

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 1, 2017**

Present: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip Niedzielski-Eichner, Providence District
Karen Keys-Gamarra, Sully District

Absent: Janyce N. Hedetniemi, Commissioner At-Large

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The meeting was called to order at 8:21 p.m., by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Migliaccio announced that the Planning Commission's Policy and Procedure Committee had met earlier this evening for a presentation from staff and the Department of Information Technology regarding the transition to electronic devices for Commission members to receive correspondence from County staff.

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PCA 2008-SP-012 – CHURCH OF THE APOSTLES

(Decision Only) (The public hearing for this application was held on January 18, 2017.)

(Start Verbatim Transcript)

Commissioner Hurley: Mr. Chairman, I'd like to address the decision only case, PCA 2008-SP-012 – Church of the Apostles (Anglican), which I had a public hearing on the 18th of January. On this case, first, I express my appreciation to the applicant in their determination to build their new church with great sensitivity to their neighbors, to the community for their involvement and care for their environment, and to the staff, especially Joe Gorney and Braddock District Supervisor John Cook's Land Use Aide, Marcia Pape, for their dedication and professionalism in guiding the church community through the somewhat complex land use process. Several issues surrounding this application were discussed at the public hearing a couple weeks ago. Regarding

vegetative screening, the applicant and staff agree that it would be extremely difficult or even impossible to identify all possible heirs who comprise the cemetery trust and the associated easement. And thus the applicant cannot commit to plantings within the easement, as had been previously discussed. In addition, plantings at the parking lot level would be too low to provide any effective screening for the neighbors. The church, instead, is retaining the original proffer for the previous office building rezoning, which provides up to \$1,000 dollars per lot for supplemental landscaping on Lots 18A, 19, 20, 21, and 26. These lots have direct sightlines to the sight and are the most directly affected properties. These lot owners will be notified via certified mail with the details to be worked out directly between the church and the homeowners. Regarding lighting, in addition to using dark sky light fixtures, the applicant has agreed to reduce the light – the height of the light poles on the southern property line from 15 feet to only 10 feet to mitigate seeing the lights from the nearby properties. Additional light standards may be added as necessary to provide the required amount of lighting. The proffers have also been revised to read that, other than security lights, outside lights will be turned off by 11:00 p.m. Exceptions to this light timing restriction shall be allowed for infrequent activities, such as for Christmas Eve midnight services and youth group lock-ins. The primary concern for this application, as for many others, is traffic. The FCDOT reviewer for this application, A.J. Hamidi, drafted a short paper that was distributed today to the Planning Commission. Given the relatively low volumes of traffic expected with the proposed use, the multiple points of access at signalized intersections and the direct site access from a service drive, FCDOT found that this application did not prompt the need for a traffic operational analysis study or police direction. After the service road has been connected and the church begins normal operations, Supervisor Cook's office has committed to work with VDOT to review the traffic counts at the intersections at Lee Plaza and to the east and at Village Drive and, if necessary, to address the light timing on Sunday mornings to provide a slightly longer light to allow more cars to exit onto Lee Highway. Given that completion of the service road will allow departing traffic to be split between the two existing intersections with traffic signals, and that drivers will be able to turn right on red, the impacts upon background traffic will probably be minimal. One thing we do know is that a church will generate far less weekday rush hour traffic than the office building already approved for this site would have generated, and the overall impact on traffic on Route 29 is expected to be minimal. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2008-SP-012, SUBJECT TO THE EXECUTION OF PROFFERS, CONSISTENT WITH THOSE DATED 31 JANUARY 2017.

Commissioners Migliaccio and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Mr. Migliaccio. 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 2008-SP-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman?

Chairman Murphy: Yes?

Commissioner Strandlie: I wasn't here at the...

Chairman Murphy: Ms. Strandlie abstains, not present for the public hearing. Ms. Hurley?

