

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 02, 2017**

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

ABSENT: None

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The meeting was called to order at 8:18 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 and welcomed the new Deputy Clerk, Samantha Lawrence to the Planning Commission.

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SE 2016-SU-022 – COPT STONECROFT, LLC

(Start Verbatim Transcript)

Chairman Murphy: Let's do Commission business. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Yes, Mr. Chair. I MOVE THAT THE PLANNING COMMISSION MOVE THE APPLICATION - DEFER SE 2016-SU-022 - THAT THAT WOULD BE DEFERRED INDEFINITELY.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer SE 2016-SU-022 and also the rezoning and final development plan RZ FDP 2016-PR-023 indefinitely.

Commissioner Hart: No, no, no, no.

Chairman Murphy: What?

Commissioner Hart: Just the first one. That second one is the Providence. It's totally different.

Chairman Murphy: Oh, I'm sorry. Why are they linked together? All right. All those in favor of the motion to defer SE 2016-SU-022, COPT Stonecroft, LLC to a date certain of 4/19...

Vice Chairman de la Fe: No, she said "indefinitely."

Chairman Murphy: We went to indefinite?

Vice Chairman de la Fe: There is a date here.

Commissioner Keys-Gamarra: Yes.

Chairman Murphy: They are linked together. I'm not sure which one goes with...

Commissioner Hart: They are separate.

Vice Chairman de la Fe: No, they are not.

Chairman Murphy: They are separate. Okay, they are just typed together. Okay. ...public hearing to a date certain of April 19...

Vice Chairman de la Fe: No, it – no. She's going to do indefinite.

Chairman Murphy: They are going to go indefinitely.

Commissioner Keys-Gamarra: Yes.

Vice Chairman de la Fe: The agenda says 4/19.

Chairman Murphy: Okay. All right. I'm sorry.

Commissioner Hart: This is wrong. It's indefinite.

Chairman Murphy: All those in favor of the motion to defer SE 2016-SU-022, COPT Stonecroft, LLC indefinitely, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Don't – don't anybody ask for a recount. Okay?

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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(Start Verbatim Transcript)

Chairman Murphy: We are going to have a do-over everybody. Ms. Keys-Gamarra, please.

Commissioner Keys-Gamarra: Yes Mr. Chair. I MOVE THE PLANNING COMMISSION DEFER SE 2016-SU-022 TO A DATE CERTAIN OF 4/19/2017, rather than indefinitely.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yeah, Mr. Hart.

Commissioner Hart: I think we have to reconsider the vote.

Chairman Murphy: Yeah, I guess we do. Let's reconsider.

Commissioner Keys-Gamarra: MOVE TO RECONSIDER THE VOTE.

Chairman Murphy: Is there a second?

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Read it again?

Chairman Murphy: Yeah.

Commissioner Keys-Gamarra: Okay.

Chairman Murphy: We'll all going to know this by heart before the evening is over.

Commissioner Keys-Gamarra: I move that the Planning Commission defer SE 2016-SU-022 to a date certain of 4/19/2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer SE 2016-SU-022 to a date certain of 4/19/2017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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RZ/FDP 2016-PR-023 – ROBERT H. PEARSON, JR. AND R.H. PEARSON INC.

(Start Verbatim Transcript)

Chairman Murphy: And so, I guess there is another deferral and it's in the Providence District. Mr. Niedzielski-Eichner, please. We will get this one straight now.

Commissioner Niedzielski-Eichner: Yes, thank you, Mr. Chairman. I MOVE TO DEFER RZ/FDP 2016-PR-023 TO POSTPONE THIS UNTIL INDEFINITELY.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to defer this application indefinitely, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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SE 2016-DR-018 – ANUPAMA PRASAI, A/K/A ANUPAMA PRASAI KOIRALA

(Decision Only)

(The public hearing on this application was held on February 15, 2017.)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. We had a public hearing, I think on February 15th in connection with an application for a childcare facility in Herndon. And could I ask the applicant to come down to the – to the podium? Excuse me.

Chairman Murphy: Just come up to the podium for a second, that's all you have to do.

Commissioner Ulfelder: Yeah, just come on up here. But I am going to make a brief statement. At the public hearing a number of the Commissioners had raised questions and concerns about

the number of children based on the size of both the indoor and outdoor space for this application. Since then, the Commissioners should have copies of revised proposed development conditions now dated March 2nd. You can see the changes. The main changes that the approval will be – or the recommendation will be for approval for eight children. There is one other change that I would like to move as well as part of the proposed development conditions. In condition Number 4, it discusses the hours of operation and it says between the hours of 7:30 a.m. and 6:00 p.m. and I would like to change this 7:30 a.m. to 6:30 a.m. So it would be operating between 6:30 a.m. and 6:00 p.m. in addition to the changes that are already shown on the revised development conditions. So with that, I would ask Ms. Prasai, would you confirm for the record that you are in agreement with the revised proposed development conditions dated March 2nd with that additional change that moves the starting time to a little bit earlier time 6:30?

