

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, MAY 18, 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 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy congratulated Commissioner Niedzielski-Eichner for his appointment to the County's Economic Advisory Commission for a three-year term.

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Commissioner Flanagan stated that he had attended a ribbon cutting to commemorate the adaptive reuse of the Lorton Prison site in Lorton. He then thanked the Commission, particularly the efforts of Commissioner Sargeant, for their work on this effort. Commissioner Flanagan noted the challenges associated with the former Lorton Prison site, which would be redeveloped from an industrial site to a residential development. In addition, he recommended that Commissioners visit the site, noting that an open house for the area was scheduled for Sunday, May 21, 2017. Commissioner Sargeant thanked Commissioner Flanagan for his comments and echoed his remarks. He also commended staff for their work on this effort. Chairman Murphy concurred with Commissioners Flanagan and Sargeant's remarks.

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Commissioner Hart announced that the Board of Supervisors had authorized the advertisement of two Zoning Ordinance Amendments on telecommunications at its meeting on May 16, 2017. He added that the Planning Commission's timeframe for making a recommendation on these

amendments was limited due to related legislation that had been passed by the Virginia General Assembly, noting that the deadline for the Board's final decision was July 1, 2017.

Commissioner Hart indicated that the staff report for amendments had not been finalized, but Commissioners would be informed once it was completed. In addition, he recommended that Commissioners inform their constituents and appropriate stakeholders of these amendments. He stated that the public hearing for these amendments was scheduled for June 15, 2017 and the Commission would be required to render a decision at that meeting to ensure the appropriate deadline was met.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee meeting that was scheduled for tonight had been canceled. He then stated that the Committee was scheduled to meet on Thursday, May 25, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING FOR RZ/FDP 2016-HM-016 TO A DATE CERTAIN OF JUNE 15, 2017.

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

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2232-P17-8 – AT&T, 8400 Westpark Drive (Right-of-Way), McLean

*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Thank you Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION 2232-P17-8, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY AT AT&T, LOCATED IN THE RIGHT-OF-WAY BY 8400 WESTPARK DRIVE IN MCLEAN, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" OF THE PLAN, PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Mrs. Hedetniemi. Is there a discussion? All those in favor of the motion to concur with the "feature shown" determination in 2232-P17-8, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman? Abstain.

Chairman Murphy: Mr. Sargeant abstains.

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

*(End Verbatim Transcript)*

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FAIRFAX FORWARD COMPREHENSIVE PLANNING PROCESS – PROPOSED MODIFICATIONS (Decision Only) (The public hearing on this application was held on April 19, 2017.)

*(Start Verbatim Transcript)*

Commissioner Migliaccio: And secondly, Mr. Chairman, I do have a decision only on the Fairfax Forward...the new Fairfax Forward Plan Amendment process. And I think we were handed out this evening staff's answers to some of the Mount Vernon Council questions and I just want to ask staff to go over two of the items one of the items is the tracking of potential new plan amendments and the second item is the training of citizens for this new process. And I'm not certain who wants to handle that.

Meghan Van Dam, Planning Division, Department of Planning and Zoning: Hi there. This is Meghan Van Dam from the Department of Planning and Zoning. As part of the response, we explained and – what we envision, in regards to the tracking. It is very similar to the Area Plans Review process tracking where we had all of the information on each individual nomination up online on individual web pages to ensure that...that anyone who is interested in a particular nomination can find it easily and can understand where it is in the process. And as well, in addition to that, we're looking at creating interactive maps where you can zoom in and out of...of the map to find out and click on an individual parcel, which would link you to that webpage. So if somebody had an interest in a particular area, they may not know the number of the particular nomination, but they could find out what's happening there. In terms of the training, we're looking at providing information online, as well as in paper documentation, and looking at, also, working with the task forces to provide information on the process itself...how one submits a nomination to what the review process will involve. Also, we're looking at expanding upon a Comprehensive Planning 101 video that's already published up on online. That provides fundamental information about the Comprehensive Plan, but we're looking at also providing information about the process itself and – as well, planning concepts.

Commissioner Migliaccio: Okay, thank you. And Mr. Chairman, I would just like to enter into the record the responses from staff to the Mount Vernon Council. It was just recently done so...

Chairman Murphy: Without objection?

Commissioner Migliaccio: And thank you, Mr. Chairman. On April 19<sup>th</sup>, the Planning Commission held a public hearing on proposed changes to the comprehensive plan amendment process, formerly known as Fairfax Forward. Before I get to my motion, let me first thank Bernie Suchicital, Meghan Van Dam, Aaron Klibaner, Marianne Gardner, and all other Fairfax County

planning staff who put many hours of work into this process. Let me also thank the speakers from the public hearing for their testimony. It was very helpful and I think we captured some of their ideas into what we're going to have this evening with the follow-on motions. We are here tonight because Fairfax Forward proved to be too much of a departure from the old APR system with new terminology and procedures that unfortunately left out much of the civic engagement that has made Fairfax County what it is today. After the two-year trial period for Fairfax Forward, staff evaluated the process and decided to change course. At the Board's direction, they conducted outreach to various stakeholders and determined that a new process was needed to address the perception that the amendment process was staff driven and lacking adequate community input. We have heard from many competing interests about how best to amend the Comprehensive Plan. Whatever path we choose to take, someone will be unhappy. It will either be too staff driven, too developer driven, or be too slow due to citizen involvement. The new site-specific amendment process before us tonight is meant to be part of the broader plan amendment process that includes the existing area and policy studies on the work program, which will be reviewed and adopted each year by the Planning Commission and any Board Authorized amendments. This site-specific amendment process divides the County into two cycles, north and south, like the old APR process and better demonstrates how the citizens will be involved. It provides for an orderly predictable process which all citizens and developers can trust. It also has the benefit of providing staff a set schedule to allocate limited staff resources. For this new process to effectively function, all involved must do their part. Citizens must continue to be engaged and keep an open mind to new ideas. Land use developers and their attorneys must work within the system where feasible and to not automatically seek Board authorized amendments. County staff and the Planning Commission need to evaluate and make recommendations in an expeditious manner. And the Board needs to be as judicious as possible when deciding to add plan amendments to the work program. Mr. Chairman, I believe that this new process will be inclusive of the citizens, respect the limited County staff resources we have, and allow an orderly predictable process that provides a well-thought-out plan for growth in the County and to allow time for that growth to be implemented. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF RECOMMENDATION FOR MODIFICATIONS TO THE COMPREHENSIVE PLAN AMENDMENT PROCESS AND DIRECT STAFF TO CEASE REVIEW OF THE 22 ITEMS SUBMITTED TO THE COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM IN JANUARY 2016, AS SHOWN ON PAGE 5 OF THE STAFF REPORT DATED APRIL 5<sup>TH</sup>, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and the Chair. Is there a discussion of the motion?

Commissioners Flanagan and Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes, Mister...

Commissioner Flanagan: Yes, I'd like to, first of all, thank Commissioner Migliaccio for the leadership that he provided in resolving the public testimony issues that emanated, you know, from the Mount Vernon Council in particular. And I was able to, through his interaction with the staff and with Marianne Gardner and with Meghan Van Dam – I mean, the several conversations

I've had with them as well – I think that you...that Commissioner Migliaccio has done a good job of coming up with solutions to all of the recommendations that they made at the public hearing. So I'm delighted to support his motion.