Commissioner Hurley: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING WAIVERS IN FAVOR OF THE ALTERNATIVES, AS SHOWN ON THE PROPOSED GENERALIZED DEVELOPMENT PLAN:

- REAFFIRMATION OF THE MODIFICATION OF THE CONSTRUCTION OF AN ON-ROAD BIKE LANE ON LEE HIGHWAY, IN FAVOR OF A 10-FOOT WIDE BICYCLE TRAIL;
- DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO SECTION 12-0508.3A OF THE PFM, IN FAVOR OF THE PLANTINGS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED;
- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG A PORTION OF THE EASTERN BOUNDARY OF THE SUBJECT PROPERTY ADJACENT TO LOTS 26 AND H, AND ALONG THE southern property of the subject – SOUTHERN BOUNDARY OF THE SUBJECT PROPERTY ADJACENT TO LOT G, PURSUANT TO PAR. 4 OF SECT. 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE 7-FOOT HIGH ARCHITECTURAL BLOCK WALL AND AS CONDITIONED; AND
- MODIFICATION OF THE BARRIER REQUIREMENT ALONG LEE HIGHWAY, PURSUANT TO PAR. 7 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF LANDSCAPE PLANTINGS THAT INCLUDE THE MIXTURE OF CATEGORY 3 DECIDUOUS TREES, SHRUBS, AND GROUNDCOVERS.

Commissioners Migliaccio and Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 10-0-1. Commissioner Strandlie abstained. Commissioner Hedetniemi was absent from the meeting.

(End Verbatim Transcript)

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2232-D16-37 – VERIZON WIRELESS

(Decision Only) (The public hearing for this application was held on January 26, 2017.)

(Start Verbatim Transcript)

Commissioner Ulfelder: I have a deferred decision this evening as well.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes?

Commissioner Sargeant: I am going to recuse myself from this process, given the involvement of Dominion Virginia Power.

Chairman Murphy: Okay.

Commissioner Ulfelder: Just wait in the back. The application before us this evening for decision only is a proposal by Verizon Wireless to locate telecommunications facilities on a Dominion Virginia Power pole. The pole is situated within the VDOT right-of-way in front of property located at 1451 Chain Bridge Road in downtown McLean, Virginia. The proposed site is located between two large, commercial shopping centers, and the immediately adjacent property is zoned to a commercial district. There is some residential property to the south behind the shopping center, as well as nearby on Laughlin Avenue. As we heard, if approved, the application would allow Dominion to replace an existing 39-foot utility pole with a 52-foot pole, and for Verizon to install its telecommunications facilities on the new pole, amounting to a total height of 55 feet. I continued this matter for a week in order to properly consider all of the testimony presented and information submitted, including resolutions of opposition from the McLean Citizens Association, the McLean Planning Committee, and the McLean Revitalization Corporation. I do not take lightly their concerns that, if approved, this application will undermine their collective efforts to move utilities in the McLean Community Business Center underground. As Ms. Huber articulated, these organizations have worked hard on this effort for many years and – and have experienced some success in getting nearby utilities in the McLean CBC moved underground. They do not support an application that they believe will detract from their ongoing effort to get the remaining above ground utilities finally put underground. On the other hand, I cannot ignore the reality that if the proposed facility was only 3 feet lower and 1 ½ feet narrower in diameter, under Objective 45 of the Public Facilities section of the Policy Plan, it would have been approvable as a “feature shown” without a public hearing. Furthermore, whether or not this application is approved, staff has confirmed that there is no pending proposal for redevelopment at this location so that Dominion will continue to have an above-ground pole at its current site for the foreseeable future. Accordingly, in reaching a decision on this application, I have sought to strike a balance between these diametrically opposed positions. There is no question that the Comprehensive Plan calls for future development and redevelopment in the McLean CBC to place utilities underground. In that respect, the citizens groups are absolutely correct. In my view, however, since the application does not involve new development or redevelopment, it is