Ms. Anupama Prasai, a/k/a Anupama Prasai Koirala: Yes, okay. I do.

Commissioner Ulfelder: Okay? Okay. That's fine. That's all we need. Thank you.

Ms. Anupama Prasai, a/k/a Anupama Prasai Koirala: Thank you.

Mr. Ulfelder: With that Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-DR-018, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 2ND, 2017, WITH THE ONE AMENDMENT TO THE HOURS OF OPERATION IN PARAGRAPH 4.

Commissioner Hart: Second

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2016-DR-018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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2232-P16-43 – T-MOBILE, 8100 Boone Boulevard, Vienna

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION 2232-P16-43, THAT THE

PROPOSED TELECOMMUNICATIONS FACILITY BY T-MOBILE, LOCATED AT 8100 BOONE BOULEVARD, VIENNA, VA, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS WITH THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN” OF THE PLAN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in 2232-P16-43, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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2232-P16-46 – AT&T, 1980 Chain Bridge Road, McLean

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION FOR APPLICATION 2232-P16-46 THAT THE PROPOSED TELECOMMUNICATION FACILITY BY AT&T LOCATED AT 1980 CHAIN BRIDGE ROAD IN MCLEAN, VIRGINIA IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” OF THE PLAN PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of the motion to concur with the “features shown” determination in 2232-P16-46, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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2232-P16-47 – JACOBS TELECOMMUNICATION, INC. ON BEHALF OF AT&T
MOBILITY, 8203 Watson Street, McLean

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION 2232-P16-47, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY AT&T LOCATED AT 8203 WATSON STREET, MCLEAN, VA, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS WITH THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" OF THE PLAN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion to concur with the "feature shown" determination in 2232-P16-47, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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PA S13-II-TY1 – COMPREHENSIVE PLAN AMENDMENT (TYSONS IMPLEMENTATION,
LAND USE AND URBAN DESIGN; TRANSPORTATION; PARKS, PUBLIC FACILITIES
AND OTHER UPDATES)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman on February 3rd, 2017 the Commission held a public hearing on a proposed amendment to the Tysons Comprehensive Plan. The proposed amendment followed months review, comment and comment resolution starting with staff's first draft version, made available for public comment in the fall of 2013, followed two years later by a second draft make available for public comment in the fall of 2015 and then this final draft version which captures the Planning Commission's Tysons Committee review of public comments submitted in the spring and summer of 2016. In short, a tremendous level of effort has been put into this draft amendment by the staff, the Planning Committee – Tysons - Planning Commission Tysons Committee, and, of course, the public. In this regard, I would want to thank the staff coordinator, Bernie Suchicital, and Fred Selden of the Department of Planning and Zoning, Tracy Strunk of the Office of Community Revitalization staff, Andy Dorlester of the Park Authority staff, and Leonard Wolfenstein of the Transportation staff, for their excellent and

dedicated work. I also want to commend the Tysons Partnership and Greater Tysons Citizens Coalition for their thorough and thoughtful commentary throughout the draft and review process. And finally, I will take this opportunity, Mr. Chairman, to recognize my predecessor, Ken Lawrence, for who I understand have been his visionary, patient and open-minded leadership as the Chairman of the Commission's Tysons Committee. I believe there is widespread agreement that this is a necessary, valuable and timely amendment and coming as it does, nearly seven years, following the Board of Supervisors adoption of the Comprehensive Plan for the Tysons Urban Center. Further, this amendment updates the Tysons plan predominately focused on revisions to plan text in areas of implementation, land use and urban design, transportation, parks, public facilities and environmental stewardship. There are two key proposed changes, however, that have generated public comment to the Commission during the public hearing, and in my judgement warrant our attention. The first is the proposed setting of an overall development level for all uses at 113 million square feet to replace the initial development level or IDL of 45 million square feet of offices use only. The second is the addition of the sentence under Parks and Recreation Guidelines which states "Some of the active recreational facility needs may be accommodated by adding or upgrading facilities at existing or future public school sites or in nearby existing parks - parks surrounding Tysons." Let me take you to these in turn if you will. With regard to the IDL, staff believes that the Board adopted funding plan for plan transportation improvements through 2050, meets the original concern that development not outpace the infrastructure improvements required to support the increase demands on public facilities particularly with regard to transportation in the grid of streets. Further, staff is concerned that maintaining the current IDL, could act to slow the pace of development by placing a perceived cap on Tysons office development. A key staff assumption is that the Board's funding plan will be adequately augmented by local, state and federal funding sources. I agree, however, with public comments that in these times the uncertainty of the potential availability of government revenues at the level required and at the time needed is simply too great to completely abandon the IDL. I, therefore, have asked staff to develop alternative text language that will maintain the IDL at a higher level that at the 45 million square feet for office only, and will clear any mix signals, the development community might interpret as limiting the opportunity for continued Tysons development for all uses. Therefore, my motion will include the raising of the IDL to 55 million square feet for office. Now, the proposed - proposal for the 55 million square feet for office space was derived by replacing George Mason University's forecast for year 2030, with the University's forecast for year 2050. As follows, and I will take this slowly, the IDL in the current plan of 45 million square feet for office represented GMU's high forecast for 2030. The total development high cast forecast for 2030, that is an overall development level for all uses was 83 million square feet. The GMU 2050 high forecast for office is 60 million square feet and the total development high forecast of 124 million square feet. As you will recall, the funding plan is built on a 113 million total square feet projection of mixed use development. The 113 million square feet projection is approximately 91% of the 124 million of the 2050 high total development forecast. Using this then as a model for an office only projection, the 55 million square feet proposed in the revised text is 91% of the 60 million square feet associated with the 2050 high office forecast. Finally, I note that keeping the IDL, but raising the square footage threshold, is a compromise between keeping it as it is, as advocated by the Greater Tysons communities, in doing away with it completely, as advocated by the Tysons Partnership. Now, with regard to the Parks and Recreation Guidelines for Tysons active recreation facility needs, I believe on one hand, the referenced sentence unnecessarily conveys a scaled back expectation for locating such facilities within the Tysons proper. While on the other

