

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 23, 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
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Karen Keys-Gamarra, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: James T. Migliaccio, Lee District

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The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Barbara Berlin, Director of the Zoning Evaluation Division (ZED), had accepted a position with the Fairfax County Department of Health and Human Services where she would coordinate with Deputy County Executive, Patrick Harrison, and other associated staff on the One Fairfax Initiative. He then thanked Ms. Berlin on behalf of the Planning Commission for her contributions to the Commission and the Department of Planning and Zoning on land use issues. In addition, Chairman Murphy stated that Tracy Strunk, Deputy Director, Fairfax County Office of Community Revitalization, had been appointed acting director of ZED.

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Commissioner Ulfelder said that the applicant for SE 2015-DR-027, Mahlon A. Burnette, II and Mary H. Burnette, had requested additional time for a decision on this application; therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SE 2015-DR-027, MAHLON A. BURNETTE, III AND MARY H. BURNETTE, TO A DATE CERTAIN OF MARCH 29, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant seconded the motion, which carried by a vote of 10-0. Commissioner Hart recused himself from the vote. Commissioner Migliaccio was absent from the meeting.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON COMPREHENSIVE PLAN AMENDMENT PA S13-II-TY1 (TYSONS IMPLEMENTATION, LAND USE AND URBAN DESIGN; TRANSPORTATION; PARKS, PUBLIC FACILITIES AND OTHER UPDATES) TO A DATE CERTAIN OF MARCH 2, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON THE ZONING ORDINANCE AMENDMENT REGARDING PTC URBAN DISTRICT BULK REGULATIONS (MAXIMUM FLOOR AREA RATIO FOR HIGH TRIP GENERATING USES), TO A DATE CERTAIN OF MARCH 2, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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SE 2014-MV-058 – MORNING STAR DAY CARE (Decision Only)
(The public hearing on this item was held on October 1, 2015.)

(Start Verbatim Transcript)

Commissioner Flanagan: Thank you, Mr. Chairman. I have a decision only on the agenda tonight, as you noted. It's Special Exception 2014-MV-058, which proposes the construction of a Morning Star Child Care Center for 160 children located at 8628 Woodlawn Court in a residential neighborhood adjacent to the Woodlawn Shopping Center on Richmond Highway. The one-acre parcel is zoned to the R-2 District and is presently developed with a modest, single-family dwelling constructed in 1935. Its sole access point is on Woodlawn Court, which is developed with 20 other single-family dwellings, largely dating back to the 1940s. Woodlawn Court is akin to a cul-de-sac because it is not a through street and currently provides only access to the houses. However, because it does not have a traditional turnaround area at the end, I will refer to it as a pipe stem cul-de-sac. The applicant proposes to demolish the existing dwelling and replace it with a 14,812 square-foot building designed to serve up to 160 children, but limited to 100 children until direct inter parcel access is provided with an adjacent commercial property. Now after the public hearing on October 1, 2015, and numerous Commission concerns were

deferred – we deferred a decision to October 14, 2015 to determine whether the applicant could resolve the many impediments to placing this use at the proposed site. On October 14, the applicant indicated the need for more time to pursue Commissioner and neighborhood concerns, so the Commission approved an indefinite deferral at that time. Ten months later on August 23, 2016, the applicant provided supplemental information to the Commissioners with a request for a decision. The supplemental information has since been reviewed with the new supervisor at the applicant's request and those that testified at the public hearing. Even after considering the supplemental information, I have concluded that the applicant is no closer now to making the proposal work at this site than it was at the public hearing and I will, therefore, be moving for denial. The day care center is subject to the General Standards for all special exceptions found in Article 9 of the Zoning Ordinance, as well as the additional standards for child care centers and nursery schools. Given the intensity of this use in a residential neighborhood and its adverse traffic and other impacts on neighboring property owners, I do not find that the application meets these standards. My fundamental concerns are with General Standards 1 through 4 of Zoning Ordinance, Section 9-006. General Standard 1 requires that the proposed use at the specified location be in harmony with the Comprehensive Plan. While the Comprehensive Plan contains no site-specific text, the Policy Plan identifies locational guidelines for child care centers, several of which are relevant to this application. The Plan provides that they should be located and designed to ensure the safety of children and to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians. As I will discuss further in a moment, the proposed one-acre site, with access onto a pipe stem cul-de-sac, is inadequate – inadequately - to ensure the safety and access for a center with 100 children. The Policy Plan further provides that child care facilities in suburban neighborhoods should be located and designed to avoid undesirable traffic, noise, and other impacts. This site is near Richmond Highway, but it has no direct access onto that major arterial. The use could generate close to 200 vehicle trips per day on Woodlawn Court, a number far in excess of the limit for access onto a pipe stem cul-de-sac. This is almost certain to cause undesirable traffic impacts, of which the neighbors, civic associations, and the Mount Vernon District Council all have attested. Turning next to General Standards 2 and 3, the proposed use must be in harmony with the general purpose and intent of the applicable zoning district regulations. It should also be harmonious with and not adversely affect the use or development of neighboring properties, in accordance with the applicable zoning district regulations and adopted Comprehensive Plan. The R-2 district regulations are intended to provide for low-density, single-family dwellings and allow for other selected uses that are compatible with low-density residential character of the district. By tearing down the existing dwelling and replacing it with an almost 15,000 square-foot building and 32-space parking lot, it is not hard to see how out-of-character the use will be with the low-density character of the residential district. The building barely meets the maximum floor area ratio for a non-residential use in the R-2 District. To fall within the 0.2 FAR limit, the proposed building designates over 6,000 square feet as cellar space. That way, the square footage doesn't count toward FAR, even though it will be fully used as part of the child care center. I find this distinction something of a fiction. Further, the hotel to the south and the shopping center to the southwest do nothing to justify the intensity of this use. Those parcels are zoned to the C-6 District and the shopping center has direct access onto Richmond Highway. As such, they are entirely different in character from the subject property. In terms of traffic, visual impact, and the commercial nature of the use, the proposal is not compatible with the R-2 District. It's not surprising that the neighbors who appeared at the public hearing felt the same way and testified against it. The Engleside Civic Association, which