not inconsistent with that Plan guidance. Dominion has an existing pole - utility pole at this location. And even though the existing pole will be replaced with a taller pole, the County has a long-standing policy of treating replacement poles as a modification to an existing facility, rather than an intensification, expansion, or redevelopment. Thus, in my judgement, the telecommunications facilities proposed in this application do not conflict with the McLean CBC Design Guidelines that call for undergrounding utilities associated with new development. Further, the record for this application includes a copy of Dominion's standard license agreement for Verizon's use of the replacement pole for its proposed telecommunications facilities. It plainly requires Verizon to remove its facilities should Dominion, in its sole discretion, ever remove its pole for any reason. It also makes clear that Verizon has no property interest in the pole. As such, Verizon has no legal right in the pole's continued existence at this location, it cannot hinder any future effort to remove the pole or underground the utilities currently supported by the pole. At the public hearing, Verizon's representative confirmed that Verizon agrees with this interpretation of the license agreement and is fully prepared to abide by its terms. Therefore, in terms of location, I find that a utility pole already exists at this location and this is a mere modification. I also find that locating telecommunications facilities on a utility pole in the right-of-way of commercial area is in substantial conformance with Objective 43a of the Policy Plan, which calls for avoiding construction of new structures by locating them on available existing structures, such as utility poles, when they can be placed inconspicuously to blend with existing structures. While some have questioned how inconspicuous the proposed facilities will be, I note that this term involves some element of subjectivity. While Verizon's facilities will not be invisible, the antennas at the top will be fully enclosed. The container will only be 3 feet in height and is designed to blend in with the pole to the maximum extent feasible, consistent with similar facilities found throughout the County. Given the commercial surroundings and the existing row of other utility poles, I find that the proposed location conforms to the Plan. In terms of character, I am analyzing this application based on the existing conditions at this location and the limited scope of Verizon's proposal. The McLean CBC is a 230-acre area that includes various shopping centers, service stations, banks, restaurants, local retail, and the like. The immediate area surrounding the proposed site also includes numerous other above-ground utility poles. In this application, Verizon proposes to install its facilities on a replacement above-ground utility pole increased in height by 33 percent, only a marginal increase over what would be considered a "feature shown." While the McLean CBC Plan includes design guidelines for future development, again, this application does not feature any development or redevelopment. I must, therefore, consider this application according to the current character of the area. Given the relatively limited size, fully enclosed antennas and, above all, Verizon's obligation to remove its telecommunications facilities if this pole is removed, I find this application is in substantial conformance with the current character of this commercially-zoned area. Finally, the extent of this application is defined by the application in terms of size and height. The scope of this proposal is relatively limited. As I've already observed, if this application proposed a pole approximately 3 feet lower in height with a slightly narrower antenna container at the top, it would have not required a public hearing. According to Verizon technical requirements prevent it from falling within the "feature shown" parameters in this situation. In sum, I find that, so long as Dominion's utility pole at this location remains above-ground, Verizon's application to install telecommunications facilities on a 52-foot replacement utility pole at the proposed site, as specifically described in the application and the staff report, is substantially in accord with the Comprehensive Plan. If the pole is removed for any reason, including as part of an effort to underground utilities in the McLean CBC, Verizon's

facilities would necessarily have to be removed as well. Moreover, at that point, an above-ground facility would no longer be in conformance with the Plan. Should Verizon seek an alternative location – should Verizon seek an alternative location at such time, it would be required to submit a new application to the Department of Planning and Zoning for review. Mr. Chairman, for the reasons that I have stated, I CONCUR WITH STAFF'S CONCLUSION THAT VERIZON WIRELESS PROPOSAL TO LOCATE TELECOMMUNICATIONS FACILITIES ON A REPLACEMENT UTILITY POLE LOCATED AT 1451 CHAIN BRIDGE ROAD, MCLEAN, VIRGINIA 22101, SATISFIES THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* 15.2-2232, AS AMENDED. THEREFORE, MR. CHAIRMAN, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-D16-37, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-D16-37, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Sargeant recused himself from the vote. Commissioner Hedetniemi was absent from the meeting.

(End Verbatim Transcript)

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SP 2016-SP-019 – VIRGINIA ELECTRIC AND POWER COMPANY d/b/a DOMINION VIRGINIA POWER

(Start Verbatim Transcript)

Chairman Murphy: Scheduled this evening, a public hearing in the Springfield District, is a special exception. The applicant is Virginia Electric and Power Company d/b/a Dominion Virginia. There was a slight problem with the affidavit so I AM GOING TO MOVE THAT WE DEFER THE PUBLIC HEARING ON SE 2016-S, SP-019, TO A DATE CERTAIN OF FEBRUARY 8TH.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer the public hearing on this application, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Sargeant was not present for the vote. Commissioner Hedetniemi was absent from the meeting.