hand, I believe the current language combined with the other amended language, provides for the flexibility called for by the developers. My motion, therefore, does not include the referenced language with regarding to meeting Tysons active recreational facility needs. On other matters, Mr. Chairman, the McLean Citizens Association, advocated at the public hearing that among other initiatives certain proposed amended language related to library services be struck and replaced by language that acknowledges ongoing renovation of the Tysons Regional Library and a footnote be added to Map 7 noting that Magarity Road abuts low density residential neighborhoods, outside of Tysons and due consideration be given in the design of the road to mitigate Tysons impact on these neighborhoods. My motion accommodates both of these MCA recommendations. Among other considerations, the Tysons Partnership proposes changes to various provisions of the Tysons plan that restore the phrase "on the order of," to the descriptions of several land use categories, because this text provides additional flexibility with the implementation of the plan. Also, to align the bicycle parking guidelines for Tysons with those used in the prior County. And finally, restore the original plan text that refers to using the consumer price index to adjust the amount of the non-residential contribution to affordable housing. My motion accommodates each of these Tysons Partnership recommendations. In closing, when the Tysons plan was adopted, a key component going forward was to be the monitoring of growth and development, in the collection of data covering a variety of areas. Now that we are approaching seven years since the plan's adoption, I believe it would be prudent to bring more formality and staff integration into this effort, and bring greater precision and rigor to monitoring the Tysons Urban Center evolution, against current projections and expectations. A monitoring program should define a new and integrated baseline understanding of the progress made in the last seven years implementing the Comp Plan. The soon to be realized completion of Metro Silver Line into Loudoun County in the significant projects completed under construction and approved. In this regard, I will be offering a follow-on motion to charge the Planning Commission's Tysons Committee to work closely with staff to define a Tysons Urban Center Development Monitoring Program. With all this, Mr. Chairman, I, therefore, MOVE FIRST MOTION THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF'S RECOMMENDATIONS FOR PA S13-II-TY1, AS SHOWN ON PAGES 6 AND 7 OF THE STAFF REPORT DATED JANUARY 5, 2017 AND AS REVISED BY THE PROPOSED PLAN LANGUAGE AND MAPS CONTAINED IN THE ADDENDUM TO THE STAFF REPORT DATED MARCH 2, 2017.

Commissioner Hedetniemi: Second

Commissioner Niedzielski-Eichner: This plan amended will update the recommendations for the Tysons Urban Center to reflect the studies and planning activities that have been completed since 2010.

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

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes. Just one quick amendment if I may. I believe you said the Planning Commission public hearing was February 3rd, it was February 8th. Could we make that change?

Commissioner Niedzielski-Eichner: Please.

Chairman Murphy: Okay. Mr. Hart.

