

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 29, 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 8:24 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

On behalf of the Planning Commission, Chairman Murphy expressed condolences to Toni Denson, Planning Technician for the Planning Commission, whose mother passed away on Monday, March 27, 2017. He then indicated that Jill G. Cooper, Director, Planning Commission, had arranged to send flowers and a sympathy card to Ms. Denson.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee had met earlier to discuss the revised procedures for Fairfax Forward. He also indicated that a public hearing for Fairfax Forward would be held on Wednesday, April 19, 2017 in order to receive input from citizens and staff.

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Commissioner Ulfelder said that the applicant for SE 2015-DR-027 had requested an indefinite deferral for the decision only on this case; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-DR-027, MAHLON A. BURNETTE, III AND MARY H. BURNETTE, TO AN INDEFINITE DATE. Commissioner Migliaccio seconded the motion, which carried by a vote of 11-0. Commissioner Hart recused himself from the vote.

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Commissioner Hart stated that the Virginia General Assembly had deferred its adoption of legislation associated with telecommunications facilities. He then announced that the Planning Commission would conduct a closed session meeting with the County Attorney at the Planning Commission's meeting on Wednesday, April 26, 2017 to discuss issues pertaining to state policies pertaining to telecommunications facilities. Therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON PA 2017-CW-1CP, COMPREHENSIVE PLAN AMENDMENT (MOBILE AND LAND BASED TELECOMMUNICATIONS POLICY PLAN), TO APRIL 26, 2017.

Commissioner Migliaccio seconded the motion, which carried by a vote of 12-0.

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APPROVAL OF MINUTES FOR SEPTEMBER 2016 THROUGH OCTOBER 2016

(Start Verbatim Transcript)

Commissioner Hart: But tonight, I MOVE THAT WE APPROVE THE MINUTES FOR SEPTEMBER 14, SEPTEMBER 15, SEPTEMBER 21, SEPTEMBER 22, SEPTEMBER 28, SEPTEMBER 29, OCTOBER 5, OCTOBER 6, OCTOBER 19, OCTOBER 20, OCTOBER 26, AND OCTOBER 27, 2016.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi [sic]. Is there a discussion of the motion? All those in favor of the motion to approve the minutes, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: I have to abstain.

Commissioner Niedzielski-Eichner: Mr. Chairman? Abstain.

Commissioner Hedetniemi: I was not here.

Chairman Murphy: Oh, you weren't seconding the motion? I'm sorry.

Commissioner de la Fe: I seconded.

Commissioner Hedetniemi: I wasn't seconding.

Chairman Murphy: Mr...okay, Mr. de la Fe seconded the motion. Ms. Hedetniemi and Mr. Niedzielski-Eichner abstain. Thank you.

The motion carried by a vote of 10-0-2. Commissioners Hedetniemi and Niedzielski-Eichner abstained from the vote.

(End Verbatim Transcript)

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FAIRFAX COUNTY ADVERTISED CAPITAL IMPROVEMENT PROGRAM (Decision Only) (The public hearing on this application was held on March 9, 2017.)

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. First of all, I'm going to just – for clarification, I'm going to have several motions, but will read them individually and ask for a vote after each one because will – I anticipate discussion after each one too. To start with, the FY 2018 to FY 2022 Capital Improvement Program serves as a planning instrument to identify needed capital projects and to coordinate the financing and timing of these improvements. This year the Planning Commission began our work on the CIP earlier and we kicked off the review process at a February 15th Committee meeting. On Thursday, March 9th, the Commission hosted a workshop and had the opportunity to hear from 11 County representatives about CIP projects. A public hearing was also held on March 9th to solicit feedback from residents of the County. On March 15th, the Planning Commission hosted a second Committee meeting about the CIP to provide an opportunity for Commissioners to discuss and clarify the status of projects within this year's program. I'd like to start by thanking, and taking this opportunity to thank, all the staff members for their very hard work and diligent work in support of the CIP process – in particular Martha Reed, Teresa Lepe, Dennis Holder, and all of the County staff that presented their capital programs to the Commission during that week. And with this background in mind, Mr. Chairman, I'd now like to make a series of motions on the CIP. Mr. Chairman, my first motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE ADVERTISED FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2018 THROUGH 2022, WITH FUTURE FISCAL YEARS TO 2027.

Commissioners Hedetniemi and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman. The Planning Commission is always reminded of the magnitude of infrastructure that the County manages and foresees that the CIP

program may need some financial adjustments to support the current County and school programs. Staff will be monitoring the funding needs for the WMATA capital program, as both the expansion of the Metro system and the current infrastructure maintenance requirements may create more funding responsibility for the County. This increased need may impact the County CIP. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER RAISING THE ANNUAL BOND SALE LIMITS ABOVE \$275 MILLION TO HELP SUPPORT THE CIP PROGRAM. THIS INCREASE SHOULD BE SUBJECT TO ADHERENCE TO THE COUNTY'S TEN PRINCIPLES OF SOUND FINANCIAL MANAGEMENT AND DEBT CAPACITY RATIOS AND HAVE NO NEGATIVE IMPACT ON THE COUNTY'S TRIPLE-A BOND RATING.

Commissioners Hedetniemi and Flanagan: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, in addition Planning Commissioners had a number of questions related to the Fire Department's use of preemptive devices. The Planning Commission shares and supports the goal of providing this needed safety tool and leveraging proffer support. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE COUNTY STAFF WORK TO SUPPORT THE STRATEGIC INSTALLATION OF TRAFFIC PREEMPTIVE DEVICES AS A PRIORITY EMERGENCY MANAGEMENT TOOL DURING THE DEVELOPMENT PROCESS. THIS INSTALLATION OF THESE DEVICES IS NECESSITATED BY NEW DEVELOPMENT AND TRANSPORTATION IMPROVEMENT PROJECTS AND CAN IMPROVE FIRE AND RESCUE RESPONSE TIMES, WHILE EXTENDING THE LIFE OF EXISTING FIRE STATIONS AND DEFERRING THE NEED FOR ADDITIONAL STATIONS.

Commissioners Flanagan and Strandlie: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: And finally, Mr. Chairman, Planning Commissioners also recognize the need for a comprehensive maintenance program to support the wide range of existing County infrastructure. In an effort to support these maintenance obligations and avoid deferred maintenance, Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER ESTABLISHING A

SECTION OF THE CIP THAT IDENTIFIES AND SUPPORTS THE ONGOING MAINTENANCE OF ALL COUNTY INFRASTRUCTURE. WE FURTHER RECOMMEND THAT CONSIDERATION BE GIVEN TO DEVISING A MAINTENANCE CLASSIFICATION AND PRIORITIZATION SYSTEM.

Commissioner Flanagan: Second.

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

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes, Ms. Hurley.

Commissioner Niedzielski-Eichner: Mr. Chairman...

Commissioner Hurley: I'd like to add a FRIENDLY AMENDMENT to insert the word "MAJOR MAINTENANCE" that...routine maintenance – replacing light bulbs, whatever – I don't think belongs in the CIP. That's an operation issue.

