

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 18, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, 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
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Karen A. Keys-Gamarra, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Julie M. Strandlie, Mason District

//

The meeting was called to order at 8:23 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

In accord with the Planning Commission's bylaws, Chairman Murphy recognized Commissioner Migliaccio for the election of officers for 2017, who MOVED TO ACCEPT THE FOLLOWING PLANNING COMMISSION OFFICERS FOR 2017:

Chairman	Peter F. Murphy, Jr., Springfield District
Vice Chairman	Frank A. de la Fe, Hunter Mill District
Secretary	James R. Hart, At-Large
Parliamentarian	Timothy J. Sargeant, At-Large

Commissioners Hedetniemi and Ulfelder seconded the motion, which carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

//

Chairman Murphy announced that the Committee Preference Memorandum for 2017 had been distributed to the Commission prior to the public hearing. He then instructed the Commissioners to complete this document and submit it to John W. Cooper, Clerk to the Planning Commission, by Wednesday, January 25, 2017. In addition, he noted the importance of ensuring that each Committee was sufficiently staffed to ensure a quorum. Chairman Murphy also pointed out that two Committees, the Policy and Procedures Committee and the Personnel and Budget

Committee, were required to maintain a minimum of four Commissioners and these Committees could not appoint officers in the capacity of the Chair.

//

On behalf of the Planning Commission, Chairman Murphy expressed condolences to the family of Commissioner Strandlie, whose mother-in-law had passed away.

//

Commissioner Sargeant announced that the Planning Commission's Schools Committee had met earlier this evening to discuss with staff a work plan that was to be presented to the Board of Supervisors by Tuesday, January 31, 2017. He then stated that the Schools Committee would meet again to continue discussion on this issue on Wednesday, January 25, 2017 at 6:30 p.m. in the Board Conference Room of the Fairfax County Government Center.

//

Chairman Murphy announced that two of the Planning Commission's Committees, the Housing Committee and the Personnel and Budget Committee, had not met in 2016. He then requested that John W. Cooper, Clerk to the Planning Commission, schedule a meeting for the Personnel and Budget Committee.

//

Chairman Murphy announced that the Planning Commission would conduct a seminar to discuss various planning issues for 2017 in the Board Conference Room of the Fairfax County Government Center on Saturday, January 28, 2017 from 9:30 a.m. to 3:00 p.m.

//

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 97-P-027, KBSII WILLOW OAKS, LLC, TO A DATE CERTAIN OF WEDNESDAY, MARCH 8, 2017.

Commissioner de la Fe seconded the motion, which carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

//

Commissioner Flanagan stated that he had announced his intent to defer the public hearing for RZ/FDP 2016-MV-014/PCA 78-V-125, CHPPENN I, LLC, at the Planning Commission's meeting on Wednesday, January 11, 2017. However, he indicated that no motion was necessary because the initial public notice had not been published a second time; therefore, these applications had been re-advertised with a revised public hearing date of Wednesday,

February 1, 2017. Commissioner Flanagan added that the Board of Supervisors' public hearing for RZ/FDP 2016-MV-014/PCA 78-V-125, CHPPENN I, LLC, which was scheduled for Tuesday, February 14, 2017, would remain unchanged.

//

2232-V16-2 – FAIRFAX COUNTY PARK AUTHORITY, 10418 Old Colchester Road, Lorton

(Start Verbatim Transcript)

Commissioner Flanagan: I have a "feature shown" on the agenda for this evening. It's for the Fairfax County Park Authority on Old Colchester Road in Lorton. I – it's – it's regarding the revision of a master plan for the Mason Neck West Park, located at 10418 Old Colchester Road in Lorton. Staff is recommending that application, 2232-V16-2, is consistent with the Comprehensive Plan revisions and should be considered a "feature shown," pursuant to Section 15.2-2232 of the *Code of Virginia*. The master plan for Mason Neck West Park serves as a conceptual guide for the future development of that park. The revised master plan was approved by the Fairfax County Park Authority Board on May 27, 2015 after a series of public meetings that included input from the surrounding community. The revised master plan proposes to – the continued use of the existing park facilities and the addition of shade, picnic pavilions, athletic field lighting, playgrounds, trails, additional parking, and an area for community-supported activities, as well as guidance for environmental and heritage resources. I concur with the staff's conclusion. I, therefore, MOVE THAT THE PLANNING COMMISSION FIND APPLICATION 2232-V16-2 MEETS THE CRITERIA OF – as A "FEATURE SHOWN" AND SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN AS TO LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in 2232-V16-2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

//

CODE AMENDMENT – CHAPTER 122 TREE CONSERVATION ORDINANCE
AMENDMENT (SIGNS) (Countywide) (Decision Only)
(The public hearing on this item was held on January 11, 2017)

(Start Verbatim Transcript)

//

Commissioner Sargeant: Thank you, Mr. Chairman. I have one motion on a – actually, two motions tonight regarding a decision only for a Code Amendment regarding Chapter 122 of the Tree Conservation Ordinance Amendment regarding signs Countywide. First of all, let me begin by thanking Jerry Stonefield with Land Development Services, as well as Jan Leavitt and Bill Hicks, for their thorough and diligent work regarding this particular amendment. Please be assured that my fellow Planning Commissioners and I appreciate all the professional experience and consideration that you provided for this proposed Code Amendment. However, as we heard during the January 11th public hearing from Planning Commissioners, the text and guidance from the General Assembly has left Planning Commissioners wanting and the County with incomplete instructions about implementing this particular amendment. There were multiple concerns about the proposed amendment expressed during the January 11th hearing, such as there is no clear guidance regarding the posting of signs to announce grading plan reviews, no clear consequence if the sign is not posted. At this time, there is no certainty that the amendment will truly help citizens become more aware of a proposed grading plan that is under review. And, as expressed by more than one Planning Commissioner, there is concern that it may even become more frustrating for citizens when they realize where the process is and what input they do and do not have for this process. Therefore, Mr. Chairman, my first motion on this matter, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS NOT ADOPT THE PROPOSED AMENDMENT TO CHAPTER 122 OF THE TREE CONSERVATION ORDINANCE OF THE CODE OF THE COUNTY OF FAIRFAX, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 7TH, 2016.

Commissioner Flanagan: Second.