(End Verbatim Transcript)

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ADMINISTRATIVE ITEM

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. On May 14, 2013, the Board of Supervisors referred to the Planning Commission, for its review and recommendation, a report that had been prepared by the MITRE Corporation entitled "Building Energy Technology Recommendations to Fairfax County," in our shorthand referred to as the "MITRE II" project. The report was, in turn, referred to the Commission's Environment Committee, which began its review of the MITRE report in early 2014, and which finalized its report and recommendations on January 26 of this year. The committee's report was transmitted to the full Planning Commission through a January 27 email from John Cooper. Before I make the motion, I want to thank county staff for their assistance and involvement. Many individuals participated, including Kambiz Agazi, Ellen Eggerton, Maya Dhavale, Denise James, Susan Hafeli, and most of all Noel Kaplan, an invaluable resource without whose patience and guidance we could not have completed this significant project. I also want to thank the many stakeholders, including citizens and industry representatives, who contributed their thoughts and comments over the last three years. The committee has proceeded carefully in an effort to achieve a broad consensus before reporting back to the Board. While not everyone may agree on every issue, staff made extensive outreach efforts and the committee did reach a consensus after making every effort to review and consider all perspectives through this process. The committee's report reflects the extensive collective review process that is described beginning on page 4 of the report, including 16 committee meetings and numerous presentations from staff and third parties. A stakeholder comment opportunity on both the MITRE II report, and a related "staff perspectives" document prepared by County staff, was provided in late 2014 and early 2015. The committee met numerous times to review and discuss each of the recommendations presented in the MITRE II report, the associated staff perspectives, and any relevant stakeholder input provided on each of these issues. Our ultimate evaluation did not recommend radical changes to County policy or imposition of mandatory regulations, but instead recognizes the evolution of building energy issues in Fairfax County and the importance of continued monitoring and recognition of those issues in County planning efforts. On January 26, 2017, the committee voted to recommend that the Planning Commission transmit this report, as its recommendation, to the Board of Supervisors. Mr. Chairman, I THEREFORE MOVE, FIRST, THAT THE PLANNING COMMISSION APPROVE THE JANUARY 26, 2017, ENVIRONMENT COMMITTEE REPORT; SECOND, THAT THE REPORT BE TRANSMITTED TO THE BOARD OF SUPERVISORS AS THE PLANNING COMMISSION'S RECOMMENDATION IN

RESPONSE TO THE BOARD'S MAY 14, 2013, REQUEST; AND THIRD, THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD AUTHORIZE THE PREPARATION AND ADVERTISEMENT OF AN AMENDMENT TO THE GREEN BUILDING POLICY IN THE POLICY PLAN VOLUME OF THE COMPREHENSIVE PLAN, CONSISTENT WITH THE COMMITTEE'S RECOMMENDATION FOR ACTION, AS PRESENTED ON BOTH PAGES 1 AND 30 OF THE COMMITTEE REPORT.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 11-0. Commissioners Hedetniemi was absent from the meeting.

(End Verbatim Transcript)

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Commissioner Sargeant announced that the Commission's Schools Committee had a change of schedule for its next meeting. He said it would meet at 7 p.m. in the Board Conference room of the Fairfax County Government Center on Tuesday, February 7, 2017. Commissioner Sargeant said it would consider final discussion of a draft work plan to be submitted to the Board of Supervisors.

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Commissioner Murphy announced that the Commission's Telecommunications Committee would meet at 7 p.m. in the Board Conference Room on Wednesday, February 8, 2017.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2010-PR-022 – M.C. DEAN, INC.
2. RZ/FDP 2016-MV-014/PCA 78-V-125 – CHPPENN I, LLC

This agenda was accepted without objection.