includes Woodlawn Court, submitted a petition in opposition and its representative testified persuasively about the many ways this use will not be harmonious with their neighborhood. I recall one image a speaker provided, showing two cars barely able to pass on this narrow street. And that is without the burden of additional commercial traffic that has to back up the street because they can't turn around. I'm concerned that the center's extensive hours, from 6 a.m. to 11 p.m., will result in cars coming and going at all hours. This narrow pipe stem cul-de-sac simply was not designed for such relentless additional traffic. Along the same lines, General Standard 4 requires that pedestrian and vehicle traffic associated with the use not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. We heard testimony that vehicles from this location already have problems getting onto Richmond Highway, largely because of the lack of clear sight lines. Buses rest on Richmond Highway just before Woodlawn Court, making it nearly impossible to gauge oncoming traffic. There is no left turn lane from Woodlawn Court to northbound Richmond Highway. So any vehicles attempting to turn left from Woodlawn Court will do so at some risk of which I have done on many occasions and feel the terror. They'll also have to wait to turn left, leaving cars queuing behind them on the pipe stem cul-de-sac. This problem already exists and would only be compounded by hundreds of trips to a child care center, not to mention additional hotel traffic from 92 guests and multiple access points onto Woodlawn Court. To avoid some of these traffic problems, the additional standards for child care centers in Zoning Ordinance 9-309 (2) require that child care centers be quote, "Located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicle traffic to and from the use as determined by the Director," end of quote. Any use with a maximum trip-generation over 75 trips, therefore, must be located on a collector street. Rather than proposing a location that complies with this regulation, the application seeks a waiver to that requirement. To that end, the applicant has agreed to limit its enrollment to 100 students and divide them into two shifts. The applicant sought approval to increase enrollment up to 160 students, without coming back to the Planning Commission for approval, once a left-turn lane is constructed on Richmond Highway and if the applicant gained direct interparcel access through the Woodlawn Shopping Center. I recently learned that the Woodlawn Shopping Center and the hotel owners have denied the applicant's request for direct interparcel access, not only now but in the future as well, rendering the potential enrollment increase up to 160 students moot, at least at present. Even so, total enrollment of 100 students in a building for 160 students would generate approximately 160 trips per day, far above the number that triggers the collector street requirement. I am persuaded that the neighbors are justified in their concerns about traffic. After all, this is essentially a cul-de-sac and it primarily serves only 21 residential dwellings. Additional - adding well over one hundred additional trips per day onto the pipe stem cul-de-sac when turning in and out is already a problem - is a difference in order of magnitude that the applicant simply cannot justify at this location. Finally, the proposed pick-up and drop-off arrangement does nothing to alleviate my concerns about traffic. The applicant has estimated each drop off will take only three minutes. But even if that were the case, parents often drop off and pick up around the same time as other parents due to standard work hours. With only 32 parking spaces on the site - many used by the 25 employees - and no onsite queuing space, I do not see how the applicant can prevent spillover onto Woodlawn Court, thereby blocking other traffic on Woodlawn Court. The applicant also proposes to have staff meet children at the sidewalk to prevent onsite parking congestion. The arrangement, as described by the applicant, would be for parents to pull into a parking space, but rather than take the time to walk all the way inside, they would leave their child with a staff person waiting on the sidewalk. In my view, the proposed condition highlights the insufficiency

of this site for the proposed site. It is highly impractical at best, and potentially hazardous at worst, for parents to be delivering the kids onto a sidewalk. The arrangement also does little to account for poor weather and adequate staff coverage inside while other staff members are shuttling back and forth from the sidewalk. These are children we're talking about, not a Fed-Ex delivery. This R-2 zoned property is simply inadequate to accommodate the vehicle trips generated by this use. In sum, there are more benefits to the County in denying this application than approving it. Those benefits include:

- Number one, protecting this stable, residential neighborhood from the creep of commercial development and avoiding the many negative impacts caused by such use. Residential parcels are zoned that way for a reason and a denial will signal that an out-of-scale commercial building that generates traffic and congestion has no place on a low-density residential parcel;
- Two, a denial will protect children from attending a day care center located at an inappropriate, and potentially dangerous, location. Contrary to the parking lot plan, vehicles should be able to drop off children without parking and be able to exit straight ahead or turn around without having to back up and block other traffic. That is the very reason the Policy Plan directs that child care centers be located and designed to ensure the safety of children;
- Three, finally, a denial will prevent excessive and undesirable traffic impacts on Woodlawn Court and additional problems at the intersection with Route 1. As we heard, sight distance and left turns are already problematic at this location. The Zoning Ordinance requires a center of this nature to be located on a collector street and a waiver of that requirement for this application simply would not benefit County residents.