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

Commissioner Ulfelder: Thank you, Mr. Chairman. Unfortunately, I was not here for the public hearing and was not able to pose questions to the staff about this, but this is actually a simple amendment designed to address a serious problem. And it is – involves infill, which – as was pointed out that hearing – I did have an opportunity to review the hearing – 50 percent of which fall within the Dranesville District. And I understand the concern that people will be flooded with calls when they find out that their call to the plan reviewer results in nothing, if that's the case, which isn't going to – wouldn't always be the case. But right now, they get flooded with calls from people who live in older existing neighborhoods when somebody buys the property or when the existing homeowner decides it's time to build a great big new house and to rip out a bunch of older mature trees in connection with that development. Now that alone is not a reason to deny the plan that's been submitted. But the fact is that in Dranesville we have found out after the fact that there have been plans that were submitted that were inaccurate as to the number, location, and importance of trees on certain lots. And we have found out that the review was not as complete as it should have been. But once the plan is approved and a bulldozer – the chainsaws arrive, they come first – it's too late. And so, I think, this was – is an important step to try to give neighbors – immediate neighbors, as well as neighborhoods the opportunity to find out when a plan has been submitted. Even though the time for review is short, but the

opportunity to have a number to call to talk to the person who is reviewing the plan, and to have the opportunity to go in and see the plan and to say, "Heck, half the trees on that property aren't on this plan," or whatever the inaccuracy is or the mistake that exists within the plan. And I understand that there are others that would just call up and say, "I don't want the trees taken out." But the fact is we have a lot of people who have gotten more sophisticated about the Tree Ordinance and about the issue of tree coverage and the need for people to meet the requirements of the ordinance and to be able to review these kinds of plans in a sophisticated way and to, perhaps, make a difference. And, therefore, I will vote against this motion.

Chairman Murphy: Further discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I'm going to support the motion and I – I wanted to make a couple observations, which I think may help the Board understand where the Commission maybe is coming down on this. I generally would support notices to the community regarding development and making a transparent and accessible process. I think that what's – the disconnect here is partly between citizen frustration about by-right development in general, on the one hand, and the difficulty of reacting to what – what may be a poorly-written State Code provision, which doesn't really address that problem. We had no speakers in support of the proposal. We had no letters or anything in support of it. I think that many of the points that Commissioner Sargeant made about potential for increased frustration and provoking that frustration with the Board members are valid. I think we can do a better job and I think Commissioner Sargeant's going to have a follow-on motion. We can do a better job on the subject of by-right development and how to deal with community frustration about that. And some of the suggestions that were made at the public hearing or afterwards had to do with things like – options like "Could we send out letters? Could we send out postcards? Could we have some kind of electronic opt-in notification system, much as we've got with traffic tie-ups or bad weather or that sort of thing?" There may be other things that we can do also that cover a broader spectrum of by-right development activity than just this type of infill lot grading plan for one house. I think if we take a more holistic look at it, and I agree what I think the follow-on motion is going to be, that we can come up with a better suggestion for the Board. Maybe there's legislative implications for that as well. But we can do better than this. I think in a budget year like this, which is going to be very tight, it's very difficult, also, for us to recommend as a policy decision that, even though we're forbidden from making the applicants pay for these signs and the associated staffing, and the associated vehicle, and all that that entails, we're going to ask the rest of the County to pay for that ahead of schools and firefighters and everything else. I don't think the Board necessarily wants to go there this year and I think if we come back with a more coherent approach to by-right development and citizen interaction we'd come up with something that we can all support. And so I'm going to support this particular motion. Thank you.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. I seconded the motion because I intend to support the motion as well. Actually, this is – I agree with Commissioner Ulfelder. This is peculiar to Dranesville and I think that the Zoning Ordinance, as it pertains to all of Fairfax County, that the cost of this probably wouldn't be sufficient, you know, to provide what can be provided by each district office when there are questions of this sort. I think there's a simpler process of – I think it's a valid problem, but I think there are probably simpler and less costly ways of addressing that particular problem. I know that in my neighborhood – well everyone – all my neighbors who watch the vacant lots like hawks and they – the first opportunity that anybody proposes anything on those vacant lots, the supervisor's office gets a call immediately, as do I, so I think we've got, probably, a better answer for this question.

Chairman Murphy: Further discussion of the motion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I just wanted to indicate that I will be supporting the motion. I support the principle, the purpose. I just don't support the mechanism that was defined by the legislation and I am eager to find other solutions that might achieve the intended result.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I think the cost issue is a little overblown. I think we – it – there is a cost associated with hiring a firm to go out and put out the signs. I think the staff is asking for at least one FTE – one full-time employee to, sort of, "make up for something." The reality is the people that are reviewing these plans, if somebody did get wind of it on their own and calls them, they're going to have to take the time – and they should take the time – to talk to them, to invite them in, and to review the plan with them. It's part of their job and, therefore, I don't really think – to me, the cost is not that – is not as significant as was originally painted and I think it's not a real factor in this case.

Chairman Murphy: Further discussion? Mr. Migliaccio.

Commissioner Migliaccio: Just – just on that one point. I will be supporting Mr. Sargeant's motion. The cost is not a factor in my decision-making. I think it is a poor amendment and was crafted off of poor legislation and this – that's where we are today so I'll be supporting Mr. Sargeant.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny Code Amendment Chapter 122, Tree Conservation Ordinance Amendment, Signs, Countywide, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: Nay.

Chairman Murphy: Votes nay. Thank you very much. Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Mr. Chairman, there is one thing that I think we are all in agreement with and that is the need for improving communication with our fellow citizens regarding land use issues and, in this case, infill lot grading. So with that, while we may not be in agreement with the previous Code Amendment, we do share the goal of improved and increased communication and timely communication, including the issue at hand regarding grading plan review. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE BOARD DIRECT STAFF TO CONSIDER ALTERNATIVE MEANS TO NOTIFY THE PUBLIC THAT AN INFILL LOT GRADING PLAN HAS BEEN SUBMITTED FOR REVIEW. THE ALTERNATIVE MEANS CAN INCLUDE BOTH TECHNOLOGY-BASED SOLUTIONS AND TRADITIONAL MAILINGS TO THE SURROUNDING PROPERTY OWNERS, WITH THE GOAL OF PREVENTING UNNECESSARY EXPENSES AND A FALSE SET OF EXPECTATIONS RELATING TO PUBLIC INPUT IN THE PROCESS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? Voice of one crying in the desert. Mr. Ulfelder.

Commissioner Ulfelder: Did you recognize me, Mr. Chairman?