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CSP 2010-PR-022 - M.C. DEAN, INC. – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2010-PR-022. Located on the E. Side of Leesburg Pike, 1,000 ft. S. of its intersection with Westpark Dr. on approx. 1.35 ac. of land zoned PTC, HC, SC. Tax Map 29-3 ((15)) 4E2. (PROVIDENCE DISTRICT) (PUBLIC HEARING)

Bob Katai, 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 application CSP 2010-PR-022.

David Schneider, Applicant's Agent, Holland and Knight, said that this was a minor sign plan request and noted that it was the final item to complete with regards to the applicant's corporate headquarters relocation from Loudon to Fairfax County.

In response to a question from Commissioner Hurley, Mr. Schneider said the purpose of the sign was to be visible from Leesburg Pike as well as the nearby metro station.

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

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(Start Verbatim Transcript)

Chairman Murphy: Public hearing is closed. Mr. Niedzielski-Eichner, please.

Commissioner Niedzielski-Eichner: Yes, sir. Thank you, Mr. Chairman, I would like to ask the – the applicant to confirm for the record their agreement with the proposed development conditions dated February 1st, 2017.

David Schneider, Applicant's Agent, Holland and Knight: We have reviewed them and accept them, absolutely.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman, in light of the fact that there are no public comments or concerns, no concerns from my colleagues, and consistent with staff's recommend - recommended proposal and development conditions, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2010-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 1ST, 2017.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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RZ/FDP 2016-MV-014 - CHPPENN I, LLC – Appls. to rezone from C-8, R-2, R-MHP and HC to PDH-20 and HC to permit residential development with an overall density of 13.0 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located N.E. quadrant of the intersection of Richmond Hwy and Dart Dr. on approx. 34.88 ac. of land. Comp. Plan Rec: the site for public park, with an option for residential use comprising up to 279 workforce and affordable multifamily units, which may include affordable independent living units, and up to 196 townhomes and approximately 11 acres public park land. Mount Vernon District. Tax Map 92-4 ((01)) 82A (pt.). (Concurrent with PCA 78-V-125) (MOUNT VERNON DISTRICT) (PUBLIC HEARING)

PCA 78-V-125 - CHPPENN I, LLC - Appl. to amend the proffers for RZ 78-V-125 to permit deletion of land area totaling 11.49 ac. Located N. and S. Side of Dart Dr. E. of its intersection with Richmond Hwy. on approx. 25.24 ac. of land zoned R-MHP and HC. Comp. Plan Rec: the site for public park, with an option for residential use comprising up to 279 workforce and affordable multifamily units, which may include affordable independent living units, and up to 196 townhomes and approximately 11 acres public park land. Mount Vernon District. Tax Map 92-4 ((01)) 82A (pt.). (Concurrent with RZ/FDP 2016-MV-014) (MOUNT VERNON DISTRICT) (PUBLIC HEARING)

Commissioner Sargeant disclosed that he was employed by Domino Resources, parent company for Dominion Virginia Power, and noted that while this application involved issues related to potential future undergrounding and utilities along Richmond Highway it would not affect his ability to participate in this case.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavits dated January 16, 2017.

Commissioner Hart disclosed that Hart and Horan, PC currently has two pending cases with Ms. Strobel's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Wanda Suder, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ/FDP 2016-MV-014 and PCA 78-V-125.

Commissioner Flanagan discussed with Ms. Suder the issue of a possible increase in the amount of town home units currently being proposed with this application. Commissioner Flanagan noted that the applicant was requesting 175 units currently; however, the Comprehensive Plan was planned for 198 units. Ms. Suder explained that the site plan would have to be in conformance with the approved CDP which would not permit the increase of dwelling units. She said if there was any increase it would require the applicant to come back before the Commission for an amendment.

Commissioner Hart indicated concern over the town home garages because they had a smaller lot width and questioned whether there would be adequate parking. Ms. Suder said that when staff evaluated the application in relation to the standards that were set by the Public Facilities Manual (PFM) it was determined that the parking provided was adequate. After further questioning from Commissioner Hart, William Mayland, ZED, DPZ, explained that the tabulation of parking spaces would be done according to the PFM requirements. Commissioner Hart reiterated his concern over the town home garages being counted as two parking spaces.