Chairman Murphy: WITHOUT OBJECTION? Okay, Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I had an additional – hopefully, I think, FRIENDLY AMENDMENT that I wanted to suggest to the Commission. And that is that after the word "infrastructure" – so, now with the change to "ONGOING MAJOR MAINTENANCE OF ALL COUNTY INFRASTRUCTURE," I recommend that we add "INCLUDING FOR ALL PROGRAMS THAT MAINTAIN SEPARATE FUNDING AUTHORITY, SUCH AS BY THE SCHOOL SYSTEM, UTILITY SERVICES, AND HOUSING DEVELOPMENT." I offer this as a way of making sure that this is a comprehensive effort not – and to include those programs that have separate funding.

Chairman Murphy: Is that accepted to the maker of the motion and to the seconder?

Commissioner Sargeant: I...I CAN ACCEPT THAT.

Chairman Murphy: Okay. That's been accept. All those in favor of the motion, as has been amended, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: And Mr. Chairman, I have one more, I think, FRIENDLY AMENDMENT and that's that...to clarify the maintenance and classification prioritization system to – I WOULD RECOMMEND THAT WE INSERT THE WORD "COMMON" BEFORE "MAINTENANCE CLASSIFICATION" SO IT'S "DEVISING A COMMON MAINTENANCE CLASSIFICATION AND PRIORITIZATION SYSTEM." AND THEN INSERT THE FOUR WORDS, "CONSISTENTLY APPLIED ACROSS ALL PROGRAMS".

SO “COMMON MAINTENANCE CLASSIFICATION AND PRIORITIZATION SYSTEM CONSISTENTLY APPLIED ACROSS ALL PROGRAMS.”

Chairman Murphy: Okay, that’s going to have to be a motion. All right, anyone – all those in favor of the motion, as articulated by the Commissioner, say aye.

Commissioner Niedzielski-Eichner: SO I MOVE THAT.

Commissioner Flanagan: Do we have the second?

Chairman Murphy: We already voted on the first...

Commissioner Sargeant: No. No, this was...

Commissioner de la Fe: Yeah, we voted on that...

Chairman Murphy: We voted on the one.

Commissioner Hart: We voted on the fourth bullet.

Chairman Murphy: On the first bullet so now that that is a motion, in and of itself.

Commissioner Sargeant: It is a separate motion?

Chairman Murphy: As an additional add-on motion.

Commissioner Sargeant: Okay.

Chairman Murphy: All those in favor...

Commissioner Sargeant: Mr. Chairman, just...

Commissioner Flanagan: Comment.

Chairman Murphy: Comment.

Commissioner Sargeant: Point of clarification too. Our original motion referenced all County infrastructure and Commissioner Hurley offered the amendment of “major County infrastructure.”

Commissioner Hurley: No, major maintenance.

Commissioner Sargeant: Major maintenance, okay.

Commissioner Niedzielski-Eichner: And then I proposed, “including for all programs that maintain separate funding authority, such as by the school system, the utility services, and housing development.” So it’s clear it’s all-inclusive.

Commissioner Sargeant: Okay. We're fine. I just needed to clarify that.

Chairman Murphy: Second?

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of that motion...Mr. Ulfelder, do you have a comment?

Commissioner Ulfelder: I...we haven't anything from the effected agencies or departments as to whether there is...there is a basis for common...what is your term?

Commissioner Niedzielski-Eichner: So a common maintenance classification and prioritization system.

Commissioner Ulfelder: A common maintenance classification and I'm not certain that the schools, or some others, may have some differences that would not fit well within that – at that part of that amendment. So I'm going to vote no.

Chairman Murphy: Further discussion? All those in favor of the motion, as articulated by Mr. Niedzielski-Eichner, say aye.

Commissioners Hedetniemi and Niedzielski-Eichner: Say aye.

Chairman Murphy: Opposed?

Commissioners: No.

Commissioner Niedzielski-Eichner: So, just to clarify, this is the reference to the common maintenance classification and prioritization system? Is that what we just voted on?

Commissioner Sargeant: Yeah, it was the additional – the motion focused on the original comments.

Commissioner Niedzielski-Eichner: Well, we didn't have any opportunity to discuss further so I wanted to clarify what my – well, I...I'm fine with this. As long as it's in there, it'll get...it'll be clarified.

Commissioner Sargeant: Mr. Chairman, I think within the substance of the comments provided during the process, as well as an opportunity to move forward working with staff, we can probably insert more detail as appropriate.

Chairman Murphy: All right. WITHOUT OBJECTION, THE MOTION HAS BEEN WITHDRAWN. Further discussion?

Commissioner Sargeant: No. Thank you very much, Mr. Chairman. I appreciate it.

The first four motions carried by a vote of 12-0.

The fifth motion was withdrawn.

(End Verbatim Transcript)

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FDPA 78-C-118-20 – LB FRANKLIN FARM, LLC (Decision Only)
(The public hearing on this application was held on March 15, 2017.)

(Start Verbatim Transcript)

Commissioner Keys-Gamarra: Yes, Mr. Chair. Could we have the applicant confirm, for the record, agreement with the development conditions dated March 1st, 2017?

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. Sara Mariska, here on behalf of the applicant, and we are in agreement with the conditions dated March 1st, 2017. Thank you.

Commissioner Keys-Gamarra: Then Mr. Chair, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 78-C-118-20, SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 1ST, 2017.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 78-C-118-20, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The Chair abstains, not present for the public hearing.

The motion carried by a vote of 11-0-1. Commissioner Murphy abstained from the vote.

(End Verbatim Transcript)

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SE 2016-DR-001 – SUNRISE DEVELOPMENT, INC. (Decision Only)
(The public hearing on this application was held on March 8, 2017.)

(Start Verbatim Transcript)

Commissioner Ulfelder: Before us tonight is a decision only on SE 2016-DR-001, an application seeking approval to construct an assisted living facility on 3.7 acres at 1988 Kirby Road and is

seeking a waiver of the five-acre minimum requirement for the facility. The proposed site, located at the intersection of Kirby Road and Westmoreland Street in McLean, would be developed with a 73-unit facility intended to serve 90 residents. On March 8th, we held a public hearing on this application. At the conclusion of that hearing, I moved to defer the decision to further consider the application and all of the testimony. I also considered the applicant's written rebuttal, submitted on March 13th, as well as material submitted by some of the speakers during the deferral period. First and foremost, I want to thank all the members of the community who came out to speak at the public hearing. Speakers on both sides helped inform the Commission in making its recommendation to the Board of Supervisors. I also want to thank members of the community for the additional material they submitted during the deferral period and the applicant for its presentation at the public hearing, as well as its additional written rebuttal. Sunrise has developed a number of assisted living facilities throughout Fairfax County. We heard many community members testify about their families' experiences regarding the service that Sunrise provided to their family members and the outstanding quality of care that its residents receive. As Commissioner Hart noted at the conclusion of the public hearing, however, we are charged with considering only the application before us and our decision should not be colored by any assumptions about what was developed on other sites or might otherwise be developed on this site. Rather, we are to look at the...at this application and determine whether it conforms with the applicable zoning standards related to the proposed use. After carefully considering the staff report, all of the materials submitted for the record, and the extensive testimony at the public hearing, I have concluded that the proposed facility is simply incompatible with the proposed site and does not satisfy all applicable standards. The first general standard contained in Zoning Ordinance Section 9-006 requires us to consider whether the proposed use is in harmony with the Comprehensive Plan. Land Use Objective 8 of the Comprehensive Plan's Policy Plan provides that we should protect and enhance existing residential neighborhoods by ensuring that infill development is of a compatible use and density/intensity and that it will not have an adverse impact on the surrounding community. Land Use Objective 14 provides that we "Seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental, and other impacts created by potentially incompatible uses." To obtain...to attain this objective, policy g explicitly asks us to consider the "cumulative effect of institutional uses" in the area before we allow additional institutional uses. In my view, this area of Westmoreland Street already has a plethora of institutional and public uses, often wedged between existing residential areas. Within a one-mile radius of the proposed site, along the same side of Westmoreland, there are the McLean High School ball fields, Pimmit Run Stream Valley Trail, the McLean Little League Complex, Kent Gardens Recreation Club, Longfellow Middle School, Chesterbrook Taiwanese Presbyterian Church, Chesterbrook Residences, Temple Rodef Shalom, and Haycock Elementary School. In fact, six of these nine uses are within one half-mile of the proposed site. In addition, the Jesus Christ Church of the Latter Day Saints, the Brooksfeld School, Chesterbrook Swim and Tennis Club, Chesterbrook Elementary School, and School Park are all located along Kirby Road. The Powhatan Nursing Home is also less than a mile away on Powhatan Street. Each of these uses cumulatively adds to the overall intensity and impact of institutional development in the area. Temple Rodef Shalom, for example, also operates a daily nursery school, as well as a summer camp for up to 150 children. The little league fields draw families during the evening hours all week long during the spring and fall. And, as numerous residents testified, parents dropping off students at Longwood Middle School profoundly exacerbates traffic during the morning commute. These existing institutional uses also break up the visual cohesiveness and neighborhood connectivity of the surrounding residential