Based on all of the above evidence presented in the public hearing on this application and based on all of the negative impacts that the proposed use would have on the neighboring residential properties, I am unable to conclude that the proposed child care center meets the Zoning Ordinance standards for the special exception. So for the reasons that I have stated, I conclude that the subject proposal fails to satisfy the applicable Zoning Ordinance requirements or the Policy Plan guidance. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF THE APPLICATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion... Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. First, I must disagree that staff-assisted drop-offs are necessarily bad, especially in bad weather. It can be a real advantage to be able to leave your child right at the door, just like a lot of people drop people off at the door at church or whatever. But - and overall, I think this is a good building. It's a good business model. As a former military parent myself, I would be perfectly happy to leave my children, and now grandchildren, at such a facility. However, primarily because this building is so large, designed

for 160 children eventually, and since the applicant has been unable to obtain interparcel access and probably won't for at least decades to – other than this local street – this could, perhaps, be viewed as the right building in the wrong location. And I will support the motion to recommend denial.

Chairman Murphy: Anyone else? All right. All those in favor of the motion, as articulated by Mr. Flanagan, to recommend to the Board of Supervisors that it deny SE 2014-MV-058, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And thank you very much.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: And Ms. Hedetniemi abstains.

The motion carried by a vote of 8-0-1. Commissioner Hedetniemi abstained. Commissioners Keys-Gamarra and Niedzielski-Eichner recused themselves from the vote. Commissioner Migliaccio was absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. FDPA 2014-MA-014 – NOVUS PROPERTY HOLDINGS, LLC
2. ZONING ORDINANCE AMENDMENT – INDOOR RECREATION USES IN THE PDH DISTRICT
3. CSP 2012-MV-008 – FPRP DEVELOPMENT, INC.
4. PA 2016-II-TY1 – COMPREHENSIVE PLAN AMENDMENT (TYSONS WORKFORCE HOUSING AND HIGH-RISE CONDOMINIUMS)
5. ZONING ORDINANCE AMENDMENT – COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS
6. SEA 82-P-032-07 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
7. SE 2016-HM-020/2232-H16-40 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND THE BOARD OF SUPERVISORS

This order was accepted without objection.

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FDPA 2014-MA-014 – NOVUS PROPERTY HOLDINGS, LLC –
Appl. to amend the final development plans for RZ 2014-MA-014
to permit office, residential and mixed use and associated changes
to development conditions. Located in the N.W. quadrant of the
intersection of Columbia Pike and Carlin Springs Rd. on approx.
3.68 ac. of land zoned PDC, HC and CRD. Tax 62-1 ((1)) 7.
MASON DISTRICT. PUBLIC HEARING.

Scott Adams, Applicant's Agent, McGuire Woods, LLP, reaffirmed the affidavit dated January 9, 2017.

There were no disclosures by Commission members.

Commissioner Strandlie asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she 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 Strandlie for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Without objection, we'll close the public hearing. The public hearing is closed. Recognize Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. This is a - third time is the charm. So this case had been before us a couple times before and we are just going back and doing this again to make sure that all the T's are crossed and I's are dotted. So Mr. Chairman, this is an amendment to the Final Development Plan 2014-MA-014, which the Planning Commission originally approved on November 17th, 2016. After the November hearing, staff informed me that Development Condition Number 2 should have referred to the FDP dated November 4th, 2016 and the conditions themselves should have been dated November 10th, 2016. Because the November 4, 2016 FDP was clearly before the Planning Commission at the time it voted and was expressly referenced in the proffers, the FDP condition date referenced in the original approval motion was merely a clerical error, as was the erroneous date within Condition Number 2. To efficiently resolve the problem, on December 8th, 2016, I moved to amend something previously adopted to fix the typographical errors and the Planning Commission approved the motion. After we went to the trouble of amending the clerical errors, we were surprised to hear last month that the applicant still wished to apply for an amendment. And in light of my December 8th motion, we did not believe the amendment was necessary. However, we understand that the applicant desires its development to be seen in the best possible light by the lenders and for that reason, I will move to approve the amendment. Having already approved the original application in 2016, including the amended condition dates, I find that the FDPA and its conditions meet all the applicable zoning requirements. Before making the motion, I request that the applicant confirm for the record its agreement to the final development plan amendment conditions dated

November 10th, 2016, and its agreement to Development Condition Number 2, referencing the FDP dated November 4th, 2016.

Scott Adams, Applicant's Agent, McGuireWoods, LLP: We agree to the development conditions dated November 10th, 2016 and Development Condition Number 2, referencing the plan FDP dated November 4th, 2016.

Commissioner Strandlie: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN AMENDMENT 2014-MA-014.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2014-MA-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. The second public hearing this evening...

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, subject to the conditions, right? You have to prove it's subject to the final development conditions.

Commissioner Strandlie: Yes, SUBJECT TO THE FINAL DEVELOPMENT CONDITIONS.

Ms. Abrahamson: Yeah. Thanks.

Commissioner Niedzielski-Eichner: Mr. Chairman, for the - in the spirit of being completely straight with this, I was not here during this consideration, so I'll abstain.

Chairman Murphy: Okay. We have one abstention.

The motion carried by a vote of 10-0-1. Commissioner Niedzielski-Eichner abstained from the vote. Commissioner Migliaccio was absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – INDOOR
RECREATION USES IN THE PDH DISTRICT – To amend
Chapter 112 (the Zoning Ordinance) of the 1976 Code of the
County of Fairfax, as follows: allow indoor archery ranges, fencing
and other similar indoor recreational uses as a secondary use in the
PDH Districts, provided such uses are represented on an approved
final development plan; and allow indoor archery ranges, fencing
and other similar indoor recreational uses as Group 5 Commercial

Recreation Uses that may be permitted by right in a PDH district,
provided such uses are represented on an approved final
development plan. COUNTYWIDE. PUBLIC HEARING.