Commissioner Hart: Yes, thank you, Mr. Chairman. I'm going to support the motion but I want to make some observations regarding the change to the section about the IDL. The Tysons Committee went through a very thorough process with staff and stake holders over a long period of time and I think reached - the Committee reached a consensus with itself that the language as proposed in the staff report regarding the IDL was the appropriate thing to do. And, I think sitting here tonight, I could still support the language that's in the staff report. I tend to agree that the compromise at 55 million square feet, may not be particularly harmful to what we are doing in Tysons and I think coupled with the follow-on motion regarding monitoring, which I hope we would be doing anyway, the results may not be all that different. But I also tend to agree that changes like this may create some level of uncertainty which complicates the ability for developers to get funding from lenders. And, the more uncertainty we create the more difficult it is for any of these projects to go forward, good or bad. I think it's a fair observation that the compromise proposal of the 55 million was never really vetted with the stakeholders or by the Committee in it's come up in the last few days. It may be perfectly reasonable and it may be that we would alternately get there. But I think with a little more time we could have gotten closer to a consensus that specifically addressed that item and I think our recommendation to the Board, at least from my standpoint, would be a little more confident if I had felt we had a little stronger feedback from all the stakeholders regarding that particular change. To some extent, by putting the 55 million back in, we are kicking the can down the road, but this is an ongoing process and the Committee is going to have more work to do. I think, unfortunately, doing it this way and voting now to some extent leaves that issue on the table for the Board and we really haven't wrung every drop from the material before we've - we've set it up. Overall, this is a good package, and I'm going to support the motion. I will put a little asterisk next to the IDL. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? Mr. Ulfelder.

Commissioner Ulfelder: Thank you Mr. Chairman. Yes, I am going to support the motion as well. And I - I agree with some of Commissioner Hart's comments, however, I think that the - we are still only seven years from having approved the Tysons plan and the progress has been a lot slower than George Mason anticipated, particularly in the office side. And, I think that the factors that have contributed to that have more to do with federal budget sequestration with the general problems in the office market throughout the County and in the region in terms of occupancy and so on. And, that - I think that it will be - need a little bit more time to see where things are going and how they are going before we can really be in a position to adequately judge progress and whether some changes can be made along the line of what was proposed in terms of removing the IDL. And I would also add, you know, that the major transportation improvement that's occurred since we approved the plan has been the arrival of the Silver Line and that's a little bit problematic right now. And now we have broken ground for the Jones Branch Connector, but there is still a lot of projects that are on the list that haven't begun and I think that we just need a little more time to see how this is going to all work out. So I'm going to support the motion with the understanding that if things pickup, if things start to change, there is the opportunity to jump in at any point to do a reevaluation and to determine whether the IDL as it will have been restructured here or at least where we'll have gone from 45 to 55 million square

feet. Whether that's a major factor or not and whether we need to change it in order to try to help with progress in development and redevelopment of Tysons Corner.

Chairman Murphy: Thank you. Further discussion? All those in favor of the motion to recommend to the Board of Supervisors they adopt the staff recommendations as amended here this evening for PA S13-II-TY1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I want to note my appreciation for Commissioner Hart's comments. They are thoughtful and I think are appropriate. I do want to assure my colleagues that the – there have been conversations with both the Partnership as well as the greater citizens groups about this change. The one caveat being that the specific number, the 55 million square feet was derived more recently, it was not explicitly discussed with the Partnership. So in that – in that regard, I understand Commissioner Hart's point. I would note that too - that leading into that next motion, the concept of this Monitoring Program was part of that conversation with the Partnership and - and the nature of this is if we have this ability to bring all the data together, have a set of metrics that are meaningful – meaningfully devised and then monitored over time through transparency, that we'll have the opportunity to have the sufficiently advanced notice of – of prospective problems, whether it be relative to funding, infrastructure issues or whatever, to be able to make adjustments, as Mr. Ulfelder – Commissioner Ulfelder – was referencing. So I think that, while the specifics were perhaps lacking, I think the broader concept of the linking of this change, I think re-including you – this level – development level - to this proposed program plan or program of monitoring, will help accomplish what we all would like to see and that's the ability to really understand how this vision is evolving as time progresses. So Mr. Chairman, I move that the Planning Commission's Tysons Committee be charged to closely coordinate with staff to define a Tysons Urban Center Development Monitoring Program to include such purposes as identifying the monitoring data that should be collected and all current data collection and reporting efforts identifying respective roles...

Chairman Murphy: We haven't voted. Hold on.

Vice Chairman de la Fe: Yeah, we did vote.

Commissioner Ulfelder: We haven't voted on the first motion.

Vice Chairman de la Fe: Yeah. We did.

Commissioner Ulfelder: No, we didn't.

Chairman Murphy: Yeah, we have seconded. All right. Is there further discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Go ahead.

Commissioner Niedzielski-Eichner: That was on first motion?

Chairman Murphy: Yeah.

Commissioner Hart: Yes.