developments. As a result, this area is already experiencing the cumulative effect of extensive institutional development and allowing this Sunrise assisted living facility on the proposed site would add to the impact in a manner not in keeping with the Comprehensive Plan. Further, Objective 8 encourages a land use pattern that protects and enhances the stability in established residential neighborhoods by ensuring that infill development is of a compatible use and intensity with the existing neighborhood. Despite the extensive institutional uses in the vicinity, the immediate area surrounding the proposed site has managed to remain residential. The only current institutional use at this intersection is the Surge Community Church on the proposed site, housed in a 4,100 square-foot building set back from both Kirby Road and Westmoreland Street designed to look like a barn. The remaining three corners of the intersection are developed with single-family residences. The property abutting the proposed site along Westmoreland and Poole Lane, the Crosswood subdivision, is similarly developed residential. While the site currently houses an institutional use, the intensity of Sunrise's proposed use is orders of magnitude greater than the small church currently in that location. Vastly increasing the intensity of the institutional use on this property – one that is surrounded on all sides by single-family residential development – would not serve to protect and enhance these neighborhoods. On the contrary, the intensity of this proposed facility would most certainly detract from them. In addition, the proposed site is a particularly prominent parcel located at a heavily traveled intersection fronting on both Kirby Road and Westmoreland Street. Its topography slopes approximately 20 feet downward from Kirby Road toward Westmoreland Street and it is surrounded by low-density residential development on all sides. Any development on this site will be highly visible, particularly from Westmoreland Street, and have a significant impact on the character of the surrounding and nearby residential neighborhoods. General Standards 2 and 3 of Zoning Ordinance Section 9-006 require us to consider whether the proposed use is harmonious with the purpose and intent of the R-3 Zoning District regulations and the use of the neighboring properties. The R-3 Zoning District is intended to allow uses that are compatible with the relatively low-density residential character of the district. In my view, the intensity of the proposed assisted living facility on this 3.7 acre parcel is simply incompatible with the single-family residential development that surrounds it on all sides. The Special Exception Plat submitted by the applicant depicts an approximately 60,000 square-foot structure, with 21,500 square feet above grade. While the floor area ratio (FAR) calculated for this facility, based upon the applicant's representations in the SE plat, is only 0.13, the single-story building is above two large cellars that are not included in the FAR calculation. As a result, approximately two-thirds of the facility's use will be housed in the cellar space, including some of the residential units, the kitchen, laundry, exercise rooms, and offices. Therefore, the FAR calculation of 0.13 does not reflect the full intensity of the proposed use. The applicant argues that the cellar usage was specifically designed to address the community's concerns regarding the visible mass of the building. As a result, only a single story of the structure will be visible along Kirby Road. Along Westmoreland Street, however, where visitors will enter and depart, up to two and one-half stories of one end of the new facility will be visible while all three stories will only be visible within the facility's central courtyard. An imposing retaining wall over 20 feet tall will also be fully visible. Sunrise proposes to screen the facility with a large number of new trees and extensive landscaping, which – as one speaker observed – actually signals that the proposed facility is not harmonious with the use and development of neighboring properties and requires extensive screening to try and make it blend in with the area. Additionally, the proposed facility would be sited exactly 45 feet from Kirby Road and 100 feet from the rear lot line, the minimum required setbacks under Section 9-006 of the Zoning Ordinance. Similarly, the applicant

proposes to provide the absolute minimum number of required parking spaces for this use including a two-level underground garage for two-thirds of the required spaces. These plans demonstrate that the applicant has sought to maximize the actual intensity of its use to the greatest extent allowed in the R-3 District. The proposed assisted living facility, however, is not a by-right use in an R-3 District. The Zoning Ordinance does not simply allow any assisted living facility on a lot zoned R-3, as long as its calculated FAR does not exceed 0.25 and it meets the minimum required set-backs. Instead, the Zoning Ordinance requires the Planning Commission and the Board of Supervisors to consider whether, despite meeting the minimum standards, the proposed facility is, in fact, of a size and intensity that is compatible with the surrounding development and neighborhoods. Along these lines, Sunrise's rebuttal compares the proposed plans to the nearby Sylvestery Memory Care Facility, which would also exceed the maximum FAR if its cellar space was included. The Sylvestery, however, is directly adjacent to a Church, across the street from the imposing Vinson Hall Retirement Community, and a commercial site developed as neighborhood retail. It sits diagonally across the street from a Methodist Church and a gas station. By contrast, the proposed site is completely surrounded by residential development. We are not constrained to grant this application simply because we approved another assisted living facility elsewhere. Instead, we are charged with reviewing this application on this specific site to assess its compatibility with the Comprehensive Plan, the zoning district regulations, and the surrounding neighborhoods. In my view, this application does not measure up. For all of these reasons, MR. CHAIRMAN, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY SE 2016-DR-001.

Commissioner Migliaccio: Second.