Chairman Murphy: Yes, I did. I always do.

Commissioner Ulfelder: I'm fine with that, except for a couple of things you threw in at the end of the – that you throw in at the end of that motion without expectations because it assumes something about the main issue. And, therefore, I – I – while I agree that, in light of the passage of the – the first motion – that it makes sense – the second motion makes sense – I'm going to abstain on the follow-on motion.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder abstains.

Commissioner Sargeant: Thank you, Mr. Chairman.

The first motion carried by a vote of 10-1. Commissioner Ulfelder voted in opposition. Commissioner Strandlie was absent from the meeting.

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

(End Verbatim Transcript)

//

SE 2016-DR-011 – H&M OF VIRGINIA, LLC (Decision Only)
(The public hearing on this application was held on November 30, 2016)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. SE 2016-DR-11 – 011, is a Special Exception request for a lot width waiver, pursuant to Section 9-610 of the Zoning Ordinance. The 1.266-acre property, which is in the R-2 zoning district, is located on Idylwood Road in Falls Church. The applicant requests a waiver of the minimum 100-foot lot width in order to subdivide the rectangular property into two single-family lots to be served by a single driveway off of Idylwood Road. We held the public hearing on this application on November 30th. One of the immediate neighbors, as well as a representative of the Lemon Road Civic Association, spoke in favor of the proposed Special Exception. The McLean Citizens Association asked for additional time to consider the application and offer its views. The Planning Commission has since received a copy of a resolution approved by the McLean Citizens Association going on record opposing the application. The vote in that case by the way, I think, was 21 to 10, so there was some substantial opposition. The association stated that, as a matter of policy, it opposes lot width waiver requests due to their tendency to increase density and incompatibility with the surrounding neighborhood. While I agree with the association's general opposition to and concern about lot width waivers, I think approval is warranted in this case. First, the proposed development conditions, now dated January 18th, 2017, and special exception plat reflect revisions and changes that have been made since the public hearing in response to questions and concerns raised by the Commissioners and others. I believe they have helped improve the application. I also believe that the application meets the requirements of Section 9-610 of the Zoning Ordinance for the following reasons. The applicant has agreed to extra tree preservation measures, as well as the planting of additional trees and landscaping to protect the neighboring properties most directly affected by the two new homes. The applicant has agreed to further limit the building envelope for an area on each lot for the future construction of decks, patios, and similar features. The applicant has begun steps working with the neighbors to vacate the remaining portion of an old, unused outlet road on the property's boundary and committed to remove the gravel, then grade and seed the area, including the portions of the easement located on the neighboring properties. If, for any reason, the outlet road is not vacated, it will not be used for vehicular access. Essentially, the current eyesore and nuisance will be removed. The applicant has agreed that the two new homes to be constructed on the property will be generally compatible with the surrounding community as to their architecture and building materials. The applicant has agreed, and obtained the approval of both VDOT and the Fairfax County DOT for improvements along the frontage of the property that are compatible with the existing situation along that section of Idylwood Road and that maintain features particularly valued by the Lemon Road Civic Association. And the applicant has agreed to meet water quality and quantity requirements without purchasing offsite nutrient credits. Finally, I believe that, as proposed and subject to the proposed development conditions, the two lot subdivision with a shared driveway for both lots is compatible with the surrounding neighborhood and represents the best and most reasonable plan for appropriate development of this lot and is consistent with the developments

surrounding it. I do need to address one other issue that arose in a letter to the Planning Commission dated January 17th, 2017 concerning the County's authority to grant lot width waivers, pursuant to Section 9-610 of the Zoning Ordinance. All the members of the Planning Commission received copies of Ms. Strobel's earlier memo to the McLean Citizens Association Planning and Zoning Committee addressing this issue, and which should be part of the record of this proceeding. After further review and consideration of the arguments, I believe there are sound legal grounds for approving this application, pursuant to Section 9-610 of the Fairfax County Zoning Ordinance. Before I ask the applicant's representative to come up and make a motion, I have one further amendment to the development conditions that you received – I think you received redlined copies dated January 18th. And it's a change in Paragraph 7 in the last line, which currently reads, "attached to" – what is it – "shall also be attached to include the deed of conveyance." So in it – actually, this way, it's going to read – the last line is going to read, "attached to any deed of conveyance." In other words, this amendment would mean that any future conveyance is beyond the initial conveyances of the new homes would also have it attached so that the new – the second and third homeowner would be aware of the – of the conditions. So with that one amendment, I would ask the applicant's representative to come down. Ms. Strobel, good evening.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening.

Commissioner Ulfelder: Speaking on behalf of the applicant, does the applicant accept the development conditions – proposed development conditions now dated January 18th, 2017, with that one additional amendment to Paragraph 7?

Ms. Strobel: Yes.

Commissioner Ulfelder: Okay. Thank you.

Ms. Strobel: Thank you.

Commissioner Ulfelder: With that, Mr. Chairman, a simple motion – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-DR-011, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS, WITH THE ONE AMENDMENT TO CONDITION NUMBER 7, DATED JANUARY 18TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2016-DR-011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: I abstain. I was absent.

Chairman Murphy: Okay, Ms. Keys-Gamarra abstains. Not present for the public hearing.

Commissioner Ulfelder: I would like to thank staff for the – Casey particularly, for their great work – and for Lynne. Working with Lynne – I know Lynne worked very hard with the community and with the Lemon Road Civic Association and others to come up with a plan that was – would pass mustard and I very much appreciate all that effort. Thank you.

Ms. Strobel: Thank you.

Chairman Murphy: Yes. And there's another abstention on that. Mr. Niedzielski, you abstain. You weren't here.

Commissioner Ulfelder: He wasn't here.

Chairman Murphy: Okay. It was in November.

Commissioner de la Fe: Yeah. And Mr. Sargeant had recused himself, so that's why he left.

Chairman Murphy: And, for the record, Mr. Sargeant had recused himself from that public hearing.

The motion carried by a vote of 8-0-2. Commissioners Keys-Gamarra and Niedzielski-Eichner abstained from the vote. Commissioner Sargeant recused himself from the vote. Commissioner Strandlie was were absent from the meeting.