Commissioner Niedzielski-Eichner: Okay. Thank you. So I MOVE THAT THE PLANNING COMMISSION'S TYSONS COMMITTEE BE CHARGED TO CLOSELY COORDINATE WITH STAFF TO DEFINE A TYSONS URBAN CENTER DEVELOPMENT MONITORING PROGRAM TO INCLUDE SUCH PURPOSES AS IDENTIFYING THE MONITORING DATA THAT SHOULD BE COLLECTED AND ALSO ALL CURRENT DATA COLLECTION AND REPORTING EFFORTS ALREADY ON THE WAY, IDENTIFYING RESPECTIVE ROLES AND RESPONSIBILITIES OF COUNTY AGENCIES WITH REGARD TO MONITORING PROGRESS, CLARIFYING THE ROLE THAT TYSONS PARTNERSHIP AND DATA COLLECTION AND PLAN MONITORING, AND DEVELOPING AN INTEGRATED DATA DRIVEN VIEW OF PROGRESS IN RELATION TO LOGICAL OPERATIONAL MILESTONES AS WELL AS THE GOALS IMBEDDED WITHIN THE TYSONS PLAN. AND, FINALLY, RECOMMENDING THE VENUE AND TIMEFRAMES FOR RECORDING THE MONITORING RESULTS, SUCH AS, FOR EXAMPLE, IN CONJUNCTION WITH THE ANNUAL TYSONS PROGRESS REPORT OR A PUBLICLY AVAILABLE ONLINE DATA DASHBOARD. FURTHER, MR. CHAIRMAN, I MOVE THAT THE TYSONS COMMITTEE PRESENT THE COMMISSION WITH THE WORK PLAN BY MID-MAY, TO INCLUDE KEY STEPS TO BE TAKEN IN THE RELATED MILESTONES.

Commissioner Sargeant: Second

Chairman Murphy: Seconded by Mr. Sargeant. Is there discussion of the motion?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, I do support this I just – I just want to make sure mid-May is a realistic timeframe with the meeting dates we have got left to turn this around. If staff is okay that we could - mid-May is enough time to do this.

Fred Selden, Department of Planning and Zoning: Fred Selden, Department of Planning and Zoning. I think we can work with a mid-May timeline.

Commissioner Hart: Thank you.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – PTC URBAN DISTRICT BULK REGULATIONS
(MAXIMUM FLOOR AREA RATIO FOR HIGH TRIP GENERATING USES)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman, this motion is in relation – in relation to the Zoning Ordinance Amendment. This amendment is pretty straight forward and without controversy, so I, therefore, MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING THE PLANNED TYSONS CORNER URBAN DISTRICT REGULATIONS REGARDING THE MAXIMUM FLOOR AREA RATIO FOR HIGH TRIP GENERATING USES AS ADVERTISED, AND SET FORTH IN THE STAFF REPORT DATED DECEMBER 6, 2016. WITH ADDITIONAL CHANGE TO SECTION 9-629, AS SET FORTH IN STAFF'S MEMORANDUM TO THE PLANNING COMMISSION DATED FEBRUARY 8, 2017, AND, WITH AN EFFECTIVE DATE OF – OF – I'M SORRY - 12:01 A.M. ON DAY FOLLOWING ADOPTION.

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 adopt the Zoning Ordinance Amendment regarding the PTC Urban District Bulk Regulations, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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PA 2016-II-TY1 – COMPREHENSIVE PLAN AMENDMENT (TYSONS WORKFORCE
HOUSING AND HIGH-RISE CONDOMINIUMS)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman, a final motion from me this evening. I am persuaded that the amendment which is Plan Amendment 2016-II-TY1 is - that this amendment addresses an identified need and has been given thoughtful and thorough consideration by the advisory group and staff. And, with an important correction to Table 1 B following Commissioner Hurley's question last week, I, therefore, MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR PA 2016-II-TY1, AS SHOWN ON PAGES 4 THROUGH 7 OF THE STAFF REPORT, DATED FEBRUARY 9, 2017. WITH THE CHANGE TO TABLE 1 B, AS SHOWN IN MY HANDOUT DATED MARCH 2ND, 2017, WHICH CORRECTLY SHOWS THE PERCENTAGE OF WORKFORCE HOUSING UNITS. The recommendation would amend the plan to revise a Comprehensive Plan workforce dwelling unit recommendations for high-rise condominium developments in the Tysons Corner Urban Center. Thank you, Mr. Chairman.

Commissioner Flanagan: Second.

Chairman Murphy: Second by Mr. Flanagan. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2016-II-TY1, as amended this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0-1. Commissioner Migliaccio abstained.

(End Verbatim Transcript)

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2232-L16-45 – T-MOBILE, 6200 North Kings Hwy, Alexandria

(Start Verbatim Transcript)

Commissioner Migliaccio: Yes. I just have a quick "feature shown." I MOVE THAT THE PLANNING COMMISSION FIND THAT 2232-L16-45, LOCATED AT 6200 NORTH KINGS HWY, BE CONSIDERED A "FEATURES SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to concur with the "features shown" determination in 2232-L16-45, say aye.