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

Commissioner Hurley: Thank you, Mr. Chairman. After careful consideration, I will vote against the motion to deny this application. I listened carefully to the many speakers and read many letters and emails to the Planning Commission regarding this application. And, like Commissioner Ulfelder, I also thank these many participants. Several concerns regarding this application have been repeatedly mentioned. Perhaps the most commonly mentioned concern is traffic and, related to that, is the proximity of the site to a middle school. An assisted living facility would be able to arrange its shift changes, and thus most of its traffic, to other than peak hour...peak rush hour, as well as avoiding the start and end of the school day. We have repeatedly heard from some neighbors that, as reiterated by Commissioner Ulfelder, several institutional and public land uses are already present in the neighborhood. That is as it should be. A healthy neighborhood is more than single family dwelling units. It also includes parks, schools, fields, religious facilities, child care, and additional housing options such as townhouses and, yes, assisted living facilities. While several speakers and writers have stated an assisted living facility would not be compatible with this neighborhood, this does not appear to be a valid concern because of the existence of the Chesterbrook facility already in operation and I did not hear any objections to its continued presence. The argument that Sunrise would be different from Chesterbrook because it is a for-profit company is not pertinent to the Planning Commission because the financial arrangements of the applicant are not a land-use issue. Nor do I agree with the argument that another assisted living facility would not be needed. In any case, that is not a land use concern on which the Planning Commission decides, but rather a business decision of the

applicant. Yes, there may be an additional with siren or two per week from emergency vehicle, but I would guess that sirens are not that unusual at this busy intersection. Intensity and density are repeatedly mentioned as concerns, especially on this less-than-five-acre site. However, because of innovative berming and under-grounding, the view of the proposed facility from surrounding areas would generally be of a one-story building. The design will also provide added security for the residents. I am consistent in supporting special exceptions to include assisted living facilities as part of residential neighborhoods, even when their land use...land area is on than five acres and I will vote against the motion to deny the application.

Chairman Murphy: Thank you very much. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I will be supporting Commissioner Ulfelder's motion. I have studied the application and the staff report, listened intently to the comments offered at the public hearing...at the public hearing, read the written communication we have received, and, finally, considered the applicant's written rebuttal to the concerns raised by those opposed to this application. I want to thank all the members of the community who came out to speak at the public hearing and contributed their perspectives through their written communications. Speakers on both sides helped confirm my consideration of this matter. As Commissioner Ulfelder notes, Sunrise has developed a number of assisted living facilities throughout Fairfax County and maintains a well-deserved reputation for providing an outstanding assisted-living environment and quality care. A Sunrise facility is located near my neighborhood and I can attest to its effective integration into the area, albeit adjacent both to a residential area and a commercial district, with other institutional and public uses – and, most notably, not fully embedded within a residential area, as is proposed with this application. I note, further, that I have personal experience where my family has benefitted enormously from a similar facility in another state. Finally, I can imagine alternative, perhaps probable, uses of this site that will be more disruptive in terms of traffic and demand on public facilities, particularly the overcrowded schools in the area. These factors noted, I must abide by the admonition to stay focused on the application before us and decide whether it conforms with the applicable zoning standards related to the proposed use. In this regard, and without repeating the arguments put forward by Commissioner Ulfelder, I concur that the proposed facility is incompatible with the proposed site, does not satisfy all applicable standards, and therefore, I support the motion to deny this application.

Chairman Murphy: Okay. Thank you very much. Mr. Migliaccio?

Commissioner Migliaccio: Mr. Hart, if you want to go ahead?

Chairman Murphy: Go ahead.

Commissioner Hart: Me going first?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Okay. Thank you. Thank you, Mr. Chairman. I appreciate the opportunity that Commissioner Ulfelder has given us with the deferral to review the extensive amount of information that we received. This has been a difficult case for all of us, I think, and I agree, largely, with much of what was said by both sides throughout. I think we have to evaluate the

proposal based on the Comprehensive Plan text and the Zoning Ordinance and use our best judgement in making a recommendation to the Board of Supervisors. I'm going to support the motion. I think the guidance that we were given regarding our ability to consider the cumulative impact of multiple non-residential uses is extremely pertinent here. We don't have that text everywhere in the County, but where we do have it, I think it has to mean something. And I agree with Commissioner Ulfelder's observations. I want to make a couple observations of my own. We had a very long process – I think it was upwards of two years on this case – and we had a very engaged applicant who has a use that, I think, we want in the County. I think there's a demonstrated need for it. And I think in the past, I have supported the applications that this applicant has had on other sites, some of which have been contentious as well. Ultimately, even though I think this application is not going to be possible on this site – and the issues of intensity and compatibility, given the Plan text, are difficult ones – but I'm going to side with Commissioner Ulfelder. I hope that the search for an appropriate site would continue and that this applicant wouldn't give up on Fairfax County or this area. And I think I, personally, would welcome this type of use on a different site, maybe where the geometry wasn't so constrained or where the building fit better into the community. And I...I hope that that we're going to have another chance to welcome this applicant on another site. Thank you.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I seconded Mr. Ulfelder's motion and I will be supporting it. This is a key intersection for this neighborhood to function as a stable residential neighborhood. The size and intensity of the use, in my opinion, as to the cumulative impact of the size and intensity of the use – as to the cumulative impact of the institutional and public uses in this small area and – will have a negative influence on the existing stable residential neighborhood. And therefore, I am supporting his motion. I support this use. I think everyone on the Commission supports this use. It's just finding the right place that's not next to other institutional and public uses grouped in such a way that it has a negative impact on a residential neighborhood. Thank you.

Chairman Murphy: Further discussion of the motion? Yes, Ms. Strandlie.

Commissioner Strandlie: Thank you. I am going to support Commissioner Ulfelder's motion. It's taken a lot of thought. We greatly appreciate everyone's comments. It was a very long hearing and a lot of materials came in, which were very helpful in making our decisions. As everyone knows, I do strongly support the presence of and the need for assisted living facilities in neighborhoods. As the constituents noted, and as my own personal experience supports, having loved ones even a few miles away can significantly reduce the time spent together and the ability to respond to family emergencies. However, I am persuaded that in this particular case, the overabundance of institutional uses already in this particular neighborhood supports Commissioner Ulfelder's reasons and the motion to deny. I do hope that FCPS will address the start times for middle schools. This was a very loud concern of parents dropping children off. This is a problem countywide. When FCPS backed the time up – the start time up for middle schools to 7:30. Some of the buses are coming at 6:00 so parents throughout the County are now having to drive their kids to school, which is a problem in many cases. So I hope that will be addressed. Second, I want to thank Mr. Larry Rouvelas, and I hope I pronounced his name correctly. He sent all of us a thank-you note, which was, like, very amazing. In this age of – when we don't necessarily have

civility – and it was...it was very important. He thanked us for listening and that's what we're here to do. And I just wanted to read this, "regardless of whether you support...you vote to support my position, your willingness to give everyone a chance to be heard is a great symbol of representative government." And I could not agree with that more and I thank him for his comments. Thank you.

Chairman Murphy: Further discussion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I want to...after the public hearing, I just want to say that after the public hearing, I was persuaded to support the application. I thought that the architect, in particular, did a wonderful job in accommodating the concerns of the community and basically shoehorn this project into a very small site in a very clever way. And I thought that he succeeded in doing that. And the difficulty that I eventually – though, upon reading the motion of Mr. Ulfelder, I realized that the off-site problems with this application at this particular location have persuaded me to support the motion to deny tonight instead. But I, like Mr. Hart, hope that you'll find another site in this neighborhood nearby because I think the community would benefit by having a Sunrise facility that's most unique. I've seen a lot of Sunrise facilities and this is probably the best architectural solution I've seen to date.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I had a mother-in-law in Chesterbrook and the standard that they achieved for her care was incredible. I don't want to disagree with Commissioner Ulfelder and I will support his motion, but I wanted to say that the standards in that area are so high that even a Sunrise facility would have a hard time coming up to it. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny SE 2016-DR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hurley: Nay.

Chairman Murphy: Motion carries. The Chair abstains. Thank you very much.

