

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, MAY 4, 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, Sully District  
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION WITH ATTORNEYS FROM THE COUNTY ATTORNEY'S OFFICE TO DISCUSS SPECIFIC LEGAL MATTERS REQUIRING THE PROVISIONS OF LEGAL ADVICE, AND SPECIFICALLY RELATING TO SENATE BILL 1282 FROM THE 2017 GENERAL ASSEMBLY SESSION, WHICH AUTHORIZES LOCAL ZONING REVIEW OF SMALL CELL FACILITIES AND ADDRESSES ACCESS TO RIGHTS-OF-WAY BY WIRELESS SERVICE PROVIDERS AND WIRELESS INFRASTRUCTURE PROVIDERS, ALL AS PERMITTED BY *VIRGINIA CODE* SECTION 2.2-3711(7).

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Hedetniemi was not present for the vote.

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Upon returning from closed session, Commissioner de la Fe MOVED THAT, IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 2.2-3712, THE PLANNING COMMISSION MEMBERS CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE

IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Strandlie was not present for the vote.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee meeting scheduled for Thursday, May 11, 2017, had been cancelled. He then stated that the Committee would meet on Thursday, May 18, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the pending Zoning Ordinance Amendment regarding office building repurposing. He added that the meeting was open to the public.

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Commissioner Migliaccio indicated that additional time was required to review subsequent information that had been submitted regarding the proposed modifications to the Fairfax Forward Comprehensive Planning Process. Therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR THE PROPOSED MODIFICATIONS TO THE FAIRFAX FORWARD COMPREHENSIVE PLANNING PROCESS TO A DATE CERTAIN OF MAY 18, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

In addition, Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING FOR THE PROPOSED MODIFICATIONS TO THE FAIRFAX FORWARD COMPREHENSIVE PLANNING PROCESS CERTAIN OF MAY 18, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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Commissioner Hurley stated that on April 26, 2017, the Zoning Administrator presented the proposed Zoning Ordinance Amendment Work Program for 2017 to the Planning Commission's Policies and Procedures Committee. She then said that the Committee subsequently voted to forward the Work Program to the Planning Commission for endorsement. Therefore, she MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ENDORSE THE ZONING ORDINANCE AMENDMENT WORK PROGRAM FOR 2017.

Commissioner Migliaccio seconded the motion, which carried by a vote of 11-0-1. Commissioner Strandlie abstained from the vote.

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Commissioner Keys-Gamarra announced that the joint public hearing for PCA/FDPA 82-S-077-04 and PCA/FDPA 94-Y-020, Arden Courts of Centreville VA, LLC, had been deferred from Thursday, May 11, 2017 to Thursday, June 29, 2017.

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Commissioner Niedzielski-Eichner announced that he had attended the County’s seminar on self-driving vehicles and connected infrastructure, which had been conducted on Wednesday, May 3, 2017. He described the seminar, noting the potential for the topic to emerge as a significant policy issue for the Planning Commission.

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Commissioner Ulfelder stated that the Board of Supervisors had conducted its public hearing for SE 2016-DR-001, Sunrise Development, Inc., on Tuesday, May 2, 2017 to permit the construction of an assisted living facility in McLean. He then said that the Planning Commission had held a public hearing on this application on Wednesday, March 8, 2017 and, after deferring the decision for several weeks, the Commission recommended denial of the application. Commissioner Ulfelder described the Board’s public hearing for SE 2016-DR-001, noting that multiple speakers had not participated in the Planning Commission’s public hearing or review process of the application. He then pointed out that some of these speakers, as well as the applicant’s representative, had indicated that the Commission did not support the construction of assisted living facilities in residential neighborhoods. Commissioner Ulfelder indicated that such sentiment was not accurate. In addition, he suggested that citizens seeking to testify at a Board of Supervisors public hearing consult the Planning Commission’s staff and website for relevant information and an accurate understanding of the Commission’s remarks, conclusions, and policies. Commissioner Ulfelder also said that the Board of Supervisors voted to deny SE 2016-DR-001 by a vote of 6-4.

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Chairman Murphy announced that the Planning Commission meeting scheduled for Thursday, May 11, 2017 had been cancelled. He then indicated that the Planning Commission’s next meeting would occur on Thursday, May 18, 2017.

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING SETS OF MINUTES:

- |                   |                   |                   |
|-------------------|-------------------|-------------------|
| NOVEMBER 2, 2016  | NOVEMBER 9, 2016  | NOVEMBER 10, 2016 |
| NOVEMBER 17, 2016 | NOVEMBER 30, 2016 | DECEMBER 1, 2016  |
| DECEMBER 7, 2016  | DECEMBER 8, 2016  | JANUARY 11, 2017  |
| JANUARY 12, 2017  | JANUARY 18, 2017  | JANUARY 25, 2017  |

JANUARY 26, 2017

The motion for the November 2016 and December 2016 minutes carried by a vote of 11-0-1. Commissioner Niedzielski-Eichner abstained from the vote.