(End Verbatim Transcript)

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SEA 95-H-013 – MACS RETAIL, LLC
2. FDPA 91-Y-010-04/FDPA 81-S-058-03-01 – SUPER GASOLINE INC. T/A CENTRE RIDGE EXXON
3. PCA 2008-SP-012 – CHURCH OF THE APOSTLES (ANGLICAN) (Braddock District)
4. RZ/FDP 2011-HM-012 – CARS-DB1, LLC

This order was accepted without objection.

//

SEA 95-H-013 – MACS RETAIL, LLC – Appl. under Sects. 4-604 and 9-610 of the Zoning Ordinance to amend SE 95-H-013 previously approved for a Service Station, Quick Service Food

Store and a waiver of the minimum lot width requirement to permit modification of development conditions. Located 2601 Quincy Adams Rd., Herndon, 20171 on approx. 40,163 sq. ft. of land zoned C-6. Tax Map 25-4 ((01)) 0002-C. HUNTER MILL DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated October 14, 2016.

There were no disclosures by Commission members.

Commissioner de la Fe asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, we will close the public hearing. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. I thank staff for all the work that they have done on this. And if the applicant could – do you agree with the development conditions dated January 4th, 2017?

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: Yes, we do.

Commissioner de la Fe: Thank you very much. Mr. Chairman, this is a – an application similar to a number that we have had in the last few months in which it's to allow a – the stores at a service station to, essentially, serve – or sell alcoholic beverages. At the time that these were originally granted, in this case, I think, it was 95 – it was standard to request that such – that such sales not occur in these kinds of gasoline stations and – but that has changed and since then we have been approving them. And, therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 95-H-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 4TH, 2017.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and 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 SEA 95-H-013, say aye.

Commissioner: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I ALSO REQUEST AND MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT:

- THE BOARD OF SUPERVISORS REAFFIRM THE PREVIOUSLY-APPROVED MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR A TRANSITIONAL SCREEN, AS SHOWN ON THE SE PLAT;
- A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT; AND
- A WAIVER OF THE MINIMUM LOT WIDTH REQUIREMENT OF SECTION 9-601 OF THE ZONING ORDINANCE.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Discussion? All those in favor of the motion, as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much.

Mr. Prakash: Thank you.

Chairman Murphy: Thank you.

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

(End Verbatim Transcript)

//

FDPA 91-Y-010-04/FDPA 81-S-058-03-01 – SUPER GASOLINE INC. T/A CENTRE RIDGE EXXON – Appls. to amend the final development plans for RZ 81-S-058 and RZ 91-Y-010 to permit minor modifications to development conditions associated with the service station. Located 6330 Multiplex Dr., Centreville, 20121 on approx. 1.66 ac. of land zoned PDC and WS. Tax Map 65-1 ((10)) 10A. SULLY DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated October 11, 2016.

There were no disclosures by Commission members.

Commissioner Keys-Gamarra asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Without objection, public hearing is closed. Recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Thank you, Mr. Chair. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 81-S-058-03-01 AND FDPA 91-Y-010-04, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 3RD, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Before we vote, can we have the applicant reaffirm that...

Commissioner Keys-Gamarra: Oh, I'm sorry.

Commissioner Hart: ...their agreement to the development conditions.

Chairman Murphy: Good. Forgot that.

Commissioner Keys-Gamarra: Thank you for that kind reminder.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: Yes, we have read the conditions and we affirm our acceptance.

Commissioner Keys-Gamarra: Thank you.

Chairman Murphy: Thank you very much. All those in favor of the motions to approve FDPA 91-Y-010-04 and FDPA 81-S-058-03-01, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Mr. Prakash: Thank you very much.

Chairman Murphy: Thank you very much.

Mr. Prakash: Good evening.

Commissioner Keys-Gamarra: Mr. Chairman, I do have a follow-on motion.

Chairman Murphy: Okay. Go ahead.

Commissioner Keys-Gamarra: I WOULD LIKE TO ALSO MAKE THE FOLLOWING MOTION: TO ASK THE STAFF TO HELP US POSSIBLY STREAMLINE THESE KINDS OF FDPA APPLICATIONS WHERE WE HAVE JUST ONE ISSUE, SIMILAR TO THE CASE WE JUST REVIEWED.

Chairman Murphy: Okay.

Commissioner Ulfelder: Second.

Chairman Murphy: Was there a second and – that a motion? Okay. Seconded by Mr. Ulfelder. Discussion? All those in favor of the motion, as articulated by Ms. Keys-Gamarra, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: Thank you.

Chairman Murphy: Thank you.

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

(End Verbatim Transcript)

//

PCA 2008-SP-012 – CHURCH OF THE APOSTLES
(ANGLICAN) – Appl. under Sect. 9-610 of the Zoning Ordinance
to permit a reduction in the lot width requirement from 100 ft. to
40 ft. Located at 7072 Idylwood Rd., Falls Church, 22043, on
approx. 1.27 ac. of land zoned R-2. Tax Map 40-1 ((1)) 12.
BRADDOCK DISTRICT. PUBLIC HEARING.

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated December 21, 2016.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Ms. Stagg's firm were representing adverse parties. However, he noted that this matter and those parties were not related to these cases and there was no business or financial relationship; therefore, it would not affect his ability to participate in this public hearing. Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of PCA 2008-SP-012.

Commissioner Hurley compared the design of the previously-approved office development for the site and the design of the proposed church, pointing out that the building footprint and parking provisions for these developments were similar. She then asked staff to explain why approval of the subject application was necessary to implement the proposed development. Mr. Gorney said that due to the differences in the building heights of the two proposed developments, approval of the proffered condition amendment was necessary to permit the design of the proposed church.

Commissioner Hurley noted the proximity of the site to a private cemetery, which was located to the south and east of the site. She then asked for additional information regarding the recourse for the applicant in the event that human remains were uncovered on the site during construction of the proposed church. Mr. Gorney stated that construction activity would cease on the site until these remains were properly disinterred and relocated.

Referring to Proffer Number VIII, Archeological, which required that the applicant permit the County Archeologist to conduct a Phase I Cultural Resources Investigation evaluation of the site over a three-month period, Commissioner Migliaccio asked whether this timeframe was sufficient to conduct such an evaluation. Mr. Gorney indicated that three-month timeframe provided sufficient time for a Phase I Cultural Resources Investigation evaluation, adding that the discovery of artifacts would incur more intensive phases of evaluation. He then said that the County Archeologist would determine whether conducting additional phases of evaluation was warranted.