The motion carried by a vote of 10-1-1. Commissioner Hurley voted in opposition. Commissioner Murphy abstained from the vote.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. RZ/FDP 2016-SP-009 – WINCHESTER HOMES INC.
2. PA 2013-III-DS1 (SUBMISSION DSC-E4-1) – COMPREHENSIVE PLAN AMENDMENT (POHANKA: DULLES SUBURBAN CENTER STUDY)
3. PA 2013-III-DS1 (SUBMISSION DSC-J-1) – COMPREHENSIVE PLAN AMENDMENT (COMMONWEALTH CENTRE: DULLES SUBURBAN CENTER STUDY)

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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RZ/FDP 2016-SP-009 – WINCHESTER HOMES INC. – Appls. to rezone from R-1 and WS to PDH-8 and WS to permit Residential with an overall density of 8.7 dwelling units per acre (du/ac) including bonus density associated with affordable dwelling units and approval of the conceptual and final development plans. Located in the S.E. quadrant of the intersection of West Ox Road with Post Forest Dr. on approx. 21.6 ac. of land. Comp. Plan Rec: Residential at 8 du/ac. Tax Map 56-1 ((1)) 11H. SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated February 16, 2017.

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

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2016-SP-009.

In reply to questions from Commissioner Hart, Mr. O'Donnell said the following:

- The frontage of the single-family attached dwelling units located along West Ox Road and Post Forest Drive was oriented towards the roads;
- The proposed development included units with a rear yard area and the majority of these units were located along the southern, eastern, and western portion of the subject property;
- The single-family attached dwelling units that did not include a rear yard would include a porch/deck or a rooftop terrace, subject to the approval of the final architectural design;
- The single-family attached dwelling units of the proposed development would be oriented to ensure that they faced open space or community pocket parks;
- The subject application included a request for a modification of the 200 square-foot minimum privacy yard for single-family attached dwelling units and staff supported this modification;
- The design of every single-family attached dwelling units included both a driveway and a garage;
- The parking provisions of the proposed development exceeded the parking provision requirements prescribed by the Zoning Ordinance;
- The proposed development included single-family attached dwelling units that could accommodate four vehicles, two of which would be located in the driveway and two of which would be located in the garage; and
- The single-family attached dwelling units that were approximately 16 feet in width would accommodate a one-car garage and the units that were approximately 24 feet in width would accommodate a two-car garage.

Commissioner Sargeant asked for additional information regarding noise abatement provisions for the dwelling units that would be located along Post Forest Drive, noting the existing traffic patterns along that road. Mr. O'Donnell said that the applicant had conducted a noise study for the proposed development and would conduct a second study prior to site plan review. He then indicated that the first study had concluded that the noise generated by traffic along Post Forest Drive was consistent with the standards prescribed by the Zoning Ordinance. Mr. O'Donnell added that the first noise study identified the southwest portion of the site as an area of concern and the applicant would install a noise-mitigating wall in this area. A discussion ensued between Commissioner Sargeant and Mr. O'Donnell regarding the potential need for other noise-mitigation features for dwelling units located along Pine Forest Drive and the proximity of the units to Post Forest Drive compared to neighboring residential developments.

Commissioner Niedzielski-Eichner pointed out that the property to the south of the site was an existing industrial development. He then asked for additional information regarding the provisions for screening the proposed development from this property and the applicant's

commitment to accommodate interparcel access with the property in the event that it was redeveloped, as articulated in Proffer Number 5C in Appendix 1 of the staff report, Interparcel Access. Mr. O'Donnell explained that there would be a significant space between the dwelling units on the southern portion of the proposed development and the existing industrial site to the south, adding that the existing trees located in this space would be retrained. He also stated that the applicant would install a seven-foot board-on-board fence along the border of the existing industrial site. In addition, he indicated that the existing industrial site was primarily responsible for the screening provisions along the southern border of the site. Mr. O'Donnell then explained that the applicant's commitment to accommodate an interparcel access with the site to the south had been included to facilitate such access with a future redevelopment of the existing industrial site. He added that such a commitment was consistent with existing staff policies. Commissioner Niedzielski-Eichner expressed concern regarding the impact of the existing industrial development to the south of the site on the proposed development.

A discussion ensued between Commissioner Keys-Gamarra and Mr. O'Donnell regarding the existing industrial development located to the south of the subject property wherein Mr. O'Donnell indicated that the existing industrial development included a transfer facility for trash trucks that serviced a nearby recycling center.

When Commissioner Keys-Gamarra asked whether a right-turn lane would be installed along West Ox Road to access the site, Mr. O'Donnell indicated that such a lane was not warranted, adding that West Ox Road was a three-lane road and could accommodate the proposed access point for the development. Commissioner Keys-Gamarra then asked whether West Ox Road would be subject to additional striping in conjunction with this access. Mr. O'Donnell indicated that the applicant would implement appropriate striping along the road to facilitate access to the site.

In response to questions from Commissioner Keys-Gamarra, Mr. O'Donnell confirmed that the proposed development included 23 affordable dwelling units (ADU), but noted that the location of these units had not been finalized. He also said that the ADUs would be dispersed throughout the development.

Referring to Proffer Number 6, Fairfax Center Area Road Fund, which stated that the applicant would contribute to the road fund in accordance with the procedural guidelines that had been adopted by the Board of Supervisors, Commissioner Migliaccio asked for additional information regarding the timeframe for the submission of such funds. Mr. O'Donnell explained that every development in the Fairfax Center area was required to contribute to the Fairfax Center Area Road Fund and the amount of the contribution was determined at the time of site plan review. A discussion ensued between Commissioner Migliaccio and Mr. O'Donnell, with input from Commissioner Murphy, regarding the method for allocating contributions to the Fairfax Center Area Road Fund, the extent to which the method differed from contributions to other similar funds, the process for submitting to the road fund, and the history of the Fairfax Center Area Road Fund wherein Mr. O'Donnell reiterated that the amount of the contribution to the road fund for the proposed development would be finalized at the time of site plan review.

Commissioner Strandlie expressed concern regarding the possibility that the garages of the single-family attached dwelling units within the proposed development would be converted to

storage areas by residents. A discussion ensued between Commissioner Strandlie and Mr. O'Donnell regarding the potential impact on the parking provisions for the development that converting garages into storage areas would incur and the possibility of including language within the proffers to prohibit such conversions.

When Commissioner Strandlie asked whether the length of the driveways was adequate to ensure that a parked vehicle would not obstruct the sidewalks, Mr. O'Donnell indicated that the driveways for the single-family attached dwelling units would be approximately 18 feet, which was of sufficiently length to accommodate vehicles.

When Commissioner Hedetniemi asked for additional information regarding the applicant's tree preservation provisions, Mr. O'Donnell stated that staff had coordinated with the applicant to identify the trees that would be retained under the proposed development.

In response to questions from Commissioner Flanagan, Mr. O'Donnell said the following:

- The proposed development would be implemented in two phases;
- The installation of the ADUs might not occur until the second phase of development, but the distribution of the units throughout the site would permit some units to be included in the first phase;
- The ADUs would be distributed evenly throughout the proposed development, which was consistent with the County's policy regarding ADUs, and staff supported such a policy;
- The applicant was required to implement the ADUs after 75 percent of the dwelling units within the proposed development had obtained a residential use permit (RUP);
- The designs for the single-family attached dwelling units included a design that included a rooftop terrace, but the features that could be included on these rooftop terraces had not been finalized; and
- The single-family attached dwelling units that included a rooftop terrace would include privacy walls to limit the visual impact on neighboring units.