Donna Pesto, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), stated that Lily Yegazu, ZAD, DPZ, would present the staff report for proposed amendment.

Ms. Yegazu presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of proposed Zoning Ordinance Amendment.

Commissioner Hurley pointed out that certain indoor activities, such as dancing and fencing, had different space requirements. She then asked why such activities had been listed with those such as firing ranges and archery, which required a greater amount of space. Ms. Pesto explained that these activities were listed together because they had been included as such within the existing guidelines of the Zoning Ordinance. She also said that staff was aware of the issue and additional evaluation would be conducted to consider appropriate revisions to clarify the guidelines. In addition, Ms. Pesto stated that the purpose of the proposed amendment was to address the growing demand for a variety of indoor recreational activities throughout the County.

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

(Start Verbatim Transcript)

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

Commissioner Hedetniemi: Is this me?

Commissioner Flanagan: Yeah.

Commissioner Hedetniemi: Okay. Could you ask if there's anyone in the audience who wishes to speak...

Chairman Murphy: I just did that.

Commissioner Hedetniemi: Okay. If there isn't, then I move to approve this – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMERCIAL RECREATION USES IN THE PLANNING DEVELOPMENT HOUSING (PDH) DISTRICTS, AS ADVERTISED AND AS SET FORTH IN THE STAFF REPORT DATED JANUARY 24TH, 2017.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve – or adopt the Zoning Ordinance Amendment regarding indoor recreation uses in the PDH District, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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CSP 2012-MV-008 – FPRP DEVELOPMENT, INC. – Appl.
under Sect. 12-210 of the Zoning Ordinance for approval of a
Comprehensive Sign Plan associated with RZ 2012-MV-008.
Located W. side of Silverbrook Rd. S. of its intersection with
White Spruce Way on approx. 74.41 ac. of land zoned PDC and
PDH-8. Tax Map 107-1 ((9)) A, D, E, F, G, H, J, L1, L2, L3, D1-
D11, E1-E22, F1-F25, G1-G36, H1-H13. MOUNT VERNON
DISTRICT. PUBLIC HEARING.

Commissioner Flanagan 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 Flanagan for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Without objection, public hearing is closed. Recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. Mr. Chairman, though I do request that the applicant confirm for the record their agreement to the proposed development conditions dated February 10, 2017.

Scott Adams, Applicant's Agent, McGuireWoods, LLP: Thank you. We agree to those conditions.

Commissioner Flanagan: Thank you. In that case, I MOVE THAT THE PLANNING COMMISSION APPROVE CPS – CSP-MV-008 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 10, 2017.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2012-MV-008, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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PA 2016-II-TY1 – COMPREHENSIVE PLAN AMENDMENT (TYSONS WORKFORCE HOUSING AND HIGH-RISE CONDOMINIUMS) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 2,100 ac. Tysons Urban Center generally located at junctions of the Capital Beltway/Interstate 495 (I-495) with the Dulles Airport Access Road and Dulles Toll Road (DAAR, Route 267), Leesburg Pike (Route 7), and Chain Bridge Road/Dolley Madison Boulevard (Route 123) (Tax map #28-2, 28-4, 29-1, 29-2, 29-3, 29-4, 30-3, 39-1, 39-2, 40-1) in the Providence and Hunter Mill Supervisor Districts. The Tysons Urban Center section of the Area II volume of the Comprehensive Plan recommends that all projects with a residential component that seek to implement a redevelopment option should provide affordable and workforce dwelling units. The amendment considers changes to the recommendations related to Workforce Dwelling Units (WDU) in high-rise condominium developments, as recommended by the Tysons High-Rise Condominium WDU Advisory Committee. PROVIDENCE AND HUNTER MILL DISTRICTS. PUBLIC HEARING.

Bernard Suchicital, Planning 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 adoption of Comprehensive Plan Amendment PA 2016-II-TY1.

When Commissioner Niedzielski-Eichner asked for additional information regarding the purpose of the proposed amendment and why staff had determined that such an amendment was necessary, Mr. Suchicital and Fred Selden, Director, DPZ, explained the following:

- The proposed amendment was intended to address issues that had arisen during the review of the previously-approved Arbor Row development in Tysons, which had revealed numerous difficulties in meeting the affordable housing recommendations prescribed by the Comprehensive Plan;
- The Arbor Row development had been the first condominium development in Tysons and while the countywide policies for workforce housing were different for condominium units compared to rental units, the policies prescribed for development in Tysons utilized different provisions;
- The changes to the condominium market that occurred after the adoption of the Tysons Plan necessitated revisions to the workforce housing policies;
- The advisory group that had been involved in the original workforce housing policies had also coordinated with staff on the policies articulated in the proposed amendment;
- The provisions of the proposed amendment applied exclusively to condominiums and high-rise development in the Tysons area;
- The previous workforce housing policies were no longer feasible due to the cost of construction and changes in market conditions; and
- The revised workforce housing policies articulated in the proposed amendment were consistent with the workforce housing provisions included in the Arbor Row development, which had been approved by the Commission and the Board of Supervisors.

Commissioner Ulfelder pointed out that the Commission had not received a significant amount of comments from developers or other stakeholders in Tysons. He then asked for additional information regarding the parties staff had coordinated with in reviewing the proposed amendment. Mr. Selden explained that the advisory group that had coordinated with staff in reviewing the amendment included multiple representatives of stakeholders within Tysons, including developers. He added that one such representative was in the process of planning a condominium development in Tysons. A discussion ensued between Commissioner Ulfelder and Mr. Selden regarding the opportunities for stakeholders to voice their concerns on the proposed amendment and the amount of questions that staff had received during the review process for the amendment wherein Mr. Selden indicated that drafts of the amendment had been circulated among appropriate stakeholders and no significant issues had been raised.