The motion for the January 11, 12, 25, and 26, 2017 minutes carried by a vote of 12-0.

The motion for the January 18, 2017 minutes carried by a vote of 11-0-1. Commissioner Strandlie abstained from the vote.

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RZ/FDP 2016-MA-026 AND PCA/FDPA 2000-MA-055 – STANLEY MARTIN COMPANIES, LLC (Decisions Only) (The joint public hearing on these applications was held on April 26, 2017.)

*(Start Verbatim Transcript)*

Commissioner Strandlie: Thank you, Mr. Chairman. Would the applicant come down before I get started? So we have the decision on the Stanley Martin case tonight. Following the April 24<sup>th</sup> [sic] public hearing, Stanley Martin Companies' application, RZ/FDP 2016-MA-026, concurrent with PCA/FDP 2000-MA-055 [sic] are before the Planning Commission tonight for a decision only. Since the hearing, applicant – the applicant has made changes to the proffers, as we requested, and I will address that in a minute. This matter before us is solely pertaining to five proposed townhouses, sited on land previously occupied by one house and owned by a holdout landowner. These proposed units are surrounded a cluster of townhouses approved by the Board of Supervisors in 2003. Construction was delayed until a few years ago and is now underway. Many units have been completed and are now occupied. The development is now known as Ambrose Hills and these five proposed townhouses would be incorporated into the previously-approved development. Most of the community concerns for this case pertain to matters beyond the scope of the application and under the jurisdiction of VDOT – concerns relating to traffic, parking, reckless drivers, signage, road paving, and plowing on a state road. Nevertheless, we actively listened and acted on behalf of the community through the Mason District Land Use Committee and the Planning Commission processes. First, thank you to Stanley Martin for engaging with the community, VDOT, and Supervisor Gross' office to address Lakeside Plaza, the neighboring community's outstanding concerns. Lakeside and Ambrose Hills share one road, Powell Lane, which provides access to both communities. Progress was made and we have good news. As a result of the coordinated effort, a long-desired and much-needed traffic signal was installed over a year ago. Stanley Martin has promised to stay engaged with the community, VDOT, and Supervisor Gross' office as the remaining VDOT-related matters cannot be addressed until construction is completed. Second, thank you to Supervisor Gross' office for confirming in an email to me that VDOT – regarding VDOT's representations on how and when and if the previously-mentioned issues can be addressed. The full memo is included in the record and was provided to Lakeside Plaza and Stanley Martin to help guide ongoing VDOT interaction. During the hearing, we were all surprised to hear that VDOT had not plowed Powell Lane in 34 years. Supervisor Gross' office confirm that Powell Lane is designated as a state road. Therefore, Powell Lane should have been and should be plowed by VDOT. I have asked

Lakeside Plaza to review their records, as plowing a state road raises all sorts of issues, including potential liability. Lakeside Plaza should stay in touch with VDOT and state legislators on this matter. Finally, many issues raised by Lakeside Plaza cannot be solved by VDOT alone. We must all work together to reduce the number of cars on the road and the resulting traffic. We must all be more considerate drivers. I would ask Lakeside Plaza to proactively collaborate with their neighbors and their residents and new Ambrose Hills neighbors to organize ride-sharing and other innovative means to reduce traffic and encourage positive behaviors. Residents are also encouraged to engage in ongoing County and region-wide conversations to improve mass transit. This is something we should all be taking part in. Regarding changes in the proffers, green building standards must now be approved by the County and not subject to Stanley Martin's in-house, unverifiable program. And notice will also be given to initial purchasers regarding the size of the decks. However, I believe the decks are included with new construction. So that is...should be taken care of. The Mason District Land Use Committee heard this matter twice and recommended approval. Thank you to Fairfax County staff member, Heath Eddy, for exemplary work and to Lakeside Plaza residents, Marty Bernstein and Janice Siegel for advocating for their community. And thanks, in advance, to Stanley Martin and their lawyers for their promise to continue to work with the community. So thank you, and I will get to the motion. If you would state your name for the record and your representation.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Certainly, Commissioner Strandlie. My name is Robert Brant from Walsh Colucci on behalf of the applicant this evening. I'm here representing Stanley Martin. I appreciate your remarks and your assistance throughout the process. I'd just like to say that I do speak for Stanley Martin when I say that Stanley Martin is intending to maintain an ongoing cooperative relationship with Lakeside Plaza and the members of the community.

Commissioner Strandlie: Great. Thank you. Do you concur with the development conditions?

Mr. Brant: Yes.

Commissioner Strandlie: Great. Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2000-MA-055 BY STANLEY MARTIN COMPANIES, LLC, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 4<sup>TH</sup>, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2000-MA-055, say aye.

Commissioners: Aye.