Commissioner Murphy addressed the concern raised by Commissioner Strandlie regarding the possibility of converting the garages of the single-family attached dwelling units in the proposed development into storage space, pointing out that Proffer Number 7D included language that prohibited a conversion that would preclude the ability for a resident to park a vehicle within the garage.

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

- The subject property was approximately 21 acres and had been developed with a church since 1960, but the existing church planned to move its operations to another site;

- The proposed development would be implemented in two phases to accommodate the move of the existing church facility;
- The proposed development included single-family attached dwelling units, some of which would be oriented along West Ox Road and Post Forest Drive;
- The proposed development included both front-loaded and rear-loaded units, some of which would include a backyard;
- The applicant had requested a waiver of the 200-foot privacy yard requirement to accommodate the design of the rear-loaded units, which would be located around the center of the site and along West Ox Road and Post Forest Drive;
- The architectural designs for the dwelling units that the applicant intended to utilize included either a flat roof or a gable, but only one design style would be utilized for every unit within the proposed development;
- The architecture for the single-family attached dwelling units had not been finalized;
- The architecture of the single-family attached dwelling units would be able to accommodate decks and outdoor spaces;
- The market-rate units within the proposed development included two-car garages and driveways that could accommodate two vehicles;
- The ADUs within the proposed development included one-car garages and driveways that could accommodate one vehicle;
- The proposed development also included 110 surface parking spaces for a total of 816 spaces;
- The parking provisions for the proposed development provided approximately 4.3 parking spaces per unit, which exceeded the 2.7 spaces per unit required by the Zoning Ordinance;
- The proposed development included five open space areas, which would be dispersed throughout the site;
- The open spaces for the proposed development would primarily be implemented during the first phase and a tot lot would be installed during the second phase;
- The proposed development would utilize setbacks, existing trees, and a seven-foot fence to screen the proposed development from the existing industrial development to the south of the site;

- The property included a commitment to install an interparcel access to the site located south of the subject property in the event that the site redeveloped, but such access would only be implemented if the redevelopment was compatible with the proposed development;
- The applicant had conducted a noise study on the site and the study concluded that the proposed development was consistent with the noise standards prescribed by the Zoning Ordinance;
- The applicant would install a noise attenuation fence for three lots within the proposed development that were located in close proximity to West Ox Road and Pine Forest Drive;
- The applicant would conduct a second noise study on the site after the architecture for the single-family attached dwelling units was finalized and appropriate provisions would be implemented to ensure that the noise-mitigation provisions were consistent with County standards; and
- The subject applications had the support of the Springfield District Land Use Committee.

When Commissioner Migliaccio reiterated his question regarding the timeframe for the contributions to the Fairfax Center Area Road Fund, Ms. Baker stated that the contribution to the fund would occur after the applicant obtained the first RUP for the proposed development. A discussion ensued between Commissioner Migliaccio and Ms. Baker regarding the existing procedures for submitting contributions to the road fund.

A discussion ensued between Commissioner Keys-Gamarra and Ms. Baker regarding the location of the ADUs within the proposed development and the timeframe for installing the ADUs wherein Ms. Baker explained that the ADUs would be installed in conjunction with the various sections of the development and reiterated that the ADUs would be dispersed evenly throughout the site.

A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Baker regarding the buffer provisions that screened the subject property from the existing industrial site to the south, the extent to which the neighboring industrial development would be visible from the dwelling units located along the southern border of the site, and the provisions for mitigating the noise generated by the industrial development wherein Ms. Baker stated the following:

- The applicant would install a seven-foot fence along the southern boundary of the site to supplement the screening provided by existing trees and subsequent landscaping provisions; and
- The existing industrial development to the south of the site would also be subject to the noise-mitigation standards prescribed by the Zoning Ordinance.

Commissioner Flanagan pointed out that Proffer Number 8, Universal Design, included commitments to ensuring the availability of universal design standards for the single-family attached dwelling units within the proposed development. When he asked whether the purchasers of the dwelling units would be able to install elevators to accommodate elder or disabled residents, Ms. Baker indicated that the units could accommodate such a feature.

Commissioner Strandlie expressed support for the provisions of Proffer Number 7D, which prohibited modifications to the garages of the single-family attached dwelling units in a manner that precluded the parking of a vehicle.

Commissioner Murphy expressed support for the applicant's commitment to utilizing universal design standards for the single-family attached dwelling units within the proposed development.

Commissioner Hart expressed concern regarding the slope of the subject property and asked for additional information on the installation of retaining walls. Ms. Baker indicated that the proposed development would utilize retaining walls, but such walls would primarily be utilized for tree preservation purposes. She then pointed out the potential location of the retaining walls on the site, noting that the height of the walls would not exceed 12 feet. A discussion ensued between Commissioner Hart and Ms. Baker regarding the features that would be included with the retaining walls on the site wherein Ms. Baker said that the walls would be consistent with the standards prescribed by the County Code.

A discussion ensued between Commissioner Hart and Ms. Baker regarding the dimensions of the dwelling units that utilized two-car garages compared to the dwelling units that utilized one-car garages wherein Ms. Baker indicated the following:

- The dwelling units that utilized a one-car garage would be approximately 16 feet wide; and
- The dwelling units that utilized a two-car garage would be approximately 22 to 24 feet wide.

Commissioner Hart commended the applicant's architectural designs for the single-family attached dwelling units that had been included in the conceptual development. A discussion ensued between Commissioner Hart and Ms. Baker regarding the style of designs for the dwelling units wherein Ms. Baker stated that only one of the design styles included in the conceptual development plan would be utilized and reiterated that the applicant would determine which style to implement at the time of site plan review.

Commissioner Sargeant expressed support for the applicant's provisions to include noise-mitigation materials within the dwelling units located along Post Forest Drive.

When Commissioner Sargeant asked for additional information regarding the applicant's efforts to restripe West Ox Road and the potential for installing bicycle lanes, Ms. Baker stated that this road would be appropriately restriped and bicycle lanes would be included in this effort.

A discussion ensued between Commissioner Sargeant and Ms. Baker regarding the applicant's outreach efforts for the subject applications compared to the outreach conducted for the previously-approved Comprehensive Plan for the site wherein Ms. Baker indicated that the applicant had coordinated with multiple civic associations, including meetings and correspondence that occurred during the review of both the Comprehensive Plan Amendment and the subject applications.

When Commissioner Murphy asked whether the proposed development had been a component of Fairfax Forward, Ms. Baker indicated that the proposal had utilized this process. Commissioner Murphy added that the proposal had utilized Fairfax Forward prior to being reviewed by the Springfield District Land Use Committee.

Commissioner Flanagan expressed concern regarding the possibility that some single-family attached dwelling units would be utilized as a home child care facility, noting the limited availability of outdoor recreation facilities in the area and the potential for utilizing rooftop terraces for such operations. He then suggested that the applicant consider appropriate provisions to mitigate the impact of such facilities. Ms. Baker stated that the applicant would evaluate this issue.

Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on these cases.