Commissioner Migliaccio noted that the proposed site's soil was comprised of marine clay throughout and the applicant had conducted a preliminary geotechnical study which had not yet been evaluated by the Geotechnical Review Board. He discussed with staff the condition of the soil and trees in the park land dedication area. Rachel Habig-Myers, Fairfax County Urban Forestry, explained that she had conducted a site visit but was unable to assess individual trees due to the amount of invasive plants covering them. She noted that several trees had thinning crowns which was indicative of declining health. In addition, Ms. Habig-Myers said that due to the significant number of invasive trees within the forest, staff only granted the applicant a quarter of the credit for the area they were preserving.

Commissioner Migliaccio discussed with Gail Hooper, Park and Development Planning Branch, Park Authority, the condition of the park dedication area. Ms. Hooper explained that her office required a minimum level of cleanup in order to have the property be in a safe condition prior to the Park Authority taking ownership. She said her office coordinated with Housing and Community Development (HCD), along with the applicant, regarding the removal of debris that was left from the previous mobile home development. With regards to the invasive trees, Ms.

Hooper said the Park Authority has contracted to have a separate study conducted to determine an invasive management plan for this site and noted that a portion of the money being funded by HCD would go towards a treatment plan.

Commissioner Migliaccio discussed with staff the proposed road improvements; wherein, Mike Garcia, Department of Transportation, explained that the applicant would construct a right turn lane on Dart Drive, located at the intersection of Richmond Highway. He said that Holly Hill Road, located at the intersection of Richmond Highway, would remain the same due to the result of a traffic study conducted by the applicant which determined that there would be no change in the level of service after development of this site.

In response to questions from Mr. Flanagan, Ms. Habig-Myers explained that on page 5 of the Final Development Conceptual Plan, submitted to the Commission tonight, there was an inventory of the trees along the limits of clearing located along the western and southern sides of the park boundary consisting of 10 feet inside to 25 feet outside of the development. Commissioner Flanagan noted that previous to this application, a survey had been done of all the trees on this site.

Ms. Strobel explained that in 1981, Fairfax County Redevelopment and Housing Authority (RHA) acquired this property with community grant funds with one of the requirements being that it would be used for affordable housing. She said this proposal would consist of a combination of affordable and market housing with 12 acres dedicated to the Park Authority. Furthermore, Ms. Strobel noted that 60 of the affordable dwelling units would be age restricted for seniors. She said the site would be professionally managed and provide onsite services such as programs for children, education and financial literacy, and health and wellness tailored to meet the needs of the residents. With regards to the park land, Ms. Strobel said it would be available to the public with ADA accessible pathways and the applicant would provide 23 parking spaces dedicated for use by the public at the northern portion of this site. Noting the topographical challenges of this site, Ms. Strobel said that while the applicant had only provided the preliminary geotechnical report at this time, they had been working with a geotechnical engineer which resulted in revisions to the plans that were distributed this evening. She noted that the applicant would provide a full geotechnical report to the County as well as submission to the GRB for approval. In addition, Ms. Strobel said the applicant has proffered the following amenities: construction of a gathering plaza, road improvements, relocation of a bus stop, Transportation Demand Proffer (TDM), landscaping, bicycle facilities, architectural design, green building construction and a school contribution. She noted that this proposal had the support of the Mount Vernon Council of Citizens Association (MVCCA) with outreach conducted beyond the Mount Vernon District boundaries to include the Groveton Civic Association and the Lee District Land Use Committee. Ms. Strobel said that the applicant has mandated in the proffers, page 4 BII, a connection on Dart Drive to Arlington Drive unless otherwise determined by FCDOT and the Virginia Department of Transportation (VDOT).

Addressing the parking issue brought up previously by Commissioner Hart, Ms. Strobel said that the applicant was providing more than the required amount of parking for this development regardless of whether the town home garages were counted as one or two spaces. She said the parking would consist of a combination of garage, driveway and on street parking spaces. In addition, Ms. Strobel said that included in the proffers was a commitment by the applicant to disclose to contract purchasers in writing, in advance of the contract, the interior dimensions of the garage.