In response to questions from Commissioner Hart, Mr. Gorney explained the following:

- The cemetery located adjacent to the subject property was privately owned;
- The cemetery could be accessed through an access drive located on McKenzie Drive;
- The proposal included an optional pedestrian connection that would facilitate pedestrian traffic between the proposed church and the neighboring cemetery site;
- The neighboring cemetery had existing parking provisions to accommodate visitors; and
- The approval of the subject application would not impact the ability for visitors to access the neighboring cemetery site.

Commissioner Hart stated that there had been issues associated with the previously-approved office development for the site regarding the designation of the lower levels as either a cellar or a basement, noting that it was eventually determined that this area was designated as a cellar. He added that this determination was made based on the floor-area ratio (FAR) of the development. Commissioner Hart then asked how the proposed development would address this issue. Mr. Gorney indicated that the lower level of the proposed church would be consistent with the criteria for a cellar, adding that the church would utilize fewer levels, floor space, and right-of-way dedication compared to the previously-approved office development.

Ms. Stagg addressed Commissioner Hart's concern regarding the designation of the lower level of the proposed church, stating that this lower level was designated as a cellar and had been factored into the square footage of the facility, which amounted to approximately 18,500 square feet with a FAR of 0.24. She then gave a presentation wherein she explained the following:

- The purpose of the application was to modify the proffers of the previously-approved rezoning for the site to permit the architecture for a church on the site;
- The applicant had included additional commitments in conjunction with subject application;
- The layout of the proposed development was similar to the previously-approved office development for the site, but the height of the proposed church was significantly lower, having been reduced from 40 feet to 32 feet;
- The proposed church for the site would utilize fewer floors compared to the previously-approved office development, which reduced the overall intensity and made it more compatible with the surrounding area;
- The proposed development included additional planting of trees and shrubs along McKenzie Avenue, installation of bio-retention filters, improvements to existing trails, and installation of pervious surfaces near the cemetery;
- The proposal included an optional pedestrian connection with the neighboring cemetery site, which had been suggested by the property owner as part of efforts to coordinate with the applicant on maintaining this cemetery;
- The proposed development would potentially include on-site detention of stormwater runoff to ensure compliance with the County's stormwater management provisions, which had been modified since the initial submission of the subject application;
- The applicant had coordinated with the Department of Public Works and Environmental Services on the issue of stormwater management at the site;
- The applicant had modified the areas that would be utilized for construction parking to address concerns from residents of the surrounding community regarding the noise impact of construction activity on the site;

- The proposed development would not utilize noise amplifying devices on the site to address the concerns of neighboring residents regarding the noise impact of the development;
- The applicant had coordinated with the County Archeologist in conducting a Phase I Cultural Resources Investigation for the subject property, but the cost of subsequent evaluations would be prohibitive;
- The three-month timeframe for conducting a Phase I Cultural Resources Investigation for the site was sufficient and the County Archeologist would be notified to initiate this evaluation upon approval of the subject application;
- The County Archeologist would have continued access to the subject property until construction on the subject property began; and
- The subject property had the unanimous support of the Braddock District Land Use Committee.

Commissioner Migliaccio asked for additional information regarding the cost of conducting a Phase I Cultural Resources Investigation on the site and the cost of subsequent evaluations. Ms. Stagg said that a Phase I Cultural Resources Investigation for a site that was the size of the subject property would cost approximately \$6,000 to \$8,000. She then stated that a Phase II Cultural Resources Investigation would cost an additional \$30,000 to \$40,000 and a Phase III Cultural Resources Investigation would cost an additional \$75,000 to \$100,000. Ms. Stagg reiterated that such costs were prohibitive to the applicant's ability to develop the site.

There being no listed speakers, Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Vijay Kumar, 4504 Arniel Place, Fairfax, spoke in opposition to the subject application because of concerns regarding the traffic impact of the proposed development on the neighboring residential community. He described the existing traffic conditions on the service road that would be utilized to access the site, noting the significant congestion due to the timing of the traffic signal at the intersection of the service road and Lee Highway. Mr. Kumar then expressed concern that the traffic generated by the proposed church would intensify this congestion. He requested that the decision for the subject application be deferred until a traffic flow study was conducted at this intersection to evaluate this impact on the neighboring residential community and determine appropriate mitigation measures.

A discussion ensued between Commissioner Hart and Mr. Kumar regarding the impact of the proposed church development on the site compared to the previously-approved office development and the extent of this impact wherein Mr. Kumar acknowledged that the traffic impact of a church was not as significant as the impact generated by an office development, but expressed concern that the surrounding roads would be subject to significant traffic on Sundays during church activities.

Referring to Proffer IV, Transportation/Trails, Section 2, Lee Highway (Route 29) Improvements, Commissioner Keys-Gamarra asked for additional information on how the commitments articulated in this proffer would address Mr. Kumar's concerns. Mr. Gorney explained that under this proffer, the applicant would complete the service drive located along the frontage of the proposed church development, which was located within right-of-way that had been dedicated to the Virginia Department of Transportation (VDOT). He then indicated that the completed service drive would permit vehicles to travel to the east and west of the site, which would improve traffic flow. Mr. Gorney added that the service drive would connect with two intersections that exited onto Lee Highway and that there would be no parking permitted on this drive. In addition, he said that a pedestrian trail and bicycle trail would be constructed within this right-of-way. A discussion ensued between Commissioner Keys-Gamarra and Mr. Gorney regarding the existing condition of the service drive wherein Mr. Gorney said that the service drive had not been completed and only permitted traffic flow in one direction.

Diane Paraskevopoulos, 11704 Fairfax Estates Drive, Fairfax, voiced opposition to the subject property due to concerns regarding the adequacy of the screening between the subject property and neighboring residential development. She said that she resided on a lot located near the subject property and pointed out that the screening for the proposed development had been reduced compared to the previously-approved office development. Ms. Paraskevopoulos requested that the applicant commit to additional screening along the southern border of the site that abuts her property. She also described the topography of the subject property and expressed concern regarding the visual impact the proposed development would incur on her property.

Mary Scott, 274 Anderson Lane, Fredericksburg, spoke in opposition to the subject property because of concern regarding the impact of the optional pedestrian trail that would connect the proposed development with the existing cemetery to the south and east. She said that her family owned the cemetery and indicated that the applicant had not coordinated with her on a potential pedestrian connection to the cemetery. Ms. Scott then expressed concern that such a connection would incur additional vandalism at the cemetery and hinder vehicular access to this cemetery.