Referring to the seventh bullet on page 6 of the staff report, Commissioner Ulfelder pointed out that the language involving buyouts from the workforce housing requirements included the phrase, “In the rare event that a payment in lieu of affordable units is considered.” He then asked for additional information on what constituted a “rare event.” Mr. Selden explained that such an

event would be determined by staff after an appropriate review of a development. He then said that under the existing workforce housing guidelines for Tysons, a buyout from the workforce housing requirement was to be considered a last resort. He added that the provisions articulated in the amendment provided additional guidelines for such an option. Mr. Selden also noted that the issue of buyouts from the workforce housing requirements had arisen during the previously-approved Arbor Row case and indicated that staff supported retaining policies that identified buyouts from the workforce housing requirement as a last resort. In addition, he said that staff remained committed to retaining policies that promoted affordable housing in Tysons, adding that previous efforts to include affordable housing with rental units had been successful.

Referring to the seventh bullet on page 6 of the staff report, Commissioner Ulfelder pointed out that payment for a buyout option from the Tysons workforce housing policy was three percent of the total contract sales price for each market rate unit within a condominium development. He then asked for additional information regarding how staff had determined such a figure. Mr. Selden explained that the three percent figure had been selected because it was consistent with similar policies utilized by neighboring jurisdictions that also utilized buyout policies for workforce housing. He added that staff had evaluated the effectiveness of such a policy in neighboring jurisdictions and the information indicated that instances in which developers exercised the buyout option were infrequent. In addition, Mr. Selden said that the three percent figure had been discussed with the advisory group and staff had determined that such a figure was appropriate. Commissioner Ulfelder stated that he supported the intent and guidelines of the buyout policy, but suggested that additional evaluations be conducted in conjunction with appropriate revisions as other parts of Tysons redeveloped.

Referring to Table 1B on page 5 of the staff report, Commissioner Hurley expressed concern regarding the information depicted in the table, pointing out that the language utilized did not specify whether the phrase “total units” was referring to the amount of workforce dwelling units or the total units within a development. She then suggested that the table be revised to include an additional column that included both the amount of workforce dwelling units and the total dwelling units to ensure that the percentages of the units within a development were clearly articulated. Mr. Selden indicated that Table 1B was intended to refer to the total number of workforce dwelling units and not the overall units within a development. A discussion ensued between Commissioner Hurley and Mr. Selden regarding the information articulated in Table 1B, the overall amount of workforce dwelling units compared to market-rate units that would be recommended for prospective developments, the income tiers that would be utilized for allocating workforce dwelling units for condominium developments, and the amount of workforce dwelling units that would be required for rental developments wherein Mr. Selden acknowledged the difficulty of interpreting the information depicted in the tables on page 5 of the staff report and requested that the Commission defer the decision only for this item to provide staff additional time to clarify the information.

Commissioner Sargeant asked for additional information regarding the impact of the revised formula for determining the required amount of workforce dwelling units on a development and how such an impact would affect developments located near Metrorail stations, noting the importance of ensuring that workforce units were located near Metrorail stations. Mr. Selden

explained that the intention of the provisions articulated in the proposed amendment was to encourage applicants to include workforce dwelling units on-site, adding that the high-rise developments that would be impacted by the amendment were more likely to be located near Metrorail stations. In addition, he said that applicants for developments located near Metrorail stations would be required to make significantly larger contributions for off-site workforce dwelling units and such a provision would ensure that there was sufficient incentive to provide the workforce units on-site.

When Commissioner Sargeant asked for additional information regarding the housing trust fund, Mr. Selden said that this fund had been established prior to the submission of the proposed amendment. He then explained that the fund was implemented in conjunction with the workforce housing policies for Tysons to encourage contributions towards affordable housing from non-residential development in the area. A discussion ensued between Commissioner Sargeant and Mr. Selden regarding the contributions that had been made to the housing trust fund to date and the impact of changing market conditions on such contributions wherein Mr. Selden indicated that the existing policy prescribed a \$3 per square-foot contribution from nonresidential development and previous contributions had been submitted by applicants, such as Capital One.

When Commissioner Flanagan asked whether there had been an instance where an applicant had opted to construct workforce housing units off-site, Mr. Selden indicated that there had been no such instance to date in Tysons, but noted that such an option could potentially be utilized with a future development. Commissioner Flanagan then expressed concern regarding the potential for applicants to excessively utilize off-site workforce housing, which would undermine efforts to locate such units near the Metrorail Stations. Mr. Selden addressed this concern, explaining that applicants favored providing workforce housing on-site because such provisions improved the ability for the development to become occupied. A discussion ensued between Commissioner Flanagan and Mr. Selden regarding the purpose for permitting applicants to utilize off-site contributions to comply with the workforce housing recommendations wherein Mr. Selden said that staff supported permitting applicants to utilize such an option, adding this option would create additional opportunities to increase the amount of affordable housing throughout Tysons.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Lynne Strobel, 2200 Clarendon Boulevard, Suite 1300, Arlington, representing, Walsh, Colucci, Lubeley & Walsh, PC, stated that she had represented the applicant for the previously-approved Arbor Row development in Tysons, which was referenced in the staff report. She then indicated that she supported the proposed amendment, adding that she favored providing applicants with the option to utilize off-site contributions to comply with the Comprehensive Plan's workforce housing requirements. She noted that such policies had been utilized in other jurisdictions, such as Arlington County. In addition, Ms. Strobel acknowledged the challenges associated with providing affordable housing in a high-rise condominium developments and said that she favored further evaluation of the issues concerning affordable housing in Tysons. She also aligned herself with the concerns raised by Commissioner Ulfelder during the public hearing.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Suchicital, who declined. 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.