(Start Verbatim Transcript)

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

Commissioner Murphy: Thank you very much, Mr. Chairman. This application – and I appreciate everyone's questions. They were very good. And I appreciated the answers because they were very good too. When we first took a look at this application, it...let's just say it's come a long way since we first met with the folks here. And this is a typical urban design for an urban area that's called for high density in the Fairfax Center area and it fits in quite well. And I can understand the concerns about what's next door in the I-5, that we have to take that into consideration when we do the buffering and screening. As a matter of fact, that company has turned its ownership over several times. It's sort of a historic trash company in Fairfax County. It does a lot of the pickups in this area and they use these – the center across the street and also park their cars – their trucks, excuse me, on Mount Merta and that's so there's no big congestion problem on that...on the current site. It is in conformance with the Comprehensive Plan and the appropriate Zoning Ordinances. It's got a great proffer package, including 23 ADUs out of the 188 units, tree preservation plan, a sidewalk system, a pedestrian trail, bus shelter on West Ox Road, bike racks, a road fund to contribution at the appropriate time when it's calculated by the Fairfax Center Road Fund criteria, a universal design – which is available for free in any unit, until it reaches a certain level of request and then it's pay as you go – which is very innovative, I

think, and that's a good idea – on-site recreation, and of course donations to the Park Authority of over \$453,000 and the Fairfax County Schools of over \$870,000. And, in addition to that, it's in...as I said, in conformance with the Plan. So therefore, Mr. Chairman, I move...would the applicant please come forward and request that the...put on the record that you have read the development conditions and you will abide by them.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes. We accept those development conditions.

Chairman Murphy: As dated March 14th, 2017. Thank you. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2016-SP-009 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 8TH, 2017.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hedetniemi. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDP 2016-SP-009, SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 14TH, 2017, AND TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE 200 SQUARE-FOOT MINIMUM PRIVACY YARD REQUIREMENT FOR SINGLE-FAMILY ATTACHED DWELLING UNITS IN FAVOR OF THE OPTION SHOWN ON THE CDP/FDP.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE PRIVATE STREET LIMITATIONS OF SECTION 11-302 OF THE FAIRFAX COUNTY ZONING ORDINANCE.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Hearing and...any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. And I believe that that is it.

Commissioner Murphy: Thank you very much.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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PA 2013-III-DS1 (SUBMISSION DSC-E4-1) – COMPREHENSIVE PLAN AMENDMENT (POHANKA: DULLES SUBURBAN CENTER STUDY) – 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. 13.96 ac. generally located at 13901, 13909, 13911, 13915 and 13917 Lee Jackson Memorial Highway, Fairfax, on the south side of Lee Jackson Memorial Highway between Walney Road and Elmwood Street (Tax Map Parcels: 34-4 ((1)) 49, 50, 50A, 51, 53) in the Sully Supervisor District. The site is planned for community-serving retail at a maximum FAR of .25 for Parcels 34-4 ((1)) 49, 50, 50A and 51, and a maximum FAR of .20 for Parcel 34-4 ((1)) 53, with an option for auto dealership use. Submission DSC-E4-1 (Pohanka) of

the Dulles Suburban Center Study (Plan Amendment #2013-III-DS1) considers increasing the maximum permitted FAR to .30 and removal of current Plan language limiting Parcel 53 to a maximum building height of 35 feet. Recommendations relating to the transportation network may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Commissioner Keys-Gamarra announced her intent to defer the decision only on the proposed amendment at the conclusion of the public hearing.

Michael Van Atta, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of revised Plan text for PA 2013-III-DS1 (Submission DSC-E4-1), as articulated on pages 7 through 9.

Mr. Van Atta stated that the Dulles Suburban Center Advisory Group (DSCA) meeting, which had been conducted on March, 21, 2017, had voted to support an alternative to the recommendations articulated by staff in the staff report. He pointed out that these recommendations were articulated in the staff memorandum dated March 23, 2017, which had been distributed to the Commission prior to the public hearing, and included the following revisions:

- The site-specific guidance for maximum building height on Parcel 53 had been removed; and
- The restriction on additional access to Vernon Street had been removed.

(A copy of the memorandum is in the date file.)

When Commissioner Hurley asked whether the DSCA had recommended an option to install an access point along Vernon Street, Mr. Van Atta indicated that the DSCA favored language within the Comprehensive Plan that did not preclude the possibility of providing an access point on Vernon Street. He added that the DSCA had aligned themselves with the determination rendered by staff regarding the provisions for building heights on Parcel 53.

Commissioner Keys-Gamarra asked for additional information regarding the height recommendations for the structures on the site and potential discrepancies with the provisions prescribed by the Zoning Ordinance. Mr. Van Atta explained that the Zoning Ordinance restricted building height within a C-8 District to 40 feet and the existing language within the Comprehensive Plan recommended a maximum building height of approximately 35 feet for the site.

When Commissioner Hart asked for additional information regarding the height of the existing residential buildings located to the south of the subject property, Mr. Van Atta indicated that these buildings were three stories tall with heights of approximately 35 feet.

A discussion ensued between Commissioner Migliaccio and Mr. Van Atta regarding the feasibility of installing an access point along Vernon Street and the possibility that an existing access along this street would close wherein Mr. Van Atta indicated that staff had not participated in discussions with the Fairfax County Department of Transportation or the Virginia Department of Transportation that had reviewed the possibility of closing the existing access point on Vernon Street.

Chairman Murphy called for speakers from the audience.

David Houston, 1650 Tysons Boulevard, 14th Floor, Mclean, representing the nominator of the proposed amendment, gave a brief history of the development on the subject property, stating that an existing auto dealership had been operating on the site since the early 1980s. He then said that the purpose of the proposed amendment was to update the language of the Comprehensive Plan for the subject property and provide greater flexibility for improving the operation of the existing auto dealership. Mr. Houston indicated that the revised language would permit greater density on the site and modify the building height restriction for certain parcels. He added that the existing buffer of trees located near the site was sufficient to accommodate larger buildings. He also described the extent to which the existing auto dealership on the site was visible from the neighboring residential developments and noted that an expansion of the dealership would include efforts to ensure that the site was sufficiently screened. Mr. Houston addressed the concerns raised by Commissioners regarding Vernon Street, explaining that potential plans for expanding the operations of the existing auto dealership on the site included the installation of a second access point. He then indicated that the feasibility of this access point would be evaluated by staff and an applicant during the rezoning process, adding he favored retaining the language in the proposed amendment that ensured installing such an access was not precluded. In conclusion, Mr. Houston said that he supports the majority of staff's conclusions for the proposed amendment, but noted that he favored the recommendations prescribed by the DSCA.

There being no more speakers, Chairman Murphy called for closing remarks from Mr. Van Atta, who declined.

A discussion ensued between Commissioner Flanagan and Mr. Van Atta, with input from Commissioner Ulfelder, regarding the boundaries of the Dulles Suburban Center and the possibility that such boundaries would be modified wherein Mr. Van Atta described the boundaries of the overall Dulles Suburban Center, noting that the subject property was located near the eastern boundary.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Ms. Keys-Gamarra, please.

Commissioner Keys-Gamarra: Thank you, Mr. Chair. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SUBMISSION DSC-E4-1, POHANKA OF THE DULLES SUBURBAN CENTER STUDY PLAN AMENDMENT 2013-III-DS1, TO A DATE CERTAIN OF APRIL 19TH, 2017, WITH THE RECORD TO REMAIN OPEN IN ORDER FOR THE SUBMISSION TO APPEAR BEFORE THE JOINT SULLY LAND USE GROUPS AT THEIR APRIL MEETING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to defer the decision only on PA 2013-III-DS1, Submission DSC-E4-1, to a date certain of April 19th, 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 12-0.