A discussion ensued between Chairman Murphy and Ms. Scott regarding the ownership of the cemetery wherein Ms. Scott reiterated that her family owned this cemetery.

When Commissioner Hurley asked Ms. Scott to clarify her concerns regarding the potential pedestrian connection between the proposed development and the neighboring cemetery, Ms. Scott explained that she opposed this connection because it would generate vandalism at this cemetery. A discussion ensued between Commissioner Hurley and Ms. Scott regarding the extent to which the applicant had coordinated with the owners of the cemetery on this connection.

Walter Williams, 4490 Arniel Place, Fairfax, spoke in opposition to the proposal. He stated that he supported a church development over the previously-approved office development, but aligned himself with the concerns of Mr. Kumar regarding the traffic impact of the development. He also indicated that he supported conducting a traffic flow study on the service road to evaluate the impact the development would incur on this road and subsequently determine appropriate mitigation measures to facilitate traffic flow onto Lee Highway.

A discussion ensued between Chairman Murphy and Mr. William regarding the location of the service road that accessed the site, the existing roads that connected with this service drive, the presence of traffic signals along this service drive, the existing traffic patterns on this service drive, and the extent to which a church development would impact these patterns wherein Mr. Williams said he favored modifications to the existing traffic signals located at the intersections connecting to this service drive to ensure sufficient traffic flow.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Stagg, who explained the following:

- The existing service drive had been affected by recent construction activity along Lee Highway and some of the concerns raised by speakers regarding the traffic congestion on this service drive were beyond the scope of the proposal;
- The applicant's transportation management provisions included commitments that would address the speaker's concerns regarding the traffic signals at the intersections that connected with the service drive, but some of these measures were subject to approval by the Virginia Department of Transportation (VDOT);
- The completion of the service drive, which would be implemented in conjunction with the proposed development, would improve traffic flow along this drive;
- The applicant's screening provisions were consistent with those included in the previously-approved office development, but there were opportunities for additional plantings to supplement this screening;
- The applicant would coordinate with neighboring property owners to ensure that the screening along the borders of the property was sufficient; and
- The impact of the proposed church was determined to be less significant than that of the previously-approved office development.

When Commissioner Hurley asked for additional information regarding the applicant's intentions for a possible pedestrian access between the proposed church and the existing cemetery,

Ms. Stagg reiterated that this access was optional, adding that such a feature would not be implemented if it were not legally permitted. A discussion ensued between Commissioner Hurley and Ms. Stagg regarding the applicant's coordination with the existing owners of the cemetery on a potential pedestrian access between these sites wherein Ms. Stagg indicated that such coordination would continue throughout the development process.

In reply to questions from Commissioner Flanagan, Ms. Stagg confirmed that the existing service drive permitted the vehicles to exit onto Lee Highway in one direction and the construction of the proposed church would extend the service drive to permit existing in two directions. A discussion ensued between Commissioner Flanagan and Mr. Gorney regarding the

length of the extended service drive, the potential for traffic congestion along the service drive during peak traffic periods, the traffic impact the proposal would be incurred on other existing roads, and the location of traffic signals between the service drive and Lee Highway wherein Mr. Gorney stated that the Fairfax County Department of Transportation had not expressed concerns about the traffic impact that would be generated by the proposed church.

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 Hurley for action on this case.

(Start Verbatim Transcript)

//

Chairman Murphy: Public hearing is closed. Ms. Hurley.

Commissioner Hurley: Because of some issues raised tonight, I will move to defer this case, but before I do so, I'd like to mention again that the Land Use Committee for Braddock District did unanimously endorse this project. I would like to thank Ms. Inda Stagg and, as well as, staff member, Joe Gorney, and the church members – if you could wave your hands or stand up – who have been working on this project for at least a year on trying to find a good use for this piece of land, which is right on Lee Highway very close to where we sit right now. It was planned for an office. It was proposed to be an assisted living facility, which would bring in more traffic, all those sort of concerns. And a church right next to a cemetery across – it does seem to be a good use, but we do have to work out some things – perhaps we can work out with the heirs of the cemetery and resolve these other little details. Staff, would two weeks be sufficient? And is 1, February a good time?

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning: That would certainly work for staff.

Commissioner Hurley: All right. Then, I, THEREFORE, MOVE THAT THE PLANNING COMMISSION DEFER FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR PCA 2008-SP-012 FOR A DATE CERTAIN OF 1 FEBRUARY, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PCA 2008-SP-012 to a date certain of February 1, with the record remaining open for comments, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

//

RZ 2011-HM-012 – CARS-DB1, LLC – Appl. to rezone from C-7, HC and SC to PTC, HC and SC to permit mixed use development with an overall Floor Area Ratio (FAR) of 7.25 and approval of a conceptual development plan. Located N.W. quadrant of the intersection of Spring Hill Rd. and Leesburg Pike on approx. 7.63 ac. of land. Comp. Plan Rec: Transit Station Mixed Use, Residential Mixed Use and Park/Open Space. Tax Map 29-3 ((01)) 2C1, 2C2 and 2D. (Concurrent with FDP 2011-HM-012.) HUNTER MILL DISTRICT.

FDP 2011-HM-012 – CARS-DB1, LLC – Appl. to approve the final development plan for RZ 2011-HM-012 to permit an athletic field. Located W. side of Spring Hill Rd. approx. 1,000 ft. S. of its intersection with Leesburg Pike on approx. 2 ac. of land zoned PTC. Tax Map 29-3 ((01)) 2D. (Concurrent with RZ 2011-HM-012.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated December 29, 2016.

Commissioner Sargeant disclosed that he was an employee of Virginia Dominion Power and due to a reference to a contractual arrangement involving electrical infrastructure in these applications, he would recuse himself from this joint public hearing.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Ms. Baker's firm were representing adverse parties. However, he noted that this matter and those parties were not related to these cases and there was no business or financial relationship; therefore, it would not affect his ability to participate in this joint public hearing.

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2011-HM-012.

Commissioner Hurley asked for additional information regarding the options the applicant would pursue if the at-grade athletic field were not installed with the proposed development. Mr. Katai explained that this athletic field was part of the base plan for the development, but there was another option that would develop this portion of the subject property with an additional residential development. However, he noted that such an option would not be implemented unless a rezoning of a nearby site were approved that contained a larger athletic field that met the recreational needs of the surrounding development.