(Start Verbatim Transcript)

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

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Based on the discussion and questions raised tonight at tonight's public hearing and the desire to further review this amendment, I MOVE TO DEFER PA 2016-II-TY1 FOR DECISION AT OUR NEXT AVAILABLE PLANNING COMMISSION MEETING TO A DATE CERTAIN OF THURSDAY, MARCH 2ND, 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 PA 2016-II-TY1 to a date certain of March 2nd, 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 Migliaccio was absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – COMMERCIAL
VEHICLES IN RESIDENTIAL DISTRICTS – To amend Chapter
112 (the Zoning Ordinance) of the 1976 Code of the County of
Fairfax, as follows: (1) Modify the commercial vehicle definition
to delete the carrying capacity criterion for being deemed a
commercial vehicle; and replace the display of advertising lettering
criterion with a criterion that requires the vehicle to bear or display
indicators that the vehicle is designed or used for commercial
purposes, including, but not limited to box trucks, step vans or
vehicles specifically designed to carry tools and/or special
equipment, regardless of capacity. (2) Modify the commercial
vehicle definition to state that commercial vehicles do not include

vehicles actively providing delivery, repair or moving services; or vehicles primarily used for the noncommercial transport of passengers which may display Virginia Department of Motor Vehicles issued transportation network company identifications or other small emblems and do not include any other commercial indicators. (3) Revise the list of commercial vehicles that are prohibited as an accessory use to a dwelling unit in a residential district to replace wreckers with a gross weight of 12,000 pounds or more with all towing and recovery vehicles and to specifically prohibit: vehicles exceeding 21 feet in length, 8½ feet in width or 8 feet in height; vehicles carrying commercial freight in plain view; trailers used for transporting equipment whether attached or unattached to another vehicle; and vehicles with three or more axles. COUNTYWIDE. PUBLIC HEARING.

Mavis Stanfield, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of proposed Zoning Ordinance Amendment.

Answering questions from Chairman Murphy, Ms. Stanfield stated that trailers that were not attached to a vehicle were prohibited from parking in the right-of-way owned by the Virginia Department of Transportation within a residential district. She then said that in the event that such a vehicle was parked in this area, the Fairfax County Police Department would enforce this prohibition.

When Commissioner Hurley asked where the commercial vehicles prohibited by the proposed amendment would be parked if they were not permitted to park in residential areas, Ms. Stanfield indicated that these vehicles would be required to park in a storage yard.

In response to questions from Commissioner Hart, Ms. Stanfield and Lorrie Kirst, ZAD, DPZ, explained the following:

- The scope of the proposed amendment was limited to vehicles parked on a residential lot and would not apply to vehicles parked on a public street;
- The use of a garage, barn, or similar enclosure to house a commercial vehicle on a private residential lot would be prohibited under the amendment;
- The vehicles that utilized logos and decals for certain businesses, such as maid services, were considered commercial vehicles and would be subject to the provisions articulated in the amendment; and
- The owner of a commercial vehicle that utilized logos or decals was permitted to park the vehicle at their residence, but could only park one such vehicle at a given time.

Referring to line 19 of the proposed language for the definition for a commercial vehicle under the ordinance, as shown on page 7 of the staff report, Commissioner Hart requested additional information on the phrase “small emblem” and asked what criteria would be utilized to determine whether an emblem fit this criteria. Ms. Stanfield indicated that the standards prescribed by the State of Virginia would be utilized in determining whether an emblem was of sufficient size, adding that such standards defined small emblems as being visible from approximately 50 feet. A discussion ensued between Commissioner Hart and Ms. Stanfield, with input from Ms. Kirst, regarding the guidelines for determining whether an emblem was an appropriate size wherein Ms. Kirst reiterated that the County would utilize the standards prescribed by the State of Virginia.

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

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Hart, please.

Commissioner Hart: Yes. Thank you, Mr. Chairman. I would like to thank the citizens who sent emails or questions and comments. We did get a resolution in support from the Mount Vernon Citizens Association. We got a few other emails over the last couple weeks. I also want to thank the staff team for their fine work on this – the folks who came out tonight, particularly Ms. Stanfield, Ms. Kirst, Ms. Perry, Ms. Silverman. And I think this is a pretty straightforward amendment, which adds clarity to an important definition. I’m comfortable with the wording that we have and the explanation that we’ve gotten on all of the questions. I think this is ready to go, unless somebody has an issue with it. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND – EXCUSE ME – TO THE BOARD OF SUPERVISORS THAT THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS BE APPROVED, AS ADVERTISED, AND AS SET FORTH IN THE STAFF REPORT DATED JANUARY 24, 2017, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioners Flanagan and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? And Ms. Hedetniemi. All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment regarding commercial vehicles in residential districts, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SEA 82-P-032-07 – WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY – Appl. under Sects. 3-104, 3-804 and 6-
105 of the Zoning Ordinance to amend SE 82-P-032 previously
approved for WMATA Facilities Vienna Metrorail Station to
permit deletion of land area and associated modifications to site
design and development conditions. Located 2921 Sayre Rd.,
Vienna, 22031 on approx. 33.69 ac. of land zoned R-1, R-8 and
PDH-20. Tax Map 48-1 ((01)) 90A, 101B, 103, 48-2 ((01)) 1, 2
and 48-3 ((04)) 28. PROVIDENCE DISTRICT. PUBLIC
HEARING.