Commissioners: Aye.

Chairman Murphy: Say aye. Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Chairman Murphy recognized Tracy Strunk as the Acting Director of the Zoning Evaluation Division in the office of Department of Planning and Zoning.

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ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:

RZ/FDP 2016-BR-019 – CHRISTOPHER LAND, LLC

This order was accepted without objection.

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RZ/FDP 2016-BR-019 – CHRISTOPHER LAND, LLC – Appls. to rezone from R-1 to PDH-4 to permit residential with an overall density of 3.3 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located in the S.W. quadrant of the intersection of Coffey Woods Rd. and Burke Lake Rd. on approx. 2.72 ac. of land. Comp. Plan Rec: Residential, 4-5 du/ac. Tax Map 78-3 ((1)) 1. BRADDOCK DISTRICT. PUBLIC HEARING.

E. John Regan, Jr., Applicant's Agent, Christopher Land, LLC, reaffirmed the affidavit dated September 12, 2016.

There were no disclosures by Commission members.

Carmen Bishop, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. Ms. Bishop noted that staff recommended approval of applications for RZ 2016-BR-019 and FDP 2016-BR-019

Commissioner Hurley said based on her conversation with Braddock Supervisor John Cook's staff, it appears that the Virginia Department of Transportation (VDOT) will support a no right turn on red sign on Coffey Woods Road where it intersects with Burke Lake Road. She said this would cause some slight delays, but the goal is safety and she believes not permitting a right turn on red will be safer for those who will be making a U-Turn to get into this property. It will also make it safer for those who are turning right from Coffey Woods Road onto Burke Lake Road. Commissioner Hurley also noted there had been 47 reportable accidents in five years at that intersection, mostly from people running red lights coming down Burke Lake Road. She also

noted with VDOT's help on getting the stop light up, that should improve the safety of this intersection.

Commissioner Strandlie asked Ms. Bishop if there were any plans for the construction of a bike lane. Ms. Bishop said there were no plans identified for the bike lane along Burke Lake.

Chairman Murphy asked if the Liberty Trail comes out on Burke Lake and he noted the bike lane came out all the way down from Burke Road and Shiplett Boulevard already had a bike lane.

Commissioner Keys-Gamarra made a comment about the two archeological review possibilities recommended by Staff. Commissioner Keys-Gamarra said in Proffer 35 she saw something different. She quoted the text from Page 16, which stated, "At a minimum, the applicant should conduct the archaeological study if the primary layout is implemented, and provide notice for the County to conduct the study . . ." Commissioner Keys-Gamarra also noted the other option given by staff which stated, "Staff recommends that the applicant perform a Phase I archaeological study and Phase II testing and Phase III data recovery, if warranted, in order to meet the Residential Development Criterion for Heritage Resources." She noted she did not see that language in Proffer 35. In response to Commissioner Keys-Gamarra, Ms. Bishop said the applicant had not agreed to this recommendation.

Commissioner Keys-Gamarra asked staff about the impact of what they are trying to accomplish. Ms. Bishop replied that staff recommended that the site be identified by the Park Authority as having high potential for historic resources.

E. John Regan, Jr., Applicant's Agent, Christopher Land, LLC during his presentation noted the following:

- Cost of utilities. To get sanitary sewer one had to cross Burke Lake Road. To get water one had to go $\frac{3}{4}$ way across Burke Lake Road to tap into a current water main.
- Master Plan 4 to 5. Typically located near a high density single family or a town house project. The surrounding communities opposed townhouses. Christopher Land, LLC was proposing single family units, which was one of the issues that caused it not to be developed in the past.
- Access. The access to Burke Lake Road or Coffey Woods Road. The surrounding communities, Springfield and the Braddock Districts, Supervisor's Office, Braddock Lane Use Committee wanted the access to come from Coffey Woods Road. To accomplish this, Christopher Land, LLC had to obtain an easement from Burke Village Center. They were in negotiations. The developer had one Braddock District community meeting, two Burke Village Board meetings, made five presentations to the Braddock Lane Use Committee which we had 100% support from the committee at their last meeting, held three meetings with Virginia Department of Transportation (VDOT), one conference call to determine the exact locations of entrances, and had meetings with the county staff to discuss the terms of property development.

- Transportation. The intersection of Coffey Woods Road and Burke Lake Road contained a heavy amount of traffic; 24,000 vehicle trips per day southbound and 37,000 northbound. The subject development represented 3/10th of 1% of that overall traffic. VDOT and Fairfax County Department of Transportation informed the developer of the entrance location. The 50-foot radius turn coming into the project was recommended by VDOT and Fairfax County for the safest entrance in the Exodus property. There would be two protected U-turn capabilities, one at Shiplett and Burke Lake Road, the other at Coffey Woods and Burke Lake Road. Christopher Land, LLC made a commitment to Supervisor Cook to continue negotiating with Burke Village regarding the access to Coffey Woods.