Answering questions from Commissioner Hart, Mr. Katai and Marianne Gardner, Planning Division, DPZ, stated the following:

- The segments of the grid of streets that would be implemented with the proposed development were consistent with the recommendations of the Comprehensive Plan;
- The proposed development would not encroach on any nearby stream valleys; and
- The approval of the subject applications would not modify previously-approved off-site improvements for Boone Boulevard, but the portions of this road that were located within the proposed development would be modified in a manner that would facilitate a future realignment between Boone Boulevard and Gosnell Road.

Ms. Baker then gave a PowerPoint presentation wherein she explained the following:

- The subject applications had been submitted in 2011 and had been subject to intensive review by staff;
- The proposed development included an area that would be reserved for the installation of a planned regional electric substation;
- The applicant would coordinate with the Fairfax County Office of Community Revitalization (FCOCR) and Dominion Virginia Power on the construction of an electrical substation that minimized the impact on the surrounding development;
- The proposed development would incorporate a grid of streets that was consistent with the recommendations prescribed by the Comprehensive Plan for the area;
- The subject property was located near the existing Spring Hill Metrorail Station and the proposed development would utilize the features of a transit-oriented development;
- The design for the grid of streets for the proposed development would utilize walkable blocks and various features that were consistent with the urban character of the surrounding area;
- The existing development on the property included an auto dealership surrounded by other similar commercial development;
- The sites surrounding the subject property had pending applications for similar developments, which would be subject to review by the Commission at dates to be determined;
- The applicant had coordinated with property owners of the surrounding sites planned for redevelopment and such coordination would continue;

- The subject applications included an athletic field and the applicant's commitments ensured that a field consistent with the recommendations of the Comprehensive Plan and the Zoning Ordinance would be installed;
- The proposed athletic field included artificial turf and lighting fixtures;
- The proposed development would include recreational features such as a playground, a multi-purpose court, picnic tables, bicycle racks, and a plaza;
- The proposed development would consist of two office buildings, which would be located closest to the Spring Hill Metrorail Station, and two multi-family residential buildings;
- The existing plaza at the Spring Hill Metrorail Station would be modified in a manner consistent with the character of the surrounding development and would include features, such as public art;
- The streetscape of the proposed development would be consistent with the urban design guidelines for the area;
- The proposed development would include a public elevated skypark and this skypark could accommodate events, such as outdoor concerts, public events, and outdoor movies; and
- The athletic field would be sufficiently accessible by pedestrian paths.

When Chairman Murphy asked for additional information about the lighting features that would be included with the athletic field for the proposed development, Ms. Baker indicated that these features would be consistent with the standard prescribed by the Fairfax County Park Authority.

Continuing her presentation, Ms. Baker stated the following:

- The provisions in Proffer Number 63, Public Use, which were included in Appendix 1 of the staff report addendum dated January 18, 2017, articulated the applicant's commitment for an off-site dedication to accommodate the planned substation for the area;
- The planned substation would be included in subsequent rezoning applications nearby sites;
- The location and design of the planned substation had not been finalized and would be modified appropriately in conjunction with future redevelopment;
- The applicant's proffers included commitments to green building designs, schools, transportation demand management, and transportation phasing provisions; and

- The proposed development was consistent with the Comprehensive Plan and had received unanimous support from the Hunter Mill Land Use Committee.

(A copy of Ms. Baker's presentation is in the date file.)

Commissioner Hedetniemi commended the applicant's commitment for including an athletic field with the proposed development, noting the difficulty of incorporating such features in the Tysons area.

Commissioner Hart echoed Commissioner Hedetniemi's remarks regarding the applicant's commitment to install an athletic field and the difficulties associated with including such a field with the proposed development. He also commended the applicant's commitments to coordinate with staff on the language for the escrow accounts that would be utilized in conjunction with Proffer Number 19, Non-Residential Building Certifications.

Referring to the Proposed Residences section depicted on Page 14 of the staff report, which listed an estimate of 250 to 420 dwelling units for the proposed development, Commissioner Flanagan asked for additional information regarding the amount of students this development would generate for the local school system. Ms. Baker cited the analysis conducted by Fairfax County Public Schools (FCPS), as referenced on page 44 and included in Appendix 13 of the original staff report, and pointed out that this analysis concluded that the proposed development would generate approximately 57 to 169 students for the elementary, middle, and high school facilities in the area. A discussion ensued between Commissioner Flanagan and Ms. Baker, with input from Mr. Katai, regarding the impact on the school system that the proposed development would generate and the applicant's school contribution wherein Ms. Baker and Mr. Katai stated the following:

- The students generated by the proposed development would primarily attend Marshall High School;
- The applicant's school contribution would be approximately \$11,647 per student;
- The estimates of the impact generated by the development were determined by FCPS and the conclusions of FCPS were reflected in the analysis contained in Appendix 13.

Commissioner Niedzielski-Eichner echoed remarks from previous Commissioners regarding the applicant's commitment to installing an athletic field and various park facilities with the proposed development. He also commended the applicant for responding appropriately to concerns regarding the need for recreational facilities throughout the Tysons area.

Commissioner Ulfelder asked for additional information regarding the need for additional electrical substations other than the one that would be installed in conjunction with the proposed development. Tracy Strunk, FCOCR, explained that there was one existing substation in operation in Tysons and two additional substations were required. She added that a transmission substation could potentially be co-located with one of these substations. A discussion ensued between Commissioner Ulfelder and Ms. Strunk regarding the locations of these substations

throughout Tysons and the impact of the planned substation that would be installed with the proposed development wherein Ms. Strunk indicated that the substation associated with the proposed development would address the utility needs for the south and west portions of Tysons.

Referring to the FCPS analysis of the proposed development's impact on the local school system, which was included in Appendix 13 of the staff report, Commissioner Ulfelder pointed out that Marshall High School and Kilmer Middle School were currently over capacity and the students generated by proposed development would compound this issue. He then expressed concern regarding the adequacy of the applicant's school contribution and the need for additional school facilities to serve the population of Tysons. Ms. Gardner indicated that a site for an additional school facility had been secured with another previously-approved development in Tysons, but concurred that additional school sites were necessary to address this issue. A discussion ensued between Commissioner Ulfelder and Ms. Gardner regarding the planned school facilities for the Tysons area, the status of these facilities, and the timeframe for installing these facilities.