Bruce Bourque, Applicant's Agent, Washington Metropolitan Area Transit Authority, reaffirmed the affidavit dated September 28, 2016.

There were no disclosures by Commission members.

Casey Gresham, 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 SEA 82-P-032-07.

Commissioner Niedzielski-Eichner acknowledged the constraints of the subject property, due to its location and shape. He then asked for additional information regarding the options that a prospective buyer could utilize to redevelop the site. Ms. Gresham described the existing structure on the site, noting that the structure had been constructed prior to the existing Zoning Ordinance provisions and was classified as a legal nonconforming use. She then explained that an applicant attempting to redevelop the site would be required to comply with the current standards prescribed by the Zoning Ordinance, noting that such standards would utilize a different building footprint and comply with existing standards for setbacks. Ms. Gresham also stated that an addition could be constructed on the existing dwelling unit on the site by-right.

Commissioner Niedzielski-Eichner pointed out that the revised development conditions dated February 23, 2017 included a condition that required the applicant to obtain a Lot Validation Application from the Department of Public Works and Environmental Services (DPWES) prior to the resale of the site. He also noted the requirements of this condition would apply to future contracts of sales and the deed of conveyance. Ms. Gresham confirmed this statement, adding that the language had been added to ensure that prospective buyers of the site were informed of the necessary requirements. (A copy of the revised set is in the date file.)

Commissioner Hart echoed Commissioner Niedzielski-Eichner remarks regarding the constraints of the subject property. He also noted the site's proximity to the Vienna Metrorail Station and asked whether such proximity would incur additional setback standards. Ms. Gresham explained that, due to the design of Five Oaks Road and the manner in which it encircled the property, the site was exempt from those additional setback standards. A discussion ensued between Commissioner Hart and Ms. Gresham regarding the instances at other sites in which a variance had been required to utilize larger setbacks due to the proximity of a Metrorail station and the potential for such requirements to create additional constraints on the site.

When Commissioner Ulfelder asked whether the site's proximity to the Vienna Metrorail Station would be a factor in a Lot Validation Application, Ms. Gresham indicated that such a factor would not be considered. A discussion ensued between Commissioner Ulfelder and William Mayland, ZED, DPZ, with input from Ms. Gresham, regarding the standards by which a Lot Validation Application was evaluated, the purpose for obtaining a Lot Validation Application, and the ability for an applicant to obtain a Lot Validation Application for the subject property wherein Mr. Mayland indicated a Lot Validation Application was utilized to determine whether a lot had been created in a manner consistent with the provisions prescribed by the Zoning Ordinance at the time.

Commissioner Ulfelder expressed concern regarding the language of Development Condition Number 3, which articulated the requirement for prospective buyers to obtain a Lot Validation Application upon purchase of the subject property, and suggested that the language be modified to clarify that subsequent re-sales of the site would be required to obtain a Lot Validation Application. A discussion ensued between Commissioner Ulfelder and Mr. Mayland regarding the purpose of obtaining a Lot Validation Application wherein Mr. Mayland reiterated that the intent of the condition was to require a Lot Validation Application to ensure that the lot was created in a manner consistent with the provisions of the Zoning Ordinance at the time.

Mr. Mayland addressed Commissioner Hart's concern regarding the site's proximity to the Vienna Metrorail station and the impact that such proximity incurred on setbacks, noting that the setback requirements for Metrorail differed from those of traditional rail and the subject property would not be subject to the greater setback requirements required by traditional rail.

Mr. Burke stated that the applicant intended to minimize ownership liabilities of the subject property and sell the property through a public process. In addition, he indicated that the applicant intended to obtain the required Lot Validation Application.

A discussion ensued between Commissioner Ulfelder and Ms. Gresham regarding the amount of time required to obtain a Lot Validation Application and the timeframe for the Board of Supervisors' public hearing for the subject application wherein Ms. Gresham indicated that DPWES reviewed Lot Validation Applications, noting that the typical review periods was approximately one month.

When Commissioner Flanagan asked whether a redevelopment of the subject property would impact the previously-approved open space commitments for surrounding development, Ms. Gresham explained that a redevelopment on the site would incur no such impacts on existing

open space commitments because it had been developed prior to the finalization of those commitments.

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

(Start Verbatim Transcript)

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

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I'm trying to read the – my colleague, Mr. Ulfelder, is this something you're interested in waiting to see for the report - the staff's analysis?

Commissioner Ulfelder: No, but I think I would – I think the correction ought to be made in paragraph three of the proposed development conditions that it's certain that it will cover all future contracts of sales and not just the initial one. But that's a change that can be made between now and the Board consideration of the application.

Commissioner Niedzielski-Eichner: Okay. Very good. So I - Mr. Chairman, I request that the applicant confirm for the record agreement to the development conditions – particularly, as a suggested amendment – I guess we can't do that, but – dated January 25th, 2017. So please confirm for the record your agreement with the development conditions dated as they are.

Chairman Murphy: Come up, please.

Bruce Bourque, Applicant's Agent, Washington Metropolitan Area Transit Authority: I confirm.

Commissioner Niedzielski-Eichner: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 82-P-032-07, SUBJECT TO DEVELOPMENT CONDITIONS DATED JANUARY 25TH, 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 recommend to the Board of Supervisors that it approve SEA 82-P-032-07, subject to the development conditions and the additional addendum that was added on by Commissioner Ulfelder this evening, say aye.