Commissioner Flanagan and Ms. Strobel discussed several issues raised by the MVCCA; wherein, Ms. Strobel explained the following:

- The cash proffer offered for park land included funds from the Redevelopment and Housing Authority who had received authority from Housing and Urban Development (HUD) to allow for fund allocation for the park;
- While the applicant could not bear the cost for the undergrounding of utilities, they would provide 92 1/2 feet of dedication and another 1 foot easement to assist with the facilitation of the future installation along with providing landscaping and other features in the “ultimate” location so they would not require removal. Ms. Strobel agreed to add a notation in the proffer language regarding this issue prior to the BOS hearing;
- The applicant’s engineers preliminary evaluation has determined that pervious pavers would not likely be effective on this site due to the lack of infiltration caused by the marine clay found in the soil. The applicant has agreed to continue to seek out other opportunities to help alleviate this situation;
- Due to the grading issues in the area of proposed development, the applicant has determined that they would not be able to save some of the existing trees. After discussions with the MVCCA Environmental Committee over this issue, the applicant agreed to provide landscaping and the planting of additional trees in this area; and
- Upon submission of the site plan to the County, the applicant agreed to also present it to the MVCCA’s Environmental Committee and Planning and Zoning Committee for review.

Commissioner Hurley discussed with Mr. Mayland the amount of parking proposed for the independent living units and whether it was an adequate amount; wherein, Mr. Mayland explained that the applicant met the Zoning Ordinance parking requirement for independent living units, which was 1 space per 4 units.

Commissioner Migliaccio and Andy Gorecki, Civil Engineer, Christopher Consultants, Ltd, discussed the borings that were conducted on the 11 acres of park land; wherein, Mr. Gorecki explained that they were conducted in locations where they could calculate the factor of safety in

the proposed grading areas. He noted that it did go into the park land area but not in the areas above the limits of clearing and grading. Ms. Hooper said the Park Authority planned on utilizing the existing road beds for the development of the trails in the park area which would result in less disturbance of the site. She said the only adjustment required was for the connection to the new parking spaces in order to provide an ADA accessible route into the park.

Commissioner Strandlie commented that proffer 8D only required the applicant to notify initial purchasers of the use restriction of the garage and suggested that it be amended to include language that also required the HOA, upon distribution of resale packets. Ms. Strobel agreed to the change.

Commissioner Hart noted that proffer 13A, 1, did not require that the proposed park land be conveyed to the Park Authority and questioned what would become of the open area if they decided not to take ownership of that land. Ms. Strobel said that the proffer was meant to refer to the timing of the conveyance of land only. Ms. Hooper agreed with Ms. Strobel explaining that the discussions between the Park Authority and RCD had only been related to the timing of the transfer to ensure that the necessary cleanup of the site was completed prior to acceptance and the issuance of the first RUP. After further discussion with Commissioner Hart, Ms. Strobel suggested that language be added to proffer 13A, 1, that included a date of no more than 5 years for conveyance.

Commissioner Sargeant and Ms. Strobel discussed the anticipated time frame for the first phase of construction and the Geotechnical Review; wherein, Ms. Strobel said that the first phase could start as early as 18 months from now and that the site plan could not be approved without the geotechnical report being approved by the GRB.

In response to questions from Commissioner Sargeant regarding the proposed onsite programs, Ms. Strobel explained that the applicant would continue to manage the affordable housing portion of this application and would provide the programs for the residents. In addition, Commissioner Sargeant asked about the availability of reliable bus service for this development and the ability to monitor the effect and needs currently and into the future. Ms. Strobel said that the applicant has proposed to move the bus stop from the south side to the north side of Dart Drive to facilitate the use of the transit by residents. She said that the Fairfax Connector bus on-time performance was monitored by FCDOT staff and the Fairfax Connector contractor; therefore, there would be ways to ensure that the residents were aware and able to plan accordingly.