In discussion with Commissioner Hurley regarding the two mentioned proffer issues, Mr. Regan agreed to put a sign at Coffey Woods and Burke Lake Road.

Commissioner Keys-Gamarra and Mr. Regan discussed notifying the community before digging would commence. . Mr. Regan noted that in case any artifacts of historical value were found, the digging would stop.

Commissioner Hurley asked to explain the differences between the primary layout and the alternate and why, the chosen option was preferred. Mr. Regan noted the following:

- The primary layout option was less than 200 feet from the intersection of Coffey Woods Road;
- There was a 50-foot radius on the right turn going into the property and was designed to take a slightly faster right turn;
- There were 24,000 cars going down Burke Lake Road. With the alternate, Coffey Woods Road had 54,000 cars per day; it was a lot lighter road or softer road. (In the proffers)
- Christopher Land, LLC was committed to adding a right turn lane; currently it had a left-hand turn and two right hand turns.
- The developer intended to add asphalt to help relieve some of the pressure on Coffey Woods Road. The developer thought this one would be safer for the community overall and the new residence to go off of Coffey Woods.

Commissioner Hurley asked for visuals of the location of the homeowner's land and where an easement would be required. Staff provided visuals and noted the portion of the applicant's access road would cross their property. Ms. Bishop also made reference to the spike strip and showed visuals of proposed location and the area the applicant needed to cross.

Commissioner Hart made reference to the development on the right and asked whether there was anything in the approval that either provided for inter-parcel access or conversely would require a proffer condition amendment or a final development plan amendment to add a little road stub. Ms. Bishop stated the approval for the Burke Village Center, did not require any inter-parcel access and an easement across that property would not affect their prior approval.

Commissioner Hart made reference to the lot typicals and where the applicant was proposing a side yard of at least 6 feet for the houses. In the proposed design, the houses were much further away than 6 plus 6 [6+6]. Commissioner Hart indicated that the wing walls that were not on the plan. He further voiced concern regarding the houses being crunched together with insufficient space between them. In response to Commissioner Hart's concerns, Mr. Regan presented visuals which showed a house with a wraparound porch which would probably violate a setback requirement. Commissioner Hart posed the same question to staff and asked if this would create a problem. In response, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning stated the wing walls were an accessory structure but not a piece of the house.

Commissioner Flanagan made reference to the dam-breach line where it appeared 3 or 4 of the homes were within the breach flood plain. He asked if the applicant intended to raise the grade of the site where homes were higher off ground to avoid being within the breach line of a dam-breach. In response, Ms. Abrahamson said the dam inundations on the map were the same as the flood plain and so it was a risk management factor, and this was not a case where they would normally raise structures. Commissioner Flanagan asked if the homes in question within that breach line, should be 2 feet above the no flood plain level. In response, Ms. Abrahamson said it was not a flood plain and not something that was a periodic inundation like a flood plain, i she added that it was a factor that could occur in a catastrophic situation and would need more data.

Commissioner Flanagan asked if disclosure would be provided to people who buy the subject homes. In response, Ms. Abrahamson stated the agreement was to provide a disclosure these were inundation zones.

Commissioner Flanagan asked if a universal design provided in the proffers for these facilities, could be requested by homeowners at no additional cost. He also questioned whether it would include the width of doors, so that wheel chairs could get through them. Mr. Regan stated those would be provided as options and many of the homes were universally designed.

Commissioner Flanagan and Mr. Regan discussed the number of floors in the homes, wheelchair accommodations and whether elevators were part of the universal design. Mr. Regan stated Christopher Land, LLC was a small homebuilder and could only make accommodations regarding stairs. He made reference to some of the homes in the Providence district where they retrofitted their plans to accommodate an elevator.

Commissioner Hurley made reference to the point of the dam-breach inundation map on Sheet 20, also reiterating it was not a flood plan. Commissioner Flanagan questioned why it was brought up during the staff investigation of the site. In response, Ms. Abrahamson explained that it was a feature and there were code revisions to require its disclosure. She concluded by saying that further steps were merely being taken to acknowledge it. Commissioner Flanagan asked if it was a potential danger. Ms. Abrahamson's response was that it could be.

Commissioner Keys-Gamarra made reference to Page 20 of the where the applicant requested a waiver of the requirement for paid access to storm water management facility. She cited, "The design of the storm water management facilities as presented on the CDP/FDP is preliminary and sufficient information has not been provided to justify the requested waivers at this time." asked

staff to address the concern. In response, Ms. Bishop said the applicant did request a waiver on the plat and staff did not support it. She added that this was something typically done at the subdivision plan stage and if the applicant wanted to provide the detailed engineering information then, the Site Development and Inspections Division would have to review; however, it had not been provided.