(End Verbatim Transcript)

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PA 2013-III-DS1 (SUBMISSION DSC-J-1) –
COMPREHENSIVE PLAN AMENDMENT
(COMMONWEALTH CENTRE: DULLES SUBURBAN
CENTER STUDY) – 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. 39 ac. generally located at 4508 Walney Rd., north of Westfields Blvd. and east of the planned Newbrook Drive loop road (Tax Map # 44-1((1))6 part) in the Sully Supervisor District. The area is planned for office, conference center/hotel, industrial/flex, industrial, private open space and public park uses at an average intensity of .50 floor area ratio (FAR). Submission DSC-J-1 (Commonwealth Centre) of the Dulles Suburban Center Study (Plan Amendment #2013-III-DS1) will consider adding an option for residential and retail uses up to .50 FAR. Recommendations relating to the transportation network may also be modified. Submission DSC-J-1 (Commonwealth Centre) of the Dulles Suburban Center Study (Plan Amendment #2013-III-DS1) is concurrently under review with Proffer Condition Amendment PCA 2006-SU-025-3. SULLY DISTRICT. PUBLIC HEARING.

Clara Johnson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the revised Plan text for PA 2013-III-DS1 (Submission DSC-J-1), as articulated on pages 14 through 16 of the staff report.

Ms. Johnson indicated that the recommendations rendered by the Dulles Suburban Center Advisory Group for residential and retail uses on the site at a maximum density of 0.5 of floor-area ratio were consistent with the recommendations articulated in the staff report.

Chairman Murphy called the first listed speaker.

Francis A. McDermott, 1751 Pinnacle Drive, Suite 1700, Mclean, representing the owner of the subject property, spoke in support of the proposed Amendment. He then gave a presentation wherein he explained the following:

- The owner of the subject property did not concur with the trip-generation data articulated in the staff report and favored the data that had been reviewed by the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT);
- The subject property was located near the interchange between Sully Road and Westfield Boulevard;
- The neighboring land bays of the Commonwealth Centre development, identified as Land Bays B and C, had been the subject of a previously-approved Comprehensive Plan Amendment and rezoning application;
- The existing Comprehensive Plan recommendations for Land Bays B and C included a 186,000 square-foot commercial development for a grocery store and approximately 186,000 square feet of retail and restaurant development;
- The area of the Commonwealth Centre development identified as Land Bay A had been developed with two office buildings with one additional office building planned for development;
- The proposed amendment pertained to area of the Commonwealth Centre development identified as Land Bay D, which was currently planned for approximately 465,000 square feet of office development;
- The proposed amendment would modify the Comprehensive Plan recommendations for Land Bay D to permit a mixed-use development that would accommodate residential, retail, restaurant, and miscellaneous entertainment uses;

- The residential development under the proposed amendment would be installed on the northern portion of Land Bay D and the southern portion would be reserved for retail uses, including a potential theater;
- The subject property was located to the west of an environmental quality corridor (EQC) and a resource protection area (RPA);
- The residential development recommended in the proposed amendment would be oriented appropriately to the EQC and RPA to supplement the amenities of such a development;
- The design of the dwelling units for the residential development recommended in the proposed development would consist primarily of single-family attached units and two-over-two townhouse units;
- The implementation of residential development in the Commonwealth Centre would reduce the amount of peak-hour trips to the site compared to an office development, thereby improving the level of service on the surrounding roads;
- The implementation of residential development in the Commonwealth Centre would not reduce the amount of peak-hour trips to the site on Saturdays, due to the operation of the grocery store on the adjacent land bay; and
- The proposed amendment had the support of the Westfields Business Owners Association, the Dulles Suburban Center Advisory Group, the Sully District Council, the Sully District Land Use Committee, the West Fairfax Citizens Association, and VDOT.

A discussion ensued between Commissioner Migliaccio and Mr. McDermott regarding the estimated trip reduction that the mixed-use development under the proposed amendment would generate compared to the existing recommendations for office use and the impact that the mixed-use development would incur on the other land bays in the Commonwealth Centre wherein Mr. McDermott indicated that the estimated amount of trips generated by the mixed-use development would be reduced by 1,360 average daily trips, adding that this estimate had been accepted by VDOT and FCDOT.

Commissioner Migliaccio asked staff for additional information on the proposed mixed-use development's traffic impact on the Commonwealth Centre development. Kristen Calkins, Transportation Planning Division, FCDOT, explained the following:

- The process for evaluating the amount of trips generated by the proposed mixed-use development on Land Bay D did not factor the impact of the previously-approved grocery store development on the site;

- The methods for estimating the amount of trips generated by a mixed-use development did not factor the impacts of traffic demand management provisions, which might or might not be included in the proffers of a rezoning application;
- The methods for estimating the amount of trips generated by a mixed-use development were limited to the scope of the evaluation staff was permitted to conduct during the review of a plan amendment;
- The evaluation of the traffic impact for a rezoning application involved comparing the impact of the existing recommendations for a site to those articulated in the application whereas the plan amendment compared the existing recommendations of the site to the modifications articulated in the proposed amendment; and
- The process for evaluating the traffic impact in a more comprehensive manner would occur during the review of a rezoning application for the site.

Mr. McDermott concurred with Ms. Calkins remarks regarding the methods for evaluating the traffic impact of a plan amendment compared to those used for a rezoning application.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Johnson, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: The public hearing is closed. Recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: I'm surprised there weren't more comments.

Chairman Murphy: I was going to make a comment about the Penguins, but I decided not to. Okay.

Commissioner Keys-Gamarra: Okay. I'd like to give a little background and then...

Commissioner Migliaccio: No more questions?

Commissioner Keys-Gamarra: I'm sure you do. On...I'll just give a bit of background. On July 9th, 2013, through the approval of the 2013 Comprehensive Plan Work Program, the Fairfax County Board of Supervisors authorized Plan Amendment 2013-III-DS1 for consideration of a Comprehensive Plan Amendment for the Dulles Suburban Center. The Dulles Suburban Center study advisory group is working with staff and the community to update the Plan. As a part of

the advisory group's work, they reviewed this submission for Commonwealth Centre and supported the proposed Plan Amendment, as do I. This Plan Amendment allows the opportunity to create a vibrant mix of uses in conjunction with the grocery store and retail center that has been approved adjacent to this site. In addition, this Plan Amendment removes Plan guidance about adaptive reuse of a structure that no longer exists on the property. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR SUBMISSION DSJ – I'm sorry, DSC-J-1 OF THE DULLES SUBURBAN STUDY PLAN AMENDMENT 2013-III-DS1, AS SHOWN ON THE STAFF REPORT DATED MARCH 15TH, 2017, ON PAGES 14 THROUGH 16.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2013-III-DS1, Submission DSC-J-1, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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The meeting was adjourned at 10:29 p.m.

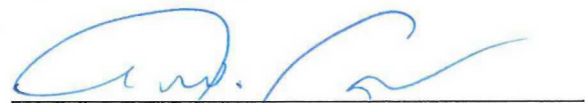
Peter F. Murphy, Chairman

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 27, 2017



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