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

Katherine Ward, representing the Mount Vernon Council of Citizen's Associations (MVCCA), spoke in support of the application. She said their main concern was the installation of the conduit for the future undergrounding of utilities and requested that the applicant assist them and the BOS to discover options for the funding of this project.

Commissioner Flanagan pointed out to Ms. Ward that the MVCCA request to review the applicant's site plan would allow them to make comment on it but would not be a voting issue. Ms. Ward said that the MVCCA was aware it was for review purposes only.

Commissioner Migliaccio discussed the Dart Drive connection with Ms. Ward and asked if all the HOA's in the area participated in the MVCCA's deliberations; wherein, Ms. Ward said there were several meetings regarding this issue that the area HOA's participated in. She said that there was a need for different connectivity options besides Richmond Highway in the Mount Vernon area.

Matthew Bell, Mount Vernon Commissioner, Redevelopment and Housing Authority, spoke in support of this application and said that this was an unique opportunity to provide workforce affordable rental living for working families and seniors in the County. He said this project was an example of private businesses investing in the redevelopment of a Fairfax County RHA property and would allow for completion of the project in a timelier and cost effective manner. In addition, Mr. Bell noted that the proposed park area would have numerous access points to allow for various neighboring communities to utilize.

Commissioner Flanagan discussed with Mr. Bell the proposed park land area and whether the funds allocated for this area would still be available for improvements if the Park Authority did not take title to the property; wherein, Mr. Bell said that he would work with staff and the citizens to ensure that the green space was turned into a park. He agreed to pursue that option and as well as obtain updates between the PA and RHA regarding the negotiations of this land for the Commission over the deferral period.

David Levine, representing Ventures in Community (VIC), spoke in support of the application stating that the proposed 279 affordable housing units was a significant contribution to help alleviate the need in this area. In addition, he noted that the proposed development included for sale town homes and park land which fits with the expansion of the Bucknell Elementary School and the vision of the redeveloped Richmond Highway corridor as contemplated in the current Embark Richmond Project.

John Jeszensky, 1901 Sword Lane, Alexandria, also spoke in support of this application and reiterated the previous speakers support for affordable housing for families and seniors. He encouraged the Commission to help move this project forward.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel who echoed the last speaker's sentiments and urged the Commission to move this project forward to enable the applicant to apply for tax credits by the March deadline. Ms. Strobel noted that Clinton Abernathy, Land Development Services, Department of Public Works and Environmental Services, was present and could speak to the issue regarding the geotechnical report raised earlier by the Commission. Mr. Abernathy explained that the normal process for

projects dealing with marine clay in the soil was that prior to approval of the site plan there would be a geotechnical review conducted by Land Development staff and also be coordinated and reviewed by the Geotechnical Review Board. Furthermore, he noted that all the geotechnical issues with marine clay and stability would have to be approved prior to the site plan approval. Mr. Abernathy said his department would ensure that all the requirements from the Geotechnical Review Board would be addressed.

Commissioner Flanagan confirmed with Mr. Abernathy that the completion of a geotechnical study was a requirement for the site plan review but not for the rezoning of applications before the Commission.

Commissioner Migliaccio commented that there had been two previous applications which involved development on marine clay or steep slopes that had the geotechnical review study completed prior to the Commission's recommendation and the BOS decision. He said that as noted in the staff report, staff had requested the geotechnical report and the applicant did not provide because it was not ready. Commissioner Migliaccio cautioned against moving forward in order to meet a deadline for the applicant.

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 Flanagan for action on this case.

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(Start Verbatim Transcript)

Commissioner Flanagan: Yes, thank you, Mr. Chairman. Well, I have quite a list here of things that have – the Commissioners have – have brought up as reasonable concerns, I think. So, as a consequence of that - I got to find my motion here – I'M GOING TO MOVE, MR.

CHAIRMAN, THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON PCA 78-V-125, RZ 2016-MV-014, AND THE FDP 2016-MV-014, UNTIL FEBRUARY 8, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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The meeting was adjourned at 11:11 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: Teresa M. Wang

Approved on: July 13, 2017



John W. Cooper, Clerk
Fairfax County Planning Commission