Commissioners: Aye.

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

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

(End Verbatim Transcript)

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SE 2016-HM-020 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND THE BOARD OF SUPERVISORS – Appl. under Sects. 2-517, 5-404, 5-408, 9-612 and 9-400 of the Zoning Ordinance to permit electrically powered regional rail transit facilities and waiver of open space requirements. Located at 2000 and 2001 Edmund Halley Dr. Reston, 20191 on approx. 1.88 ac. of land zoned I-4. Tax Map 17-3 ((8)) 2A (pt.) and 17-3 ((8)) (3A) 2A (pt.) (Concurrent with 2232-H16-40.) HUNTER MILL DISTRICT.

2232-H16-40 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND THE BOARD OF SUPERVISORS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit a transit transfer facility. Located at 2000 and 2001 Edmund Halley Dr. Reston, 20191 on approx. 1.88 ac. of land zoned I-4. Tax Map 17-3 ((8)) 2A (pt.) and 17-3 ((8)) (3A) 2A (pt.) (Concurrent with SE 2016-HM-020.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Noah B. Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC, reaffirmed the affidavit dated January 19, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Klein'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.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an attorney/client relationship with two LLCs that were unrelated to the subject applications, but there was significant stake and interest of these organizations owned by Peter Forster, who was listed in the affidavit as a shareholder of the joint venture partner, Clark Construction Group, LLC. However, he indicated that his work regarding those organizations was unrelated to the subject applications

or the parties listed on the affidavit; therefore, it would not affect his ability to participate in this joint public hearing.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of SE 2016-HM-020. Concurrently, she said that staff recommended that the Planning Commission approve 2232-H16-40, pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Replying to questions from Commissioner Ulfelder, Ms. Tsai and Martha Coello, Fairfax County Department of Transportation, explained the following:

- The round-about at the terminus of Edmund Halley Drive would serve the proposed entrance pavilion to the planned Reston Town Center Metrorail Station and the parking lots for the buildings to the east of the site;
- The connections to the round-about that would serve the entrance provision would accommodate a planned grid of streets for the surrounding area;
- The planned grid of streets would connect to the Reston Parkway;
- The location of the round-about that would serve the entrance pavilion had yet to be finalized;
- The entrance pavilion could be accessed by vehicles traveling from the east;
- The provisions for the round-about on the site was consistent with the recommendations prescribed by the Comprehensive Plan for the Reston area.

Mr. Klein commended staff for their coordination with the applicant on the subject application. He then gave a presentation wherein he explained the following:

- The site was subject to various constraints due to its size;
- The applicant had initially included landscaping waivers in the subject application, but after subsequent coordination with staff from the Urban Forester, such waivers had been removed;
- The applicant had retained the request for a modification of the open space requirement prescribed by the Zoning Ordinance;
- The proposed entrance pavilion to the Reston Town Center Metrorail Station was intended to complement the character of the planned transit-oriented development for the surrounding area and would be consistent with the recommendations prescribed by the Comprehensive Plan; and

- The entrance pavilion and the pedestrian bridge would utilize public art, but the design for this art had not been finalized and was subject to approval by the Board of Supervisors.

Commissioner Hurley pointed out the location of the bus parking and the kiss-and-ride areas of the site, but noted the limited availability of short-term parking spaces. She then asked for additional information on how the short-term spaces would be utilized and inquired as to whether the number of spaces provided was sufficient. Mr. Klein reiterated that the site was subject to significant constraints and noted the limited availability of space. He also said that the applicant had prioritized providing adequate space for bus parking and drive-aisles. In addition, Ms. Coello indicated that staff had determined that the amount of short-term spaces was appropriate because such spaces were intended to function in a manner similar to the kiss-and-ride. A discussion ensued between Commissioner Hurley and Ms. Coello regarding the usage of the short-term parking spaces on the site.

Commissioner de la Fe noted the ongoing progress of the second phase of the Silver Line Metrorail. He also stated that the proposal would not impact the planned grid of streets, as recommended by the Comprehensive Plan for Reston. Mr. Klein concurred with this statement, reiterating that the proposal was consistent with the Comprehensive Plan and was intended to complement the planned development for the area.

A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Tsai regarding the location of open space that would be included with the proposed entrance pavilion on the site, the open space could include paved areas, and the planned development for the surrounding area wherein Ms. Tsai indicated that the Comprehensive Plan recommended mixed-use development for the surrounding area and the pavilion would complement such development.

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

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. As was stated by staff and the applicant, this is the last action, I hope, related to the Silver Line, so that, you know, so that we can really consider it well-underway and that we've done the necessary land use actions. Could I ask the applicant to come forward? I request that – confirm for the record agreement to the proposed special exception conditions dated February 9th, 2017.

SE 2016-HM-020/2232-H16-40 – MWAA THE VIRGINIA DEPARTMENT February 23, 2017
OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF
WMATTA AND THE BOARD OF SUPERVISORS

Noah Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC: We are so in agreement with conditions dated February 9th, 2017.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES PROPOSED UNDER APPLICATION 2232-H16-40 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15-2.2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to approve 2232-H16-40, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-HM-020, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 9TH, 2017.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2016-HM-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 5-408 OF THE ZONING ORDINANCE FOR THE 15-PERCENT OPEN SPACE REQUIREMENT TO PERMIT 5 PERCENT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

SE 2016-HM-020/2232-H16-40 – MWAA THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WMATTA AND THE BOARD OF SUPERVISORS February 23, 2017

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

(End Verbatim Transcript)

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The meeting was adjourned at 10:10 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: July 13, 2017



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