBJECT TO THE CONDITIONS DATED OCTOBER 28TH, 2019, WHICH ARE CONTAINED IN APPENDIX 13 OF THE STAFF REPORT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: That is it for this case Mr. Chairman.

Chairman Murphy: Thank you very much.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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SE 2019-LE-013 – APAH OAKWOOD, LLC – Appl. under Sects. 3-604, 9-006, 9-304 and 9-306 of the Zoning Ordinance to permit an independent living facility. Located at 5815, 5839, 5901 and 5907 South Van Dorn St., Alexandria, 22310 on approx. 6.21 ac. of land zoned R-8. Lee District. Tax Map 81-2 ((1)) 17C and 81-4 ((1)) 32, 33 and 34. (Concurrent with PCA 85-L-006). LEE DISTRICT

PCA 85-L-006 – APAH OAKWOOD, LLC – Appl. to amend the proffers for RZ 85-L-006 previously approved for residential development to permit an independent living facility and associated modifications to proffers and site design with an overall density of 24.2 du/ac. Located on the S.W. corner of the intersection of Oakwood Rd. and South Van Dorn St. on approx. 6.21 ac. of land zoned R-8. Comp. Plan Rec: Open Space with an option for up to 150 units and affordable multifamily senior living. Tax Map 81-2 ((1)) 17C and 81-4 ((1)) 32, 33 and 34. (Concurrent with SE 2019-LE-013). LEE DISTRICT

Mark Viani, Applicant's Agent, Bean Kinney & Korman PC, reaffirmed the affidavits for SE 2019-LE-013 and PCA 85-L-006, both of which were dated December 12, 2019.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Mr. Viani's law firm in which there were attorneys representing an adverse party, but indicated that there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Daniel Creed, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications SE 2019-LE-013, and PCA 85-L-006.

Mark Viani gave a presentation on the subject applications.

There was a discussion between Mark Viani; Mr. Creed; and multiple Commissioners on the following issues:

- Clarification on the proximity of the development to Metrorail stations and grocery shopping;
- Clarification on how the applicant was working with the Virginia Department of Transportation to address safe pedestrian crossing provisions on Van Doran Street;
- Concerns about Stormwater Management issues pertaining to the resulting water quality and the usage of nutrient credits;
- Concerns about other developers seeking to build over the stormwater pond; and
- Clarification on whether stormwater infiltration efforts were feasible.

The discussion resulted in no changes.

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

Adam Barmil, 5828 Piedmont Drive, Alexandria, spoke in opposition to the subject applications because it was too dense for the area and would increase traffic.

Chairman Murphy called for speakers from the audience.

Michael Chiappa, Director of Real Estate Development, Arlington Partnership for Affordable Housing, 4318 North Carlin Springs Drive, Arlington, spoke in support of the subject applications as a partner with Apah.

Thomas Boisvert, 5816 Piedmont Drive, Alexandria, spoke in opposition to the subject applications because the project was too intense for the area and could incur a negative impact on the surrounding community.

Gretta Willingham, 5958 Bent Willows Drive, Alexandria, spoke in opposition of the subject applications because the County had committed to building a park and there was limited access to recreation facilities for the community.

There was a discussion between Mark Viani; Catherine Lewis, ZED, DPD; and multiple Commissioners on the following issues:

- Clarification on if there were plans to have a park on the site;
- Clarification on screening for the neighboring homes with trees and fences;
- Clarification on the location of the entrance driveway to the property; and
- Clarification on the origin of the land and stormwater pond.

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

- The applicant completed an extensive outreach to the community;
- The applicant had walked the site with community and the Lee District Land Use Committee; and
- The applicant had met and exceeded the legal standard for notices.

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 Sargeant for action on this case.

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. First, I would like to thank the speakers that came out this evening. Some of you, or at least one or two of you, were her for the Plan Amendment stage when we had the public hearing for this application. I think that some of the issues that you have expressed – I think the applicant has worked above and beyond in reaching out and moving the building closer to Van Dorn Street, lowering the height from four to three and some places two stories. Cutting off the access that was potentially the second access point to the townhomes, which was going to be ingress/egress for emergency, now it's not even that. And based on Mr. Viani, the applicant's attorney, they're having another meeting tomorrow night to determine if there should be a fencing placed on that side. I believe that this, which is the first application for APHA, outside of Arlington County, is exactly what we need in Fairfax County. We are sorely in need of senior housing, especially affordable senior housing, and all types of housing in the county we need, but especially this type of housing. And I would like to thank staff for their hard work on this. Mr. Creed and Ms. Lewis, going through many meetings and the Lee District Land Use questions and everything else. And I've – I'm ready to move on this – this evening. It does have a Board date on January 28th, this originally was going to be heard as a public hearing in December, but we had an affidavit issue, therefore, we're here tonight. If we don't make it out tonight, we don't have a meeting next week, therefore, everything would be pushed where tax credits could be impacted. So, I'd like to get this out this evening, if possible. Therefore, Mr. Chairman, I have a few motions to make on this application, which is just for 150 units of affordable senior housing, accessible only from Oakwood Road. Mr. Chairman I move – I have request that the applicant confirm for the record agreement to the development conditions dated December 31st, 2019.

Mark Viani: On behalf of the applicant, we agree to those conditions. I also want to thank my – express my sincere thanks to Ms. Lewis and the staff. Ms. Lewis, Mr. Creed, and the rest of the staff that worked so hard on this – on the very, very complex and nuanced issues. Thank you.

Commissioner Migliaccio: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2019-LE-013, SUBJECT TO DEVELOPMENT CONDITIONS DATED DECEMBER 31ST, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2019-LE-013, say aye.

Commissioners: Aye.

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

Commissioner Migliaccio: Thank you. Mr. Chairman I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 85-L-006, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS DATED DECEMBER 31ST, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 85-L-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF PARAGRAPH 11 OF SECTION 9-306 OF THE ZONING ORDINANCE TO THE MINIMUM REQUIRED BUILDING SETBACK FROM THE EASTERN PROPERTY LINE FROM 50 FEET TO 39 FEET.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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The meeting was adjourned at 9:41 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 330, Fairfax, VA 22035.

Minutes by: Keisha Strand

Approved on: May 20, 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 15 day of June 2020, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary

Notary Seal



Notary registration number: 7114113

Commission expiration: January 31, 2024