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

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP – FDPA 2000-MA-055 BY STANLEY MARTIN COMPANIES, LLC, SUBJECT TO THE

PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 5<sup>TH</sup>, 2017, CONTINGENT ON THE BOARD OF SUPERVISORS' ACTION ON PCA 2000-MA-055.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Strandlie – Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to approve FDPA 2000-MA-055, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

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

Commissioner Strandlie: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2016-MA-026 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN BY STANLEY MARTIN COMPANIES, LLC, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 4<sup>TH</sup>, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-MA-026, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE MINIMUM DISTRICT SIZE FOR A PDH DISTRICT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: And finally, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-MA-026 BY STANLEY MARTIN COMPANIES, LLC, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 5<sup>TH</sup>, 2017, CONTINGENT ON THE BOARD OF SUPERVISORS' ACTION ON RZ 2016-MA-026.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. Thank you, Mr. Brant.

Each motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2010-HM-008 – WIEHLE AVENUE APARTMENTS, LLC
2. SE 2017-DR-002 – BDC DULLES CORPORATE, LLC

This order was accepted without objection.

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CSP 2010-HM-008 – WIEHLE AVENUE APARTMENTS, LLC  
– Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2010-HM-008. Located in the S.E. quadrant of the intersection of Metro Center Dr. and Sunset Hills Rd. on approx. 3.58 ac. of land zoned PRM. Tax Map 17-4 ((19)) A. HUNTER MILL DISTRICT. PUBLIC HEARING.

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

*(Start Verbatim Transcript)*

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Chairman Murphy: We will public hearing, without objection, and recognize Mr. de la Fe.

Commissioner de la Fe: Thank you. Could I have the applicant please come forward? Is there an applicant?

Chairman Murphy: Way up in the cheap seats.

Commissioner de la Fe: Oh, okay. Yes, this is a relatively simple sign plan.

Chairman Murphy: If the applicants are here for the next application, you might want to come down now. We'll save some time, please. I know grand entrances are in vogue now, but we could expedite the process.

Commissioner de la Fe: Could you please identify yourself for the record?

Samantha Steketee, Applicant's Agent, Cooley, LLP: Good evening. My name is Samantha Steketee. I'm a land planner with Cooley and I'm here on behalf of the applicant.

Commissioner de la Fe: Thank you very much. Do you confirm, for the record, your agreement – the applicant's agreement to the proposed development conditions dated April 19<sup>th</sup>, 2017?

Ms. Steketee: The applicant agrees.

Commissioner de la Fe: Thank you very much. Mr. Chairman – that's all.

Chairman Murphy: Thank you.

Ms. Steketee: Thank you.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2010-HM-008, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 19<sup>TH</sup>, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to approve CSP 2010-HM-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Jay.

Chairman Murphy: Thank you. Nice job, Mr. Rodenbeck.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*



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SE 2017-DR-002 – BDC DULLES CORPORATE, LLC – Appl. under Sect. 9-620 of the Zoning Ordinance to permit a waiver of certain sign regulations to permit an increase in sign area. Located at 13755 Sunrise Valley Dr., Herndon, 20171 on approx. 3.80 ac. of land zoned C-3. Tax Map 15-2 ((1)) 14. DRANESVILLE DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated March 17, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one case where attorneys in Ms. Mariska'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.

Daniel Creed, 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 SE 2017-DR-002.

Ms. Mariska pointed out the constraints of the subject property, noting that it was triangularly shaped with an ingress located along Sunrise Valley Drive. She also indicated that the site was zoned C-3 and the surrounding properties were zoned as P-Districts. Ms. Mariska explained that due to such constraints, the applicant's ability to utilize signage was limited and the subject application would allow greater flexibility by permitting additional signage area. She added that greater flexibility would accommodate signage that would complement the planned Silver Line Metrorail extension through the area and allow the site to remain competitive with surrounding properties. Ms. Mariska also stated that the applicant was in agreement with the revised development conditions dated May 4, 2017. (A copy of the revised set is in the date file.)

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 Ulfelder for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: Public hearing is closed. Mr. Ulfelder.

Commissioner Ulfelder: Thank you. Thank you, Mr. Chairman. I thought this was an opportunity to create a chance to make a presentation as a – to the – as a new to this group. I also went ahead with the public hearing because there were changes to the development conditions that were distributed electronically today. And while they looked voluminous, based on the blackline, the –

they aren't that significant. And because of the shape of this building, because of the location, because of the signage available and possible for the surrounding properties, I think this makes a lot of sense and has been laid out well. So with that, I'm going to make... first of all, Ms. Mariska, could you come back up to the dais? Yes. Would you confirm for the record that the applicant agrees to the development conditions now dated May 4<sup>th</sup>, 2017?

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: We do.

Commissioner Ulfelder: Ok. Thank you. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2017-DR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 4<sup>TH</sup>, 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 SE 2017-DR-002, 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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The meeting was adjourned at 9:35 p.m.

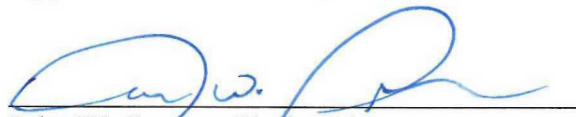
Peter F. Murphy, Chairman

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: October 5, 2017



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