Chairman Murphy: Okay, thank you very much. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I too would like to thank Mr. Migliaccio for leading the Commission through the consideration of staff's proposal. I also echo his thanks for the thoroughness of their...staff's outreach efforts and the responsiveness they've demonstrated in designing a revised methodology for the comp plan amendment process that reinforces a more substantive role for citizens in assessing the proposed amendments. A quality comp plan, at its heart, reflects the values, aspirations, and vision of the community. My belief is that the proposed change in the comp plan amendment process ensures that any changes proposed to the Board of Supervisors by the Planning Commission will capture community input. Further, we rightly take pride in Fairfax for our quality of life and all of the elements that contribute to it, such as our schools, parks, stream valleys protections, public services, and the land use planning. These things noted, I am concerned that while on one hand, we will be conducting the amendment process in a thoughtful and deliberate fashion, I am, on the hand, concerned that the process may be overly cumbersome where agility and adaptability must be the bywords as we seek to diversify the economy in an increasingly competitive economic development climate. With the state consistently failing to return to the County an appropriate share of income tax revenue and our tax base overly constrained by state refusal to allow access to a more diverse set of taxing options, we can anticipate the property tax will continue to be our dominant source of operating revenue for the foreseeable future. In this context, our ability to sustain our quality of County and school services is more dependent than ever on productive land use. We have, for example, buildings in commercial centers that stand vacant and are likely to stay that way unless adapted to other purposes. While land use decisions are appropriately considered independent of their revenue-generating potential, we can generally agree that a viable use of property is better than one in disuse and decay. In closing, Mr. Chairman, I will be supporting this motion and hope that we will continue to learn from our experience and adapt the process, as needed, in the future. Further, Mr. Chairman, I believe that as we look to the policies that guide our planning processes, the County incorporates economic development and diversification more explicitly into our considerations.

Chairman Murphy: Further discussion of the motion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I'm going to support the motion as well. John Byers, who was the Mount Vernon Planning Commissioner for many years, reminded the Commission on many occasions that the Comprehensive Plan was the citizens' plan. It was the citizens' document. It was written by citizens and we were very proud of the citizen-involvement in the creation of that document as it evolved over time. We also, in Fairfax County, I think, outgrew the APR process to some extent. And the last couple times that we were trying to work through it, we had too many APRs and not quite enough staff and resources to do everything the way that we had done it in the past. Fairfax Forward was proposed as a big change to that system...that we were going to eliminate some of the issues that were causing frustration with staff and difficulties with completing the workload in an orderly, timely fashion. And there were some good things about, but I think we lost – in going to Fairfax Forward, we lost some of that

citizen involvement and turned things around from a citizen-driven process to, essentially, a staff-driven process with some limited citizen communication. We also had built in to the approval of Fairfax Forward a review period. I think, like some of my colleagues, I went along with the Fairfax Forward proposal at the time knowing that we were going to see how it work and come back to it. Well, we did come back to it and I think we heard not only our own frustrations with, maybe, the way things had worked out, but complaints from the citizens and complaints from others about the inability to make nominations...the difficulties with interacting with citizens or bringing them into the process. We had a proposal some months ago, which we evaluated, and I think we came to the conclusion that more work needed to be done. And I want to thank staff for going back to the drawing board and coming back with something that, I think, had responded to the criticism from the community and criticism from the Commission and come back with something that, I think, will incorporate once again some of the best features of the APRs, even if we can't go back to a full APR system. I think that gets us closer to the model and the ideal that Commissioner Byers was so proud of, where we had a citizen Comprehensive Plan, citizen-driven with citizen involvement. And I think this...this step will get us closer to that. I think, also, built into this – and I guess there's going to be follow-on motions – we're going to keep looking at this. And maybe it isn't – we had...maybe didn't get it quite right the second time too, but we will be as flexible and responsive as we can, see how it works, and make a suggestion to the Board appropriately when the time comes, if we need do that. But I'm very pleased with how this has turned out and I appreciate staff listening carefully and coming back with something we can support. Thank you.

Chairman Murphy: Further discussion? Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I support the remarks that have been made. I just want say I...as someone who served on the last...the most recent four APR task forces for Dranesville District and chaired the two most recent ones, I've had a lot of experience with the APR process. And I was very well-aware of the problems that started to occur with the APR process that led us to, in the first place, look for a different way of, perhaps, meeting our obligations under the State Code and doing the Comprehensive Plan review on a regular basis, as required. I think that the important aspect of the...this latest change to that process is that it will, once again, open it up to – I think it'll be a little bit more transparent and I think it will open it up for better citizen involvement and more opportunity for citizens who want to know what's happening to be able to come in and share their views about what's happening and to be involved in what's happening. And I think those are key elements for the citizens in order to have faith and confidence in the Comprehensive Plan and to feel that it does represent their views and their positions on a number of issues as they come forward in the zoning or the rezoning process or special exception process. So with that, I'm certainly going to support this and I think that we will see how it works out and I think that a lot of people in the Dranesville District will be happy to see this addition to our process.

Chairman Murphy: Further discussion? Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I too am pleased with the process. And I wasn't on the Commission during the APR process, but it was clear that, from what we heard from citizens during Fairfax Forward, we needed to make some changes and thanks to everyone who worked on it. I was absent the night of the hearing. I read the materials, but I didn't quite get

through the entire video for the hearing. So for that reason only, I'm going to abstain. But otherwise, I appreciate everyone's work and I would support it. Thank you.

Chairman Murphy: Anyone else? Well, I just want to echo the sentiments of my fellow Commissioners. I feel the same way as they do except I am going to vote on it and I'm not going to abstain. All those in favor of the motion, as articulated by Mr. Migliaccio regarding the Fairfax Forward Comprehensive Plan Process, Proposed Modifications, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one follow-on motion. I was going to have two, but I think your follow-on motion would cover what I was thinking about. I acknowledge that this new process will need tweaks after implementation to work out the kinks. After previous APR and Fairfax Forward cycles, the County has evaluated the process and made changes based on stakeholder input. I envision the same happening after the first North County cycle, which is a two-year cycle. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO EVALUATE THE SITE-SPECIFIC PLAN AMENDMENT PROCESS AFTER THE NORTH COUNTY CYCLE IS COMPLETED TO DETERMINE IF ANY CHANGES CAN BE MADE TO STREAMLINE THE PROCESS, SUCH AS COMBINING THE NORTH/SOUTH CYCLES INTO ONE, ESTABLISHING STRICT CRITERIA TO ALLOW LIMITED SUBMISSIONS IN NORTH COUNTY DURING THE SOUTH COUNTY CYCLE AND VICE VERSA, AND REEXAMINING THE NON-EXEMPT AREAS OF THE COUNTY, IF APPROPRIATE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. I do have a follow-on motion and I'll pass the gavel to Mr. de la Fe.