Commissioner Migliaccio pointed to the instances in the staff report where the energy craft or energy star homes were referenced and there were recommendations to clarify the proffers, and asked if Mr. Regan would be open to those recommendations. Ms. Bishop interjected and stated staff was looking for that to be addressed prior to the issuance of the Residential Use Permits (RUPs). And, the applicant would like the flexibility to submit the final report 30 days after the RUP is issued.

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

Jelani (Jay) Smith, Burke Village Homeowners Association, pointed out the following:

- Traffic Concerns
 - Traffic obstruction on left turn;
 - The entrances both off of Coffey Woods and Burke Lake Road were too close to the intersection. Any arbitrary location, protect left hand turns or right hand turns, and would not be warranted.
 - Construction of the homes would also affect the traffic pattern and the developers would be adding a more complex situation to an already difficult intersection.
 - Burke Lake Road had a safer alternative and proposed a turn lane off of Burke Lake Road which would give members of this new community, an opportunity to get off Burke Lake Road before they made a right-hand turn.
 - Reference made to the Silas Burke building, a retirement community, further down on Burke Lake Road, having more traffic.

Commissioner Ulfelder inquired whether the meetings were held with the Burke Lake and Burke Village residents. He also questioned whether the Home Owners Association were to consider the application. Mr. Smith indicated there was a number of meetings and that he met with the community Board members. At the last annual meeting, they discussed the possibility of an easement. The Board spoke with members of the community to try to get their thoughts, and that's how they came to the position with respect to Coffey Woods.

Commissioner Hurley and Mr. Smith had a discussion of the proffers dated February 28, 2017. Specific language was discussed regarding applicant reserving the right to have alternate utility connections, if Burke Village HOA grants utility easements onto their property.

Commissioner Hedetniemi, Commissioner Hurley and Mr. Smith discussed the possibility of adding a turn lane to Coffey Woods Road, wherein Mr. Smith said that the applicant would agree to that to the already existing lanes.

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 Hurley for action on this case.

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(Start Verbatim Transcript)

Commissioner Hurley: Thank you, Mr. Chairman. Again, I thank Mr. Smith for coming out. He has spent a great deal of time and attention on this. I thank also to the applicant who is stuck with this project for years. It's difficult, it's high traffic, and it's one of those infill cases that we spent so much time on. Thanks to the staff, of course, especially Carmen Bishop and Kris Abrahamson, both of whom are here tonight. Both of whom have spent a great deal of time on this learning about all sorts of things. Working with VDOT. I also complement FCDOT and VDOT who have their attention here tonight, and they have been trying to make this intersection safer just adding that stop light on the left turn, which suddenly appear and I wasn't expecting it. But certainly, to me, I can see that stop light now before I get to the intersection. So thank you guys. And of course, Marcia Inaudible who is also in the audience from John Cook's staff who late this afternoon was still working with VDOT to get tentative approval for this right turn lane sign which again I think will make the intersection safer for everybody, totally apart from this particular application. And as mentioned by the applicant, we did have unanimous consent of the Braddock Land Use Committee and they did spend five meetings on this case. And they again know more about every little detail of that intersection than they have imagined they would. And therefore, Mr. Chairman, I request that the applicant confirm for the record, their agreement to the proposed final development plan conditions dated 5 – I'm sorry – 15 February, 2017. That you agree to the final development conditions?

Mr. E. John Regan: Yes I do.

Commissioner Hurley: And I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-BR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 28TH, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by 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 RZ 2016-BR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-BR-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 15, 2017 AND THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-BR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion to approve FDP 2016-BR-019, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And last, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS. FIRST, A DEVIATION FROM THE TREE PRESERVATION TARGET PURSUANT TO SECTION 12-0508.3A OF THE PUBLIC FACILITIES MANUAL. SECOND, A WAIVER OF THE REQUIREMENT FOR CONSTRUCTION OF THE BICYCLE LANE, PURSUANT TO SECTION 17-201 OF THE ZONING ORDINANCE. AND, THIRD, A MODIFICATION OF SECTION 8-0201 OF THE PUBLIC FACILITIES MANUAL TO PERMIT AN ESCROW IN LIEU OF CONSTRUCTION OF A PORTION OF THE TRAIL ALONG BURKE LAKE ROAD, AS DEPICTED ON THE FDP.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote 12-0.

(End Verbatim Transcript)

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CLOSING


March 2, 2017

The meeting was adjourned at 9:50 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: Samantha Lawrence

Approved on: July 27, 2017



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