Commissioner Hedetniemi commended staff for their work on the subject applications since the initial submission in 2011. She then reiterated her support for the athletic field included in the proposed development and noted the importance of this facility for the Tysons area.

When Commissioner de la Fe asked when the athletic field would be constructed, Ms. Baker said that this field and the associated recreational facilities would be installed prior to the issuance of a residential use permit (RUP) for the second residential development on the site. In addition, she stated that the construction of this field would also be triggered by the issuance of a RUP or non-RUP of the third building on the site, regardless of whether the building was one of the commercial or residential buildings.

Chairman Murphy called the first listed speaker.

Randolph Atkins, 1713 Pine Valley Drive, Vienna, representing the Greater Tysons Green Civic Association, said that while he did not object to the redevelopment of the subject application, he did not support provisions that would modify Boone Boulevard in a manner that would facilitate the realignment with this road and Gosnell Road. He then indicated that such a realignment would encroach onto an existing resource protection area (RPA). In addition, Mr. Atkins indicated that opposition to such a realignment had been submitted in previous redevelopment efforts in this area, citing an instance where the Board of Supervisors concurred with this opposition in favor of preserving the RPA. He also said that such an encroachment was not consistent with the recommendations of the Comprehensive Plan regarding the installation of parkland and the preservation of existing environmental features within the area. Mr. Atkins pointed out that the RPA functioned as a buffer between planned and existing development. He then said that the realignment of Boone Boulevard with Gosnell Road would undermine this function, adding that environmental studies on this realignment had not been conducted. Mr. Atkins also noted that RPA was subject to legal protections requiring applicants to preserve or improve such areas and such areas helped reduce the environmental impact of nearby development. He stated that the proposal did not contain sufficient provisions to limit incursions into off-site RPAs or contribute to the criteria necessary to permit the planned realignment of Boone Boulevard with Gosnell Road. Mr. Atkins reiterated the importance of preserving the RPA

within Tysons and maintaining policies that improved the state of the Chesapeake Bay watershed. He then suggested that alternative provisions be incorporated into the subject application to ensure adequate protection of the RPA throughout the area. (A copy of Mr. Atkins' statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Penelope Firth, 2328 Malraux Drive, Vienna, aligned herself with remarks from the previous speakers regarding the environmental impact that the proposed development would incur by facilitating the realignment of Boone Boulevard and Gosnell Road. She described the function of stream valleys and RPAs, noting the environmental benefits of preserving such areas and impact on these areas from impervious surfaces from surrounding development. She then noted the negative environmental impacts that encroaching upon the RPA would incur on the surrounding area. Ms. Firth stated that she favored incorporating provisions into the proposal that would ensure the preservation of existing RPA in the area.

A discussion between Commissioner Hedetniemi and Ms. Firth, with input from Jeff Hermann, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), regarding the possible provisions that would be utilized to preserve the RPA located near the site, the scope of the proposal, and the extent the proposal would contribute to an encroachment into the RPA wherein Mr. Hermann indicated that the realignment of Boone Boulevard and Gosnell Road would only encroached upon previously-disturbed areas of the RPA and the proposal did not permit further encroachment.

Responding from questions from Commissioner Hart, Ms. Gardner indicated that there was no RPA located within the subject property and the RPA referenced by Mr. Atkins and Ms. Firth was located off-site. She then explained that the subject application permitted the necessary modifications to Boone Boulevard that would facilitate a planned realignment with Gosnell Road. She also echoed remarks from Mr. Hermann, stating that this realignment would not encroach onto undisturbed RPA.

A discussion ensued between Commissioner Hart and Ms. Firth regarding the impact of the proposed development compared to the impact of the existing development on the subject property wherein Ms. Firth said that she did not object to the proposed development and acknowledged that the proposed development would reduce the amount of impervious surface on the site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Baker, who said the following:

- The subject property was not located adjacent to the RPA referenced by Mr. Atkins and Ms. Firth;
- The impact of development around the RPA would be addressed in subsequent applications throughout Tysons and the issues associated with this RPA were beyond the scope of the subject applications; and

- The applicant would coordinate with FCDOT and the Virginia Department of Transportation on the grid of streets for the proposed development and other redevelopment efforts throughout the area.

Chairman Murphy called for closing comments from Mr. Katai, who declined.

Referring to the FCPS analysis of the proposed development's impact on the local school system in Appendix 13 of the staff report, Commissioner Flanagan pointed out that this analysis included a list of pending applications and the expected impact on schools that these applications would incur. He then pointed out that these applications would generate approximately 1,528 additional students and of that total, the applications in the list that had been approved had generated approximately 552 students. When Commissioner Flanagan asked for additional information about the impact of these additional students, Ms. Baker indicated that the total impact of the previously-approved applications had not been determined, noting that the majority of the residential buildings included in these application had not been constructed. A discussion ensued between Commissioner Flanagan and Ms. Baker, with input from Ms. Gardner, regarding the status of the applications listed in Appendix 13 and the impact on the school system that these applications would incur wherein Commissioner Flanagan requested additional information on the extent to which such development has impacted the local school system.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on these cases.

(Start Verbatim Transcript)

//

Chairman Murphy: If not, the public hearing is closed. Mr. de la Fe, please.

Commissioner de la Fe: Thank you, Mr. Chairman. As we – as has been mentioned before that we're into the sixth anniversary of this particular application. We received a new – an addendum to the staff report tonight, which, in effect, changes – which has provided the information necessary for staff to have changed their recommendation from denial to approval because they have received the information that was missing. However, since we just received this tonight and we have had some other comment regarding the location of the street that – even though it is not the particular issue, at hand, is not part of this application – there may be implications for the future. But, in order to permit us all to read the addendum and, you know, see what the pros and cons of this application are, I WOULD MOVE THAT WE DEFER THE DECISION ON THESE APPLICATIONS TO A DATE CERTAIN OF JANUARY 26, 2017, WITH THE RECORD REMAINING OPEN FOR FURTHER COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision on RZ/FDP 2011-HM-012 to a date certain of January 26, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.
The motion carried by a vote of 10-0. Commissioner Sargeant recused himself from the vote.
Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

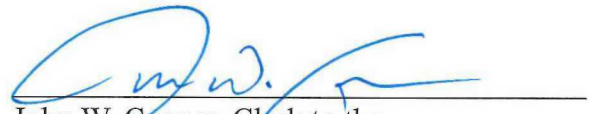
//

The meeting was adjourned at 10:37 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: May 4, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission