

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 13, 2017**

PRESENT: 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
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
John C. Ulfelder, Dranesville District
Karen A. Keys-Gamarra, Sully District

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The meeting was called to order at 8:14 p.m., by Vice Chairman de la Fe, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee had met earlier in the evening to discuss possible revisions to the Zoning Ordinance for restaurant establishments. He said that the Land Use Process Review Committee's next meeting was scheduled for Thursday, July 20, 2017 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, adding that the meeting would be open to the public.

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In the absence of Commissioner Ulfelder, Commissioner Hart announced that PA 2016-II-M3, Comprehensive Plan Amendment for the McLean Community Business Center, Sub-Areas 5 and 6, Main Street, had been scheduled for public hearing tonight. However, he stated that the Board of Supervisors had rescinded the amendment at its meeting on Tuesday, July 11, 2017 and was no longer under review.

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Commissioner Hart announced that staff from the Department of Planning and Zoning (DPZ) would conduct an open house on Wednesday, July 26, 2017 in Conference Rooms 106/107 in the Herrity Building at 7:00 p.m. He explained that the open house would provide an opportunity for citizens to obtain additional information regarding proposed revisions to the Zoning Ordinance for issues such as short-term rentals, rear-yard coverage for single-family detached dwelling

units, restaurant establishments, signage, ordinance modernization efforts, and the impact of zoning on land use and development. Commissioner Hart said that staff would give brief presentations on various issues and attendants would have an opportunity to submit questions or concerns to staff. He added that additional information on the open house could be obtained by contacting the Zoning Administration Division or through DPZ's webpage at <http://www.fairfaxcounty.gov/dpz>.

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

FEBRUARY 1, 2017
FEBRUARY 23, 2017

FEBRUARY 8, 2017

FEBRUARY 15, 2017

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

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2232-P17-19 – AT&T, 4110 Chain Bridge Rd, Fairfax

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I have a couple of motions related to telecommunications. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION 2232-P17-19 THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY AT&T LOCATED AT 4110 CHAIN BRIDGE ROAD IN FAIRFAX IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" OF THE PLAN, PURSUANT TO *VIRGINIA CODE 15.2-2232*, AS AMENDED.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

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

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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2232-P17-15 – AT&T, 8401 Greensboro Drive, McLean*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Mr. Chairman, I concur with staff's conclusion that the proposal by AT&T, to install six panel antennas, either flush-mounted or screened and painted cream-colored, to match the office penthouse structure located at 8401 Greensboro Drive, Tysons, Virginia, satisfies the criteria of location, character, and extent, as specified in Virginia Code Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND SUBJECT APPLICATION 2232-P17-15 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Hedetniemi and Hurley: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi? Any discussion? And...

Commissioner Hurley: Second.

Vice Chairman de la Fe: And seconded by Commissioner Hurley also. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. RZ/FDP 2015-PR-006 – INTERNATIONAL PLACE AT TYSONS, LLC AND 8133 LEESBURG PIKE, LLC
2. SEA 86-M-023-04 – LANDMARK HHH, LLC
3. RZ 2014-MA-023 – COLUMBIA CROSSROADS, LP
4. RZ/FDP 2016-HM-005 – 1831 MICHAEL FARADAY, LLC
5. RZ/FDP 2016-MV-002 – NOVUS PROPERTY HOLDINGS, LLC

This order was accepted without objection.

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RZ/FDP 2015-PR-006 – INTERNATIONAL PLACE AT TYSONS, LLC – Appls. to amend the proffers, conceptual development plan, and final development plan for RZ 2006-SU-025, previously approved for mixed-use development. Located N. of the Eastern intersection of Westfields Blvd. and Newbrook Dr. in the N.E. quadrant of the Route 28/Westfield Blvd. interchange, Chantilly, 20151 on approx. 36.78 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed-Use. Tax Map 44-1 ((1)) 6 (pt). PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated June 21, 2017.

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

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2015-PR-006.

When Commissioner Hurley asked for additional information regarding the size of the oval-shaped green space that would be installed in conjunction with the mixed-use development, Mr. Katai said that the green space was approximately 0.297 acres in size. A discussion ensued between Commissioner Hurley and Mr. Katai regarding the dimensions of the green space.

Ms. Baker addressed Commissioner Hurley's question regarding the dimensions of the green space within the proposed development, stating that the space would be approximately 110-feet long and 50-feet wide. She then gave a presentation wherein she explained the following:

- The subject property was located along Route 7 and was not adjacent to a Metrorail Station;
- The proposal was the first redevelopment that would occur in the area located south of Route 7;
- The subject property was approximately 5.4 acres, which was smaller compared to similar redevelopments in Tysons, and would consist of a single structure of mixed-use development;

- The proposal included commitments to implementing the Tysons grid of streets and the installation of a neighborhood park, which were consistent with the Tysons Plan;
- The architecture of the proposed development included improvements to the streetscape to enhance the visual appeal of the structure along Route 7, Zach Garrett Drive, and Boone Boulevard;
- The proposed development included a park facility with various amenities, such as a children's play area, a bocce court, shade structures, an open lawn, and multiple landscaping features;
- The park facility could be expanded to integrate with the park areas of neighboring redevelopments;
- The proposed development was consistent with the Tysons Plan;
- The proposed development included provisions for a transportation demand management program, green building practices, workforce housing, contributions to local schools, and contributions to transportation improvements;
- The subject property had been previously planned for an office development;
- The applicant had coordinated with the Fairfax County Department of Transportation and the Virginia Department of Transportation on traffic mitigation measures, such as an extended right-turn lane on Route 7 and improvements to pedestrian paths; and
- The revised set of proffers dated July 13, 2017 that had been distributed to Commissioners prior to the public hearing contained minor changes and included an increase in the parks contribution, which had been requested by staff.

(A copy of the revised proffers is in the date file.)

Commissioner Hart pointed out that the proposal included provisions to accommodate a grocery store within the ground-floor retail area of the development. He then asked for additional information regarding the procedures for the delivery trucks that would service that store. Ms. Baker explained that the proposed development would include a private drive aisle and loading would occur in that area, adding that no loading would be conducted from the public streets. In addition, she said that the proposed structure included internal corridors to facilitate loading. A discussion ensued between Commissioner Hart and Ms. Baker regarding the location of the private drive aisle, the location of the entrance to that drive aisle that trucks would utilize, and the potential for uses within the ground floor retail area other than a grocery store wherein Ms. Baker pointed out the access points on the site for trucks, reiterating that no loading would occur from a public street.

Commissioner Sargeant noted the proximity of the subject property to two Metrorail Stations and asked for additional information regarding the accessibility of those stations by pedestrians. Ms.

Baker indicated that pedestrians from the proposed development would primarily utilize the Metrorail Station located at the Tysons Corner Mall, noting that the pedestrian paths that would be included in the development would connect with other paths leading to that station. She added that it was possible for pedestrians to access the Greensboro Metrorail Station located to the west of the site, but noted that the paths to that station were not as direct.

Commissioner Sargeant expressed support for providing the applicant with sufficient flexibility to accommodate various commercial uses for the ground-floor retail portion of the development. A discussion ensued between Commissioner Sargeant and Ms. Baker regarding the types of commercial uses that would be utilized in that portion wherein Ms. Baker indicated that the applicant favored uses such as a grocery store, restaurants, and retail outlets.

Commissioner Flanagan pointed out that the loading space for the trucks servicing the ground-floor retail portion of the proposed development was depicted on Sheet A-0302 of the Conceptual Development Plan/Final Development Plan in the staff report. Ms. Baker concurred with Commissioner Flanagan's statement, adding that additional details were depicted on Sheet A-0303. A discussion ensued between Commissioner Flanagan and Ms. Baker regarding the potential location for a grocery store within the ground-floor retail area, the loading process for the trucks that serviced the grocery store, the proximity of the loading area to the grocery store, and the route trucks would utilize to access the loading areas wherein Ms. Baker reiterated that there would loading would not occur on public streets.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I want to take this opportunity to commend the applicants, International Place at Tysons, LLC, for their diligent and constructive efforts working with staff over an extended period of time, actually, to achieve this high-quality proposal that is in harmony with the Tysons Comp Plan while, among other key attributes regarding public facility needs, adding to the Tysons grid of streets, pedestrian improvements on Route 7, and a - neighborhood park improvements with amenities. Also, I want to thank and commend staff, particularly Mr. Katai, for their work on this application. With that, Mr. Chairman, I request that the applicant confirm, for the record, her agreement to the proposed development conditions, as revised by staff and dated July 13th, 2017, which were provided to you tonight.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Are they July are they dated July 13th or 12th?

Commissioner de la Fe: July 13th.

Commissioner Sargeant: Yeah.

Ms. Baker: I got a previous one dated July 12th. Yes, the applicant is in agreement with this.

Commissioner Niedzielski-Eichner: Thank you, Ms. Baker. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2015-PR-006, SUBJECT TO THE PROFFERS DATED JULY 13TH, 2017.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

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

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-PR-006, SUBJECT TO DEVELOPMENT CONDITIONS DATED JULY 13TH, 2017, AND SUBJECT TO THE BOARD'S APPROVAL OF THE RZ 2016-PR-006 [sic].

Commissioners Hedetniemi and Hurley: Second.

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

Commissioners: Aye.

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

Commissioner Niedzielski-Eichner: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS, AS LISTED IN THE HANDOUT DATED JULY 13TH, 2017, THAT WAS PROVIDED TO YOU TONIGHT AND WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Is that it? Thank you very much.

Ms. Baker: Thank you.

Each motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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SEA 86-M-023-04 – LANDMARK HHH, LLC – Appl. under Sects. 4-604, 7-607 and 9-601 of the Zoning Ordinance to amend SE 86-M-023 previously approved for a waiver of open space and certain sign regulations to permit modification to the limitations on fast food uses in a C-6 district and associated modifications to site design and development conditions and a waiver of open space and certain sign regulations. Located at 6244 Little River Tnpk., Annandale, 22312 on approx. 22.65 ac. of land zoned C-6 and HC. Tax Map 72-4 ((1)) 3. MASON DISTRICT. PUBLIC HEARING.

David Gill, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated June 1, 2017.

There were no disclosures by Commission members.

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

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you, Mr. Chairman. Before I move on this application, I request that the applicant confirm, for the record, their acceptance of the proposed development conditions dated July 7th, 2017.

David Gill, Applicant's Agent, McGuireWoods, LLP: We accept the development conditions, so dated. Thank you.

Vice Chairman de la Fe: Okay. Thank you very much.

Commissioner Strandlie: Okay, I have a series of...

Vice Chairman de la Fe: Wait - wait a minute.

Commissioner Strandlie: Did I say 17th? 7th - July 7th - July 7th.

Vice Chairman de la Fe: Do we agree on the date?

Commissioner Strandlie: July 7th.

Vice Chairman de le Fe: July 7th.

Commissioner Strandlie: The other case started this.

Commissioner Migliaccio: You did say 7th.

Commissioner Strandlie: I said 7th? Okay, good.

Vice Chairman de le Fe: Okay, yes.

Commissioner Hart: Is that right?

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning: It is.

Vice Chairman de le Fe: Okay, everybody says it's right. Ms. Strandlie.

Commissioner Strandlie: Okay then.

Commissioner Sargeant: That makes it so.

Vice Chairman de le Fe: That makes it so.

Commissioner Strandlie: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE SEA 86-M-023-04, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JULY 7TH, 2017.

Commissioners Flanagan and Hedetniemi: Second.

Vice Chairman de le Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A REAFFIRMATION OF A WAVIER OF THE MINIMUM OPEN SPACE REQUIREMENT.

Commissioners Flanagan: Second.

Vice Chairman de le Fe: Seconded by Commissioner...

Commissioner Hart: Flanagan.

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

Commissioners: Aye.

Vice Chairman de le Fe: Opposed?

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A REAFFIRMATION OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHERN BOUNDARY.

Commissioners Flanagan and Hedetniemi: Second.

Vice Chairman de le Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A REAFFIRMATION OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN BOUNDARY.

Commissioners Flanagan: Second.

Vice Chairman de le Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A REAFFIRMATION OF A MODIFICATION OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING.

Commissioners Flanagan: Second.

Vice Chairman de le Fe: Seconded by Commissioner Flanagan. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

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

Commissioner Strandlie: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE MAJOR PAVED TRAIL REQUIREMENT ALONG LITTLE RIVER TURNPIKE AND WAIVER OF THE SHARROW REQUIREMENT ALONG BEAUREGARD STREET.

Commissioners Flanagan and Hedetniemi: Second.

Vice Chairman de le Fe: Seconded by Commissioners Hedetniemi and Flanagan. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de le Fe: Opposed? The motion carries. Is that it?

Commissioner Strandlie: Thank you very much for everyone's hard work on this.

Vice Chairman de la Fe: Thank you very much.

Each motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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RZ 2014-MA-023 – COLUMBIA CROSSROADS, LP – Appl. to rezone from R-3, C-8, C-3, CRD, SC and HC to PDC, CRD, SC and HC to permit a multi-family residential, office and public uses with an overall FAR of 1.81 and approval of the conceptual and development plan. Located on the E. side of Moncure Ave. and on the S. side of Columbia Pike approx. 500 ft. S.W. of the interchange with Leesburg Pike on approx. 7.39 ac. of land. Comp. Plan Rec: retail and other. Tax Map 61-2 ((19)) 5A and 11A and 61-4 ((30)) 15 and 17 and 61-2 ((1)) 112A, 113, 113A, 113C and 114 and Columbia Pike public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Columbia Pike to proceed under Section 15.2-2272 (2) of the *Code of Virginia*). MASON DISTRICT. PUBLIC HEARING.

John McBride, Applicant's Agent, Odin, Feldman & Pittleman, PC, reaffirmed the affidavit dated May 26, 2017.

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

Sharon William, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of RZ 2014-MA-023.

Referring to the Comprehensive Plan text that stated, “If coordinated redevelopment occurs, a new street that would connect to Moncure Avenue and the realigned Seminary Road could be considered provided measures are taken to minimize cut-through traffic,” as shown on page 4 of the staff report, Commissioner Hart asked whether the proposed alignment of New Road A and the Seminary Road extension depicted in the conceptual development plan was consistent with that text. Ms. Williams indicated that the realignment of those roads, which included a connection with Moncure Avenue, were consistent with that text. A discussion ensued between Commissioner Hart and Ms. Williams regarding the phasing process for implementing the final configuration of the roads around the subject property wherein Ms. Sharon confirmed that the realigned road configuration within the proposed development would ultimately connect with Moncure Avenue.

Commissioner Hart asked for additional information regarding the applicant’s efforts to mitigate cut-through traffic for the ultimate condition of the road network for the proposed development and the extent to which cut-through traffic would be an issue on the site. Ms. Williams explained that issues pertaining to cut-through traffic and internal circulation would be finalized during the review of the concurrent final development plan for the subject application, which could potentially include traffic calming measures. She added that such measures were beyond the scope of the subject application. A discussion ensued between Commissioner Hart and Kristen Abrahamson, ZED, DPZ, regarding the applicant’s commitment to mitigating cut-through traffic within the site, the extent to which the provisions of the subject application were in harmony with the Comprehensive Plan text, and the scope of the subject application wherein Ms. Abrahamson explained the following:

- The concern about cut-through traffic within the proposed development had been voiced by residents of the existing residential community to the south of the site;
- The proposed realignment of Seminary Road with New Road A, as depicted in the proposal, was intended to mitigate the traffic flow onto Columbia Pike and Rouge 7;
- The realignment of Seminary Road and New Road A had not been finalized;
- The evaluation conducted by staff concluded that a realignment of Seminary Road and New Road A was unlikely to generate significant cut-through traffic;
- The approval of the subject application did not preclude the implementation of additional measures to address concerns regarding cut-through traffic during subsequent portions of the review process; and

- The intent of the subject application and the conceptual development plan was to improve the applicant's ability to market the site to prospective developers.

When Commissioner Hart asked for additional information regarding the internal vehicular circulation within the proposed development, Ms. Abrahamson pointed out the location of an existing traffic signal at the intersection of Seminary Road and Columbia Pike, noting that the road network within the site would align with that intersection. She added that the realignment of those roads would be integrated into the road network of adjacent lots. However, Ms. Abrahamson said that the development plans for those lots had not been finalized and the applicant's transportation provisions were intended to mitigate the development's impact on the existing neighboring residential development. A discussion ensued between Commissioner Hart and Ms. Abrahamson regarding the amount of flexibility that would be afforded to the applicant and the County in determining an appropriate configuration for the road network within the site wherein Ms. Abrahamson indicated that the proposal provided sufficient flexibility to make such a determination and implement the necessary provisions to mitigate potential cut-through traffic.

Commissioner Strandlie pointed out that the subject application established the boundaries of the proposed redevelopment for the site. She then noted that staff had expressed concern regarding the inclusion of three single-family attached dwelling units on the southwest portion of the site and staff supported the removal of those units to increase the amount of open space for the proposed development. Ms. Abrahamson concurred with that statement. When Commissioner Strandlie asked whether those three townhouses could be removed during the review of the final development plan for the development, Ms. Abrahamson said that such a modification could be included and staff supported such an effort. Commissioner Strandlie also expressed support for including a greater amount of open space with the development.

Commissioner Strandlie noted that the surrounding area had been subject to significant traffic congestion. She then stated that the language in Proffer Number 20, Workforce Housing, indicated parking spaces for residents of the proposed development would be made available to lease with at least one space reserved for purchase per workforce dwelling unit (WDU). Commissioner Strandlie expressed concern regarding the ability for residents to secure adequate parking. Ms. Abrahamson deferred to the applicant for additional information regarding the parking provisions for the development.

When Commissioner Strandlie asked for additional information regarding the status of the applicant's contribution to off-site park facilities, Ms. Williams indicated that the contribution had been finalized.

In reply to questions from Commissioner Migliaccio, Ms. Abrahamson explained the following:

- The applicant's contribution for workforce housing, as articulated in Proffer Number 21, Non-Residential Contribution for Workforce Housing, would apply in the event that a portion of the property was developed with an office use;

- The final development for the subject property had not been finalized and the provisions in Proffer Number 21 were intended to account for the possibility of an office use development;
- The original redevelopment plan for the subject property included a potential office development;
- The workforce housing contribution that would be made in the event of an office development on the site could fund the installation of additional WDUs on other sites;
- The practice of including a workforce housing contribution for a redevelopment that could potential include office development had been utilized at other sites throughout the County;
- The Comprehensive Plan contained language that encouraged contributions towards affordable housing and the associated language was not site-specific;
- The Comprehensive Plan also contained language that encouraged the implementation of affordable housing in the area around the subject property, but that language did not include specific guidelines for such contributions;
- The effort to redevelop the site had been subject to multiple meetings between staff and the applicant, but a final development plan for such efforts had not been completed and the intent of the subject application was to encourage an appropriate mixed-use development that offered sufficient affordable housing options;
- The efforts to redevelopment the portion of the subject property that was owned by the County had not been completed and the possibility of selling the portion to a private developer was a potential option; and
- The contribution to meet the provisions of Proffer Number 21 would be finalized after a plan for redeveloping the site had been completed.

A discussion ensued between Commissioner Migliaccio and Ms. Abrahamson regarding the language in Proffer Number 21, the County's ability to abide by the commitments within that proffer, the cost of complying with the proffer, and the process for ensuring such compliance wherein Ms. Abrahamson reiterated that the final designs for redeveloping the site had not been finalized, adding that the funds for redeveloping the site under the County were insufficient and the limited availability of mass transit in the area made determining such contributions difficult compared to other areas of the County.

Commissioner Hart expressed concern that the language in the second and last sentence of Proffer Number 21 was unclear and suggested appropriate revisions. Ms. Abrahamson concurred and indicated that staff would evaluate and revise the proffer to ensure sufficient clarity.

Referring to page 24 of the staff report, which articulated staff's conclusions regarding the extent to which applicant's affordable housing provisions complied with the policies prescribed by the County, Commissioner Flanagan pointed out that the Zoning Ordinance required that the applicant reserve approximately 12.5 percent of the dwelling units in the proposed development as affordable dwelling units. However, he noted that the proposal did not include provisions for such units and asked staff to explain why staff concluded that the applicant's affordable housing provisions were appropriate. Ms. Abrahamson explained that the type of development that would be permitted under the proposal would likely be exempt from certain provisions of the County's affordable housing policies, but indicated that the proposal did not preclude the installation of other affordable housing provisions. She added that if the applicant redeveloped the site with a type of development that was subject to the affordable housing provisions articulated in Section 2-802 of the Zoning Ordinance, then those provisions would have to be consistent with that policy. When Commissioner Flanagan asked whether the Planning Commission would have additional opportunities to evaluate the applicant's affordable housing provisions, Ms. Abrahamson indicated that there would be such opportunities, stating that the final development plans for the redevelopment would be subject to the Commission's approval.

Mr. McBride gave a presentation on the subject application wherein he explained the following:

- The site had been subject to significant review by the applicant and staff, which was part of the Bailey's Crossroads Revitalization District;
- The proposal was consistent with the goals of the Bailey's Crossroads Revitalization District, such as reducing the amount of blighted properties and creating a sense of place;
- The proposed development would permit a mixed-use development consisting of residential, commercial, and public uses within a pedestrian-friendly development, which was consistent with the County's policy for revitalization efforts in the area;
- The redevelopment of the site required adequate flexibility, which included the use of pad sites, to ensure the economic viability of the development;
- The viability of features, such as pad sites, would be subject to further review by the Commission at the time of the final development plan review;
- The proposal would permit the demolition of multiple buildings on the site, some of which would be conducted by the County and some of which would be done by the applicant;
- The proposed mixed-use development for the site was consistent with the Comprehensive Plan recommendations for the site;
- The proposal would implement the Comprehensive Plan recommendations for a grid of streets in the area and publicly accessible park spaces;

- The applicant had yet to secure a developer for the proposal and the intent of the subject application was to facilitate the process for securing a developer;
- The final renderings for the architecture of the proposed development would be included with the final development plan for the site;
- The design of New Road A was intended to preclude cut-through traffic that would impact the neighboring residential development to the south and east of the site;
- The installation of New Road A would create a connection between Moncure Avenue and a planned extension to Seminary Road;
- The final development plan would include additional features for New Road A;
- The proposal included provisions for interim uses on the site, which would be reserved for certain portions of the site;
- The intent of the interim uses was intended to improve the character and visual impact of the site;
- The interim uses on the site would include open space and pedestrian paths, which would encourage pedestrian use and facilitate the process for securing a developer for the site;
- The final development plan for the proposal had not been finalized and the applicant intended to submit it for review in late 2018 or early 2019;
- The applicant's intended designs for the proposed mixed-use development on the site would likely be exempt from the County's affordable housing policy, as prescribed by the Zoning Ordinance, but included commitments for workforce dwelling units;
- The applicant's provisions for leasing parking spaces was consistent with the standard language utilized by similar developments throughout the County and would preclude the practice of charging extra for parking in exchange for lower rent rates;
- The applicant favored utilizing workforce housing because it improved the operation of commercial development in the surrounding area while supporting reinvestment in such development; and
- The applicant's plans for the County-owned portion of the site had not been finalized.

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

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you, Mr. Chairman. I understand from staff that we can defer this until next Wednesday without any - any problems. I would just like to clear up the proffer questions that we had - a couple tweaks in the language. Okay, thank you. This is a great project and we're looking forward to having it approved and those vacant lots and abandoned buildings removed as soon as possible. Studies have shown that that is a very bad living condition, especially for children in the area. So we're looking forward to returning to some - some positive livelihood to the community. With that, I'm just deferring this for some clean-up on the proffers. I MOVE THAT