Commissioner Murphy: Mr. Chairman, at the Board's recent...recent Development Process Committee meeting, there was discussion among the Board members on how the Fairfax Forward process on modifications addresses economic opportunities. And it was agreed that the development community has the opportunity to bring forward proposals for economic development to Board members for authorization outside the site-specific plan process. However, the Comprehensive Plan does not specifically provide guidance with regard to considering Board-authorized proposals, as they relate to the County's economic success and the County's economic goals. Also, the Board has recently developed a Strategic Plan to Facilitate Economic Success that includes objectives that, "Sustain and grow our economy where we vigorously pursue development and revitalization opportunities." I also add that staff, in a memo to the Planning Commission dated September 12<sup>th</sup>, 2016, stated that the Comprehensive Plan

guidance addressing the criteria to be used by Board members in authorizing plan changes does not include goals for achieving economic success and recommends that these goals, if developed, could be used to better-define when a Board authorization should be made. Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO DIRECT STAFF TO DEVELOP GUIDANCE THAT INCORPORATES CRITERIA FOR ECONOMIC SUCCESS THAT WILL AID BOARD MEMBERS WHEN CONSIDERING AUTHORIZING COMPREHENSIVE PLAN CHANGES. This will better align our Comprehensive Plan and the process by which we relate it to the Board's Strategic Plan to Facilitate Economic Success. Further, I MOVE THAT APPROPRIATE REPRESENTATIVES FROM THE DEVELOPMENT COMMUNITY BE ENGAGED IN THIS DEVELOPMENT PROCESS AND ITS GUIDANCE. AND I SO MOVE.

Commissioners Hart and Migliaccio: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Mr. Migliaccio. Any discussion?

Commissioner Migliaccio: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Migliaccio.

Commissioner Migliaccio: I am supporting this follow-on motion. I think the economic vitality of the County is very important, but I don't want us to lose sight that this is one policy plan that we have. We have many others and we have many other stakeholders that may want to be involved. That may be housing, environment, and everything else. So as we move forward, this is a worthy topic for the next level up to discuss to see how they want to get to six votes on a plan amendment, but...

Commissioner Murphy: You said it. I didn't.

Commissioner Migliaccio: I hope that they also look at other items when they develop new guidance. Thank you.

Vice Chairman de la Fe: Thank you. Okay, any further 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.

Each motion carried by a vote of 11-0-1. Commissioner Strandlie 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. AR 83-D-005-04 – 9600 ARNON CHAPEL, LLC
2. CSP 2012-DR-016 – WF DULLES STATION, LLC
3. RZ/FDP 2016-PR-012 – SEKAS HOMES, LTD.

This order was accepted without objection.

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AR 83-D-005-04 – 9600 ARNON CHAPEL, LLC – Local A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 9600 Arnon Chapel Rd., Great Falls, 22066 on approx. 27.82 ac. of land zoned R E. Tax Map 8-3 ((1)) 53Z1 and 54Z1. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder 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 Ulfelder for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Ulfelder: Thank you Mr. Chairman. This is a request for a fourth renewal of the Cornfield Agricultural and Forestal District. The Cornfield family has owned this 28-acre property, which is located on the north side of Arnon Chapel Road, north of the Great Falls Village Center, since 1941. They established the original Agricultural and Forestal District in 1983, shortly after the A&F program was established in Fairfax County and maintain it, subject to a forest management plan prepared by the Virginia Department of Forestry. I want to thank the Cornfield family and representatives for continuing to maintain their property as, essentially, undeveloped open space, consistent with the semi-rural character of the area. I know the residents of Great Falls also greatly appreciate their willingness to retain their property status in the A&F program. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 83-D-005-04 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE CORNFIELD LOCAL AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL EIGHT-YEAR TERM, SUBJECT TO ORDINANCE PROVISIONS DATED MAY 3<sup>RD</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 to approve AR 83-D-005-04, 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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CSP 2012-DR-016 – WF DULLES STATION, LLC – Appl. under Sects. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2012-DR-016. Located 930 ft. S. of the intersection of Sunrise Valley Dr. and Sayward Blvd., N.W. of Carta Way and Sayward Blvd. on approx. 3.76 ac. of land zoned PRM. Tax Map 15-4 ((5)) 5A1. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder 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 Ulfelder for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Ulfelder: Okay, before I ask the applicant's that represent it come up – thank you, Mr. Chairman. This is an application for a Comprehensive Sign Plan for the station on Silver Residential Development, which was approved by the Board of Supervisors in 2013. The site is located south of the Dulles Airport Access Road, less than a quarter mile from the Innovation Metrorail Station, which is currently under construction. The applicant is merely asking for five permanent signs, four small blade signs and one small address sign and three temporary signs that will be removed after two years. Basically, it is a nominal request compared to what we've seen on other multi-family buildings. With the – before I make a motion, would the applicant's representative come forward?

Amanda Williams, Applicant's Agent, Cooley, LLP: Good evening, Commissioners.

Commissioner Ulfelder: Yeah, identify yourself for the record.

Ms. Williams: Hi, I'm Amanda Williams, an attorney with Cooley. Happy to be here tonight on behalf of the applicant. We've worked closely with Billy on this application and working for

further recommendation of approval. And I can confirm that the applicant is agreeable to the conditions dated May 3<sup>rd</sup>.

Commissioner Ulfelder: Okay, thank you.

Ms. Williams: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2012-DR-016, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 3<sup>RD</sup>, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to approve CSP 2012-DR-016, 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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RZ/FDP 2016-PR-012 – SEKAS HOMES, LTD. – Appls. to rezone from R-1 to PDH-1 to permit residential with an overall density of 0.81 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located S. Side of Arlington Blvd. approx. 430 ft. W. of its intersection with Barkley Dr. on approx. 26.98 ac. of land. Comp. Plan Rec: Residential Use 0.5-1 du/ac. Tax Map 48-4 ((01)) 42A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated April 6, 2017.

There were no disclosures by Commission members.

Stephen Gardner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2016-PR-012.

Commissioner Sargeant expressed concern that the dwelling unit on Lot 14 of the proposed development could not accommodate common modifications, such as decks or porches, as

effectively as other lots within the development due to its proximity to the Resource Protection Area (RPA) and the eight-foot wide trail that would provide access to Accotink Trail.

Mr. Gardner confirmed the location of the eight-foot trail, adding a second six-foot wide asphalt trail would be installed along the Arlington Boulevard frontage. A discussion ensued between Commissioner Sargeant and Mr. Gardner regarding the possibility of modifying Lot 14 to provide great flexibility for installing the types of common modifications that could be implemented for other lots in the proposed development wherein Mr. Gardner said that the revised proffers dated May 8, 2017 included provisions to permit such modifications, adding that the provisions also applied to other lots on the site, but was restricted in certain areas to preserve tree save areas. (A copy of the revised set is in the date file.)

Commissioner Sargeant expressed safety concerns regarding the portion of the proposed trail that would run through the stormwater management area in Parcel B and asked whether the applicant would install a fence or barrier along that area. Mr. Gardner deferred to the applicant for additional information on these issues, noting that such a fence had not been included in the proffers.

Referring to Sheet 6B in the final development plan, which included a typical lot detail for a dwelling unit and an optional garage design that could accommodate an additional car, Commissioner Flanagan asked for additional information regarding the differences in lot configurations and their ability to accommodate features such as decks. Mr. Gardner stated that the typical lot detail configuration could accommodate a deck and indicated that provisions within the proffers provided flexibility for the installation of similar features on the optional garage detail. He also stated that certain lots within the proposed development would be subject to additional constraints.

When Commissioner Flanagan asked how close a deck could be located to a rear lot line, Catherine Lewis, ZED, DPZ, said that that such features would be installed in a manner consistent with the Zoning Ordinance and that policy was articulated in Proffer Number 4, Extensions into Minimum Required Yards.

Referring to Sheet 6B in the final development plan, Commissioner Flanagan asked for additional information regarding the design of garages for dwelling units that would utilize the optional garage detail configuration. Mr. Gardner and Ms. Lewis explained that the optional garage detail configuration provided flexibility for the designs of the garages to permit the necessary modifications on a particular lot that would allow the structure to accommodate three vehicles.

When Commissioner Hurley asked whether the Fairfax County Park Authority (FCPA) had committed to accepting the 15-acre dedication that was included within the proposal, Mr. Gardner stated that such a commitment had been secured.

Commissioner Hurley noted the existing condition of Accotink Creek and the trails that served the area. She also pointed out the existing traffic congestion at the intersection of Barkley Drive and Arlington Boulevard. She then asked for additional information on staff's justification for supporting access to the proposed development through a service drive that connected to this

intersection instead of extending Karen Drive to access the site. Mr. Gardner explained the following:

- The subject applications did not include an analysis of the feasibility of extending Karen Drive to utilize as an access to the site;
- The applicant had requested additional flexibility with street connectivity standards to accommodate the access to the site through a service drive that connected to the intersection of Barkley Drive and Arlington Boulevard;
- The evaluation conducted by staff was limited to the access that utilized the service drive;
- The evaluation conducted by staff concluded that the applicant's proposed access through the service drive was appropriate; and
- The evaluation conducted by staff concluded that an access through Karen Drive would require encroachment onto the RPA on the subject property, which would subsequently incur various environmental impacts.

A discussion ensued between Commissioner Hurley and Mr. Gardner regarding the extent to which staff had evaluated the feasibility of extending Karen Drive to access the proposed development wherein Mr. Gardner reiterated the applicant had not included such an option within the proposal.

Commissioner Hurley asked for additional information regarding the final condition for the service drive that ran parallel to Arlington Boulevard and would provide ingress/egress for the proposed development. Mr. Gardner stated the following:

- The proposal would reconfigure the service drive to install the necessary access point to the site;
- The applicant would modify the service drive in a manner consistent with the standards prescribed by the Virginia Department of Transportation (VDOT);
- The segment of the service drive located to the west of the site would be removed and subsequently restored with vegetation;
- The applicant would remove the existing right-in turn to the service drive and planned to petition the Commonwealth Transportation Board (CTB) to permit a right-out turn from this road onto Arlington Boulevard;
- The primary ingress for the proposed development would be the intersection of Barkley Drive and Arlington Boulevard; and

- The primary egress for the proposed development would be either the proposed right-out turn from the service drive onto Arlington Boulevard or the intersection of Barkley Drive and Arlington Boulevard.

A discussion ensued between Commissioner Hurley and Mr. Gardner regarding the routes vehicles traveling east on Arlington Boulevard would utilize to access the proposed development wherein Mr. Gardner confirmed that vehicles would utilize the intersection at Arlington Boulevard and Barkley Drive to access the service drive to enter the site.

Referring to Proffer Number 4, Commissioner Hart expressed concerns that the provisions in this proffer did not sufficiently articulate the permissible modifications for the dwelling unit on Lot 14. He then suggested that additional language be incorporated into the proffer that would disclose the constraints for implementing such modifications to prospective buyers of Lot 14.

Commissioner Hart expressed concern regarding the language of Proffer Number 6, Dedication to HOA, citing the phrase “as further described in Proffer 6” as unclear. Mr. Gardner indicated that the language referred to open space, but acknowledged the need to revise the language of the proffer. He added that the only open space parcel that would be dedicated to the HOA under the proposal was Parcel B, which contained the stormwater management facilities.

A discussion ensued between Commissioner Hart and Mr. Gardner regarding the possibility of converting the portion of the service drive that ran along Arlington Boulevard that had been reserved for plantings into additional open space for the HOA wherein Mr. Gardner stated that such a modification was not precluded by the Zoning Ordinance, but noted that the plantings on that space were intended for noise attenuation and staff supported additional efforts by the applicant to articulate the maintenance responsibilities for the space.

Commissioner Hart pointed out that the segment of the service drive to the west of the site that would be removed under the proposed development and the maintenance responsibilities for this area were not articulated. Mr. Gardner noted that this segment was identified as right-of-way. A discussion ensued between Commissioner Hart and Mr. Gardner, with input from Ms. Lewis, regarding the maintenance responsibilities for this segment of the service, the possibility that the HOA would incorporate the segment into the development as open space, and the existing condition of this segment wherein Mr. Gardner concurred with Commissioner Hart’s statement that such responsibilities had not been defined in the proposal, adding that the revised proffers included a commitment by the HOA to maintain the plantings along the service drive.

When Commissioner Keys-Gamarra asked for additional information regarding a potential by-right development on the subject property, Mr. Gardner stated that the site was zoned R-1 and could be redeveloped in a manner consistent with the guidelines of an R-1 District. A discussion ensued between Commissioner Keys-Gamarra and Mr. Gardner regarding the number of dwelling units that would be permitted in a by-right development of the site, the guidelines for determining an appropriate number of units for such a development, and the benefits provided by the proposal compared to a by-right development wherein Mr. Gardner confirmed that rezoning the site as a P-District provided greater flexibility for configuring the lots, adding that a by-right development would not include a dedication to the Fairfax County Park Authority (FCPA) or the environmental improvements included in the proposal.

Commissioner Keys-Gamarra expressed concern regarding the amount of the applicant's park contribution, which was lower than what staff had recommended. Mr. Gardner stated that such a contribution was intended to mitigate the proposed development's impact on off-site park facilities. He then said that while staff supported the applicant's 15-acre dedication to the FCPA, he noted that the dedication lacked active recreation features. A discussion ensued between Commissioner Keys-Gamarra and Mr. Gardner regarding the location of park facilities in proximity to the subject property.

When Commissioner Keys-Gamarra asked for additional information regarding the applicant's schools contribution, Mr. Gardner indicated that Proffer 38, Public Schools, included a contribution that was consistent with the standards prescribed by the Board of Supervisors.

Commissioner Keys-Gamarra aligned herself with concerns from Commissioners Hart and Hurley regarding the ingress/egress for the proposed developments, noting the existing traffic congestion at nearby intersections and the difficulty for vehicles to access the service drive.

Commissioner Migliaccio asked whether the applicant had addressed staff's concerns regarding the deficiencies of Proffer Number 23, Green Building Practices, as articulated in the memorandum entitled "Environmental Assessment: RZ 2016-PR-012" in Appendix 8 of the staff report. Mr. Gardner indicated that the proffer had not been revised in a manner that addressed such concerns.

Commissioner Migliaccio aligned himself with previous concerns from Commissioners regarding the applicant's transportation provisions, noting that the total monetary value of those provisions was less than what staff had requested. He also pointed out that Proffer Number 17, Right Turn Only Exit, would permit the applicant to not provide a direct access to Route 50 in the event that VDOT and CTB did not approve such access. Commissioner Migliaccio then stated that he did not support the subject applications in their current form due to the various concerns raised by the Commission and staff.

A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Gardner, with input from Bree Clohessy, Office of Community Revitalization, regarding the traffic impact of the existing building on the site compared to the impact of the proposed development wherein Mr. Gardner and Ms. Clohessy explained the following:

- The existing structure on the site functioned as an assembly building that accommodated events, which generated significant traffic impacts for brief periods of time;
- The proposed development would generate traffic patterns consistent with a residential development of single-family attached dwelling units; and
- The analysis conducted by the Fairfax County Department of Transportation (FCDOT) had concluded that proposed development would generate a greater amount of trips compared to the existing use on the site.

Referring to Cross Section B-B on Sheet 6A of 9 in the final development plan, which depicted the vegetative barrier between Lots 4 and 5, Commissioner Flanagan pointed out that there were no tree save areas for these lots and the existing trees on the site would be removed under the proposed development. Mr. Gardner concurred with Commissioner Flanagan's statement, adding that the existing vegetation on Lots 4 and 5 was minimal. Commissioner Flanagan then expressed concern regarding the visual impact that the dwelling units on Lots 4 and 5 would incur on the neighboring residential development to the east, noting that the proposed plantings for the barrier depicted on Sheet 6A would require substantial time for the vegetation to sufficiently grow. A discussion ensued between Commissioner Flanagan and Mr. Gardner regarding the existing vegetation on the site and the buffer provisions for the proposed development wherein Commissioner Flanagan recommended that the applicant incorporate additional screening provisions to the proposal prior to the Commission's decision.

Commissioner Niedzielski-Eichner announced his intent to defer the decision only at the conclusion of the public hearing.

Commissioner Ulfelder pointed out that staff had listed multiple outstanding issues in the "Conclusions and Recommendations" section on Page 22 of the staff report and voiced concern that such issues had not been addressed prior to the public hearing. Mr. Gardner said that the public hearing for the subject applications had been deferred on multiple occasions and the applicant had requested that the public hearing proceed within a specific timeframe. In addition, he stated that staff recommended approval of the subject applications because it had been concluded that the proposed development was preferable to a by-right development for the site. A discussion ensued between Commissioner Migliaccio and Mr. Gardner, with input from Chairman Murphy, regarding the justification for staff recommending approval of the proposal and the outstanding issues that had not been sufficiently addressed by the applicant wherein Commissioner Migliaccio pointed out that the provisions of a by-right development had not been determined.

Referring to a memorandum dated June 27, 2016 from Kevin Nelson, VDOT, Commissioner Hart pointed out that the service drive that would provide access to the proposed development would not be eligible for public maintenance until it was connected to a planned bridge that would be located to the west of the site. He then asked for additional information regarding the maintenance of the service drive if it were not subject to public maintenance through VDOT. Jeffrey Hermann, FCDOT, stated that VDOT had reviewed an earlier iteration of the proposal when the memorandum was submitted and the design of the service road in that iteration was different than what was depicted in the staff report. He also said that VDOT had issued a subsequent memorandum articulating the maintenance responsibilities for the service drive, but had indicated verbally that VDOT did not object to accepting such responsibilities. A discussion ensued between Commissioner Hart and Mr. Hermann regarding the possibility that VDOT would accept maintenance responsibilities for the service drive that accessed the site wherein Commissioner Hart requested that such responsibilities be clarified during the deferral period. (A copy of the memorandum is in the date file.)

Ms. Greenlief gave a presentation on the subject applications wherein she explained the following:



- The proposal was an infill residential development that would rezone the subject property to a P-District, which provided greater flexibility compared to a by-right development;
- The flexibility afforded by a P-District would provide environmental provisions and public benefits that were greater than those that would be implemented under a by-right residential development on the site;
- The applicant had coordinated with staff, VDOT, the Providence District Supervisor's Office, and the neighboring Mantua community to the east on the proposal and appropriate modifications had been made accordingly;
- The existing development on the site included a two-story building, approximately six acres of impervious surface, and no stormwater management provisions;
- The proposed development included environmental provisions that would remove some of the impervious surfaces, revegetate various portions of the site, and preserve the environmentally sensitive lands from encroachment;
- The applicant's proffers included commitments to revegetate approximately 1.5 acres of the RPA, construct a trail that would connect to the existing stream valley trail system, and dedicate approximately 13.5 acres of the RPA to the FCPA after the revegetation efforts were completed;
- The area of the site not dedicated to the FCPA would be subdivided into multiple lots for single-family detached dwelling units, which would be accessed by public streets;
- The design of the proposed residential development was consistent with that of the surrounding residential community;
- The applicant's proffers also included commitments for invasive species management, green building provisions, noise mitigation measures, and transportation improvements;
- The applicant would coordinate with staff to address outstanding concerns regarding the extent of the proffered green building provisions; and
- The density of the proposed development was consistent with the recommendations of the Comprehensive Plan and was similar to the density that would be permitted by-right, but a by-right development would not be required to include the various public benefits that the applicant had included.

Ms. Greenlief addressed the concerns raised by the Commissioners wherein she explained the following:

- The proposal included provisions that permitted extension into the minimum rear yard for the dwelling unit on Lot 14;

- The designs for the dwelling units had not been finalized and could be subsequently modified to ensure that appropriate modifications to the units were feasible;
- The garage designs depicted on the optional lot details of Sheets 6B of 9 in the final development plan included provisions that permitted three-car garages;
- The applicant did not object to including a disclosure in the proffers for prospective buyers of Lot 14 that articulated the limits for which modifications, such as decks or porches, could be installed;
- The portion of the service drive that would be vacated to the west of the access to the proposed development would remain designated as right-of-way and maintenance of that area would be determined by VDOT;
- The applicant had included a commitment to maintaining an easement of plantings along the northern portion of the site that fronted Arlington Boulevard, which was articulated in Proffer Number 5, Establishment of a Homeowners Association (HOA);
- The applicant did not support extending Karen Drive to access the site due to concerns regarding the environmental impact that such an extension would incur on the RPA and flood plain;
- The existing development on the site incurred a minimal traffic impact at the intersection of Arlington Boulevard and Barkley Drive during peak-hour traffic periods; and
- The traffic impact of the proposed development at the intersection of Arlington Boulevard and Barkley Drive during peak-hour traffic periods would not be significant and the installation of a right-out turn lane onto Arlington Boulevard from the service drive would further mitigate that impact.

Ms. Greenlief deferred to John Sekas, Applicant/Title Owner, Sekas Homes, Ltd., for a subsequent presentation. Mr. Sekas acknowledged the outstanding issues with the proposal that staff and the Commission had pointed. He then echoed remarks from staff and Ms. Greenlief regarding the advantages to redeveloping the site under the subject applications compared to a by-right development, pointing out that a by-right development would potentially encroach onto the RPA. Mr. Sekas also pointed out the various commitments that would be included with the proposed development that would not be required for a by-right development. In addition, he reiterated that the existing development on the site included approximately six acres of impervious surface and noted the negative impact that such surfaces incurred on the nearby creek system. Mr. Sekas explained that the applicant had coordinated with VDOT regarding the status and maintenance of the service road, adding that a by-right development would require that the service road be rebuilt. He then stated that the applicant would petition the CTB to permit a right-out exit onto Arlington Boulevard while closing the existing right-in entrance, which had been determined to be inadequate. Mr. Sekas stated that extending Karen Drive to access the proposed development would not significantly alter the traffic impact of the proposed development on Barkley Drive. In addition, he said that the applicant had met with residents of

the surrounding community and had generated significant support, noting that surrounding residents supported removing the existing structure on the site and redeveloping the property with residential development. Mr. Sekas addressed Commissioner Keys-Gamarra's concerns regarding the applicant's contribution to the FCPA, stating that the proposed contribution was appropriate because it included the 13.5 acre contribution to the FCPA. He also acknowledged that certain lots would be subject to constraints, but indicated that the environmental features for these lots and the surrounding area would be improved by various plantings compared to the current condition on the site. In addition, he pointed out that such lots with smaller yards would appeal to certain buyers. In conclusion, Mr. Sekas explained that the proposed development would generate less traffic than a by-right residential development or another industrial use, adding that the installation of a right-turn exit onto Arlington Boulevard would further alleviate the impact at the intersection of Arlington Boulevard and Barkley Drive. In addition, he stated that the applicant would continue coordinating with staff and VDOT to address the outstanding issues with the proposed development.

Commissioner Niedzielski-Eichner echoed concerns from Commissioner Flanagan regarding the adequacy of the barrier that screened Lots 4 and 5 from the neighboring residential development to the east. He then asked for additional information regarding the applicant's efforts to address this issue. Mr. Sekas explained that the applicant had coordinated with the residents of the neighboring properties, stating that additional plantings would be installed within these lots to improve the screening. He added that such plantings would be implemented within 45 days after the approval of the subject applications. Mr. Sekas also pointed out that there were few existing trees along the eastern barrier of Lots 4 and 5, adding that the topography of the area necessitated subsequent screening provisions. He then said that the applicant's commitments to supplementing this barrier with additional plantings, as articulated in the proffers, would provide sufficient screening for the neighboring properties.

When Commissioner Niedzielski-Eichner asked for additional information regarding the applicant's stormwater management provisions and the opportunities for other recreational uses, Mr. Sekas explained the following:

- The proposed development would utilize underground stormwater management vaults, which would be accessible by a manhole and serviceable by appropriate personnel; and
- The area around the stormwater management facility would consist of open fields that could be utilized for recreational activities.

Commissioner Migliaccio expressed concern regarding the timetable for the applicant's transportation improvements, pointing out that Proffer Number 14, Service Drive, required the applicant to improve the existing service drive on the site to VDOT standards. A discussion ensued between Commissioner Migliaccio and Mr. Sekas regarding the applicant's ability to complete such improvements within an appropriate timeframe and the purpose of the timeframe for those improvements articulated in Proffer Number 14 wherein Mr. Sekas indicated that the provisions had been included to address safety concerns for pedestrians utilizing the trails around the site during the construction of the dwelling units.

Commissioner Migliaccio recommended that the applicant revise the proffers during the deferral period to articulate the maintenance responsibilities of the HOA for the proposed development. A discussion ensued between Commissioner Migliaccio and Mr. Sekas, with input from Ms. Lewis, regarding the maintenance responsibilities of the HOA and the extent to which the HOA would maintain the service drive wherein Mr. Sekas explained that the service drive would be maintained as a state road while the HOA would maintain the front entrance features and the stormwater facilities.

Answering questions from Commissioner Migliaccio, Mr. Sekas explained the following:

- The terminus of the service drive at the entrance to the proposed development included sufficient space to allow adequate circulation for emergency vehicles and school buses;
- The applicant did not object to providing a setup fee for the HOA to fund the necessary maintenance efforts for the proposed development;
- The FCPA supported the applicant's contribution, which included the 13.5 acre dedication;
- The applicant's transportation contribution had been calculated through a pro-rata share, which amounted to approximately \$80,000, as articulated in Proffer Number 39, Contribution for Transportation/Trail/Sidewalk Improvements; and
- The applicant had requested that staff provide additional justification for a request of an approximately \$300,000 transportation contribution, but no such justification was provided.

A discussion ensued between Commissioner Migliaccio and Ms. Clohessy regarding the \$300,000 transportation contribution that staff had requested, the method for calculating such a contribution, and the extent to which staff concurred with the applicant's \$80,000 contribution wherein Ms. Clohessy explained that the requested contribution had been based on similar contributions that had been made by nearby residential developments on a per-dwelling unit basis.

Responding to questions from Commissioner Flanagan, Mr. Sekas stated the following:

- The applicant had met with the residents of the existing residential units that abutted Lots 4 and 5 of the proposed development;
- The applicant had agreed to implement appropriate plantings on both the subject property and portions of the neighboring residential property to provide appropriate screening;
- The applicant would begin implementing the plantings that had been agreed upon with the neighboring residential property to the east prior to prior to site plan approval;

- The applicant had not included documentation of the agreement with the neighboring residential properties to the east regarding the plantings and screening improvements, but such documentation would be provided during the deferral period; and
- The lots of the residential development located along the eastern boundary of the subject property had some existing fencing installed, but the applicant did not object to supplementing that fencing where necessary, as articulated in Proffer Number 29, Tree Preservation Fencing.

Commissioner Hart pointed out the areas of the site along Lots 8 through 13 on the eastern portion of the site that had been designated for tree preservation, noting that other developments that had utilized similar provisions had not been adequate because subsequent purchasers had not been aware of tree preservation areas. He then suggested that the tree preservation areas be designated as open space to be maintained by the HOA. A discussion ensued between Commissioner Hart and Mr. Sekas regarding the feasibility of maintaining the tree preservation area through the HOA, the applicant's justification for favoring private maintenance of such areas, and the existing condition of the tree preservation area wherein Mr. Sekas indicated that he favored retaining the existing provisions in the proposal, which would utilize private maintenance.

Commissioner Hurley expressed concern regarding the traffic patterns that the proposed development would generate, noting that the existing development to the west would generate significant trips for vehicles entering and exiting the site. When asked why the installation of an additional entrance at the service drive and Arlington Boulevard had been prohibited, Mr. Sekas said that such an entrance had not been approved by the CTB. A discussion ensued between Commissioner Hurley and Mr. Sekas regarding the reason that a right turn entrance from Arlington Boulevard to the service drive was prohibited wherein Mr. Sekas indicated that such a feature was prohibited due to safety concerns and extending the turn lane was unfeasible, adding that the CTB did not support a right-turn entrance from Arlington Boulevard into the site.

When Commissioner Hurley asked why the applicant did not support extending Karen Lane into the site, Mr. Sekas stated that such an extension was not supported because it would encroach onto a flood plain, noting the frequency with which the area flooded. A discussion ensued between Commissioner Hurley and Mr. Sekas regarding the feasibility of extending Karen Lane and the difficulties associated with constructing such an extension within a flood plain.

Replying to questions from Commissioner Flanagan, Mr. Sekas stated the following:

- The applicant would utilize covenants with the HOA for the proposed development to articulate the maintenance responsibilities for the tree save areas located between Lots 8 through 13;
- The covenants for the HOA could contain provisions requiring that trees within the tree save area be replanted by property owners that had improperly removed the trees;

- The provisions requiring the replanting of trees that had been improperly removed from the tree area were articulated in the proffers; and
- The applicant did not object to revising the proffer to ensure that the provisions for tree preservation, as well as the repercussions for property owners that improperly removed trees, were articulated.

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

Kenneth Casassa, 9001 Glenbrook Road, Fairfax, spoke in opposition of the subject applications due to concerns regarding the traffic and safety impact of the proposed development. He said that he did not concur with the applicant's conclusion that utilizing Karen Drive to access the site was unfeasible, stating that the road was not subject to frequent flooding. Mr. Casassa described the existing traffic patterns on the service road, noting the frequent congestion that occurred on that road. He then said that the existing level of service did not warrant utilizing the service road as the primary access to the site, adding that the intersection of Barkley Drive and Arlington Boulevard was subject to existing safety concerns and the applicant's traffic mitigation provisions had not sufficiently addressed those concerns. Mr. Casassa also pointed out existing issues with the service road and the buses that serviced the area. He said he supported redeveloping the subject property, but indicated that he favored utilizing Karen Drive as the primary access to the site.

When Commissioner Hurley asked Mr. Casassa whether he would support the proposed development if the ingress/egress provisions were modified, Mr. Casassa stated that he would still oppose the proposal because he did not support rezoning the site as a P-District. He then reiterated that he supported redeveloping the site in a manner that utilized Karen Drive as a primary access. In addition, Mr. Casassa pointed out that the applicant had not sufficiently evaluated the possibility of utilizing Karen Drive as an access to the site.

Jan Harrod, 3719 Prince William Drive, Fairfax, voiced opposition to the subject application, echoing remarks from Mr. Casassa regarding the proposed development's impact on traffic and safety throughout the surrounding area. She also stated that a survey had been conducted throughout the neighboring residential community regarding the proposed development and the applicant had coordinated with the community to address outstanding concerns, such as environmental issues and park facilities. In addition, she said that the community did not support utilizing Karen Drive as an access to the site and commended the applicant for not pursuing that option. However, Ms. Harrod indicated that the applicant's transportation provisions for mitigating the traffic at the intersection of Barkley Drive and Arlington Boulevard were not sufficient, noting the existing safety issues at this intersection. She added that school buses servicing the proposed development would increase the traffic congestion along Arlington Boulevard. Ms. Harrod noted that the traffic generated by the existing building on the site did not impact peak-hour traffic throughout the area and the proposed development would generate more traffic during such hours. She then suggested that the applicant pursue additional modifications to the service road to alleviate the traffic impact, adding that other options for addressing traffic and safety concerns had not been sufficiently evaluated.

Commissioner Strandlie concurred with Ms. Harrod's remarks regarding the traffic impact the proposed development would incur on the intersection of Barkley Drive and Arlington Boulevard. A discussion ensued between Commissioner Strandlie and Ms. Harrod regarding the method by which school buses serviced the existing residential community in the area, the effectiveness of this service, and the traffic impact incurred by such service wherein Ms. Harrod stated that the traffic generated school bus services in the neighboring community was an outstanding issue.

Fran Wallingford, 3311 Mantua Drive, Fairfax, representing the Mantua Citizens Association (MCA), spoke in opposition to the subject applications, aligning herself with remarks from previous speakers regarding the proposed development's impact on traffic and safety throughout the area. She also echoed remarks from Ms. Harrod regarding the ongoing issues associated with the impact of school bus traffic on the surrounding community. Referring to the applicant's statement of justification, as shown in Appendix 4 of the staff report, Ms. Wallingford said that she did not concur with the applicant's conclusion that the design for the ingress/egress points for the proposed development was sufficient. She also stated that other options for accessing the proposed development had not been sufficiently evaluated by the applicant. Ms. Wallingford expressed support for additional traffic mitigation measures for the proposal, such as a right-in turn onto the service drive from Arlington Boulevard. She then indicated that utilizing the intersection of Barkley Drive and Arlington Boulevard as the sole access for the site was not feasible and the impact that such an access on the neighboring residential communities had not been evaluated. Ms. Wallingford stated that the applicant had obtained a waiver for the secondary street acceptance requirement, which permitted the applicant pursue the proposed development without providing another access to the site, because of concerns that utilizing Karen Drive as a secondary access would incur negative environmental impacts. She then indicated that such a waiver did not warrant precluding such an access, stating that she supported evaluating other options for ingress/egress to the site. Ms. Wallingford said that she did not concur with the applicant's conclusion that the majority of the traffic exiting the site would travel to the east along Arlington Boulevard, pointing out the various points of interest to the west of the site. She also echoed remarks from previous speakers regarding the existing traffic congestion at the intersection of Barkley Drive and Arlington Boulevard, noting the issues that such congestion incurred on school buses that serviced the existing residential neighborhoods in the area. Ms. Wallingford also expressed concerns regarding the inclusion of a right-turn exit onto Arlington Boulevard, noting that this road was intended to be a limited access road. She then reiterated her support for evaluating additional traffic mitigation measures for the proposal. Ms. Wallingford also said she suggested additional tree preservation provisions, the inclusion of a bus shelter to replace one that had been damaged, and preserving the existing portion of the service drive to the west of the site. In conclusion, she commended the Commission, staff, and the applicant for coordinating with the Mantua community on the proposal, adding that she supported deferring the decision of the proposal. (A copy of Ms. Wallingford's statement is in the date file.)

A discussion ensued between Commissioner Migliaccio and Ms. Wallingford regarding the Mantua community's support for extending Karen Drive as a method for providing access to the proposed development wherein Ms. Wallingford indicated that the community had not evaluated the feasibility of such an extension.

Commissioner Hurley aligned herself with Ms. Wallingford's remarks regarding the accuracy of the applicant's conclusions of the traffic patterns that the proposed development would generate. A discussion ensued between Commissioner Hurley and Ms. Wallingford regarding the methods by which school children were picked up or dropped off in the Mantua community and the location of the damaged bus shelter located along Arlington Boulevard wherein Ms. Wallingford indicated that the damaged bus shelter was not located on the subject property.

When Commissioner Niedzielski-Eichner asked for additional information regarding the extent to which Ms. Wallingford represented the MCA, Ms. Wallingford clarified that she was speaking on behalf of the Board of Directors for the MCA, adding that the MCA had met to discuss the subject applications and a final recommendation for these applications had not been determined.

A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Wallingford regarding the feasibility of utilizing Karen Drive to access the subject property, the history of the road, the frequency of flooding along the road, and the environmental concerns associated with extending Karen Drive wherein Ms. Wallingford explained the following:

- The existing building on the site had been accessible by Karen Drive in the past, but was subsequently closed;
- The extent to which the Mantua community supported the subject applications or extending Karen Drive to access the subject property had not been determined;
- The MCA had conducted multiple meetings that discussed the redevelopment of the site and the potential usage of Karen Drive; and
- The feasibility of utilizing Karen Drive to access the site had not been evaluated by the applicant.

When Commissioner Hurley asked for additional information regarding past usage of Karen Drive, Ms. Wallingford indicated that the road had previously been utilized to access the existing development on subject property, adding that portions of the road were still present.

A discussion ensued between Commissioner Flanagan and Ms. Wallingford regarding the existing condition of Karen Drive, the past usage of Karen Drive as an access to the existing development on the site, and the extent of the tree coverage around the road wherein Ms. Wallingford clarified that under the existing condition of Karen Drive, vehicles could not utilize this road to access the site.

Commissioner Hart pointed out that the existing building on the site was subject to a special permit and under that permit, Karen Drive was prohibited from being utilized as an access. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Wallingford, with input from Ms. Clohessy, regarding the existing condition, designation, and usage of Karen Drive.

Commissioner Sargeant suggested that staff and the applicant create a checklist of outstanding issues for the proposed development that needed to be addressed during the deferral period.



There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Greenlief and Mr. Sekas, who explained the following:

- The applicant did not support extending Karen Drive to provide an additional access to the site because such an extension would encroach onto significant portions of the existing RPA on the site;
- The applicant intended to address concerns regarding the green building provisions for the proposed development and utilize appropriate green building standards in designing the dwelling units;
- The applicant did not object to utilizing conservation easements in the areas along the eastern border of the subject property to screen the proposed development from the neighboring residential development;
- The inclusion of the optional lot detail that depicted a three-car garage for a dwelling unit had been included to ensure that such a design could be implemented without an interpretation by staff;
- The proposal included a 13.5-acre dedication to the FCPA, improvements to the existing service drive along Arlington Boulevard, implementing a legal access onto the service drive, restoration of portions of the existing RPA, and a stormwater management area;
- The various improvements to the site included in the proposal would incur a significant cost for the applicant; and
- The proposal had the support of multiple residents from the surrounding community and a letter of support from Tom Hogan, who was a resident in the Mantua, had been submitted prior to the public hearing.

(A copy of Mr. Hogan's letter is in the date file.)

A discussion ensued between Commissioner Sargeant and Ms. Lewis regarding the contents of a checklist of outstanding issues for the proposal that were to be addressed during the deferral period wherein Ms. Lewis pointed out that the five issues identified by staff were listed on Page 22 of the staff report.

A discussion ensued between Commissioner Hurley and Mr. Sekas regarding the existing condition of Karen Drive, the feasibility of extending the road into the site, and the past usage of Karen Drive by the existing development wherein Mr. Sekas reiterated his concern that extending Karen Drive would encroach on the RPA and incur significant environmental impacts.

Answering questions from Commissioner Hurley, Mr. Sekas explained the following:

- The extension of the turn-lane from Arlington onto the service drive was not feasible because there was not sufficient space for a legal deceleration lane for a road with a 45 miles-per-hour speed limit; and
- The topography of the area to the west of the service drive precluded a longer extension of the road.

Commissioner Niedzielski-Eichner stated that he supported the utilization of conservation easements to ensure adequate tree preservation on the subject property because maintenance responsibilities for such easements were shared. When he asked for additional information on how such an easement would be maintained, Mr. Gardner stated that such responsibilities were contingent on the manner in which the easement was established. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Gardner regarding the maintenance responsibilities of such easements and the maintenance responsibilities for the tree preservation under the applicant's proffers wherein Mr. Gardner said that the maintenance of an easement would be conducted by the HOA for the proposed development, but the applicant's provisions would delegate the maintenance of tree preservation areas to property owners.

Commissioner Migliaccio suggested that the Mantua community finalize a recommendation for the subject applications during the deferral period and provide additional information on subsequent coordination between the applicant and the community. Commissioner Sargeant supported such efforts, but noted the difficulty of achieving a consensus.

Commissioner Flanagan pointed out that Mr. Casassa had stated in his testimony that Karen Drive was not subject to frequent flooding and appropriate modifications could be made to ensure it remained usable for vehicles year-round. He then noted that portions of the road were present on the site, but those portions were not consistent with VDOT standards.

Commissioner Flanagan described the existing tree cover on Lots 4, 5, and 13, noting the areas that would be preserved and the areas that would be cleared. He then said that he favored modifying tree preservation provisions for those lots to preserve a greater amount of trees on the site. Mr. Sekas indicated that such tree preservation provisions were unfeasible due to the poor health of the existing trees on Lots 4, 5, and 13, adding that the areas had been evaluated by the County Urban Forestry Division. Commissioner Flanagan reiterated that he favored further modifications to the applicant's tree preservation provisions.

A discussion ensued between Commissioner Sargeant and Mr. Sekas regarding the timeframe for evaluating the subject applications and the amount of additional time required to address the outstanding issues that had been discussed at the public hearing.

Commissioner Hart pointed out that staff had not evaluated the extension of Karen Drive as a possible access for the proposed development because such an extension had not been included in the subject applications. He then suggested that staff conduct subsequent evaluations of that road and the environmental conditions of the area. He also acknowledged the difficulty and cost associated with extending roads through RPAs and flood plains, adding that utilizing Karen Drive as an access would not resolve other outstanding issues with the proposal.

Chairman Murphy called for closing comments from Mr. Gardner, who concurred with Mr. Sekas's comments regarding the conditions of the existing trees located along Lots 4, 5, and 13. He added that staff favored supplemental plantings in these areas to improve such conditions.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Niedzielski-Eichner: Thank you Mr. Chairman. Again, I want to express my appreciation to the...to my colleagues for their intense interest in this project and for staff for their – bringing the project to the form – and to Mr. Sekas for his diligent efforts to work with the community to...to try to reach a consensus or a consensus perspective on a path forward. That said, given the comments that we've heard from the Commission and from the public, I am of the belief that we need to defer this. I am going to propose deferring it for – until next week. I may find that, within the interim between now and next week, that there – that some of the issues cannot be fully resolved until some subsequent date, but that subsequent date is June 15<sup>th</sup>. And so if my colleagues will just bear with me and just give me this week to work through this, I may come with some solutions next week, along with staff and the developer. But we may need to defer...a bit further. So with that, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION FOR RZ/FDP 2016-PR-012 TO A DATE CERTAIN OF MAY 25<sup>TH</sup>, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in...

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Just a question. Given the number of issues raised here and given the fact that the community itself still has consensus to build, is that really enough time? Would June 15<sup>th</sup> work better?

Commissioner Niedzielski-Eichner: Mr. Sargeant, I appreciate the point. My earlier communication to you was that I need the time to assess what the list is-

Commissioner Sargeant: Okay.

Commissioner Niedzielski-Eichner: -and what the resolution requirements are of that list. And that may mean that I would come back next week with a request for another additional deferral, but I would like to have this week to come to the conclusions to what would be the appropriate deferral period.

Commissioner Sargeant: Okay, thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to defer decision only on RZ/FDP 2016-PR-012 to a date certain of May 15<sup>th</sup>, with – May 25<sup>th</sup>, I'm sorry, with the record remaining open for comments, 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 11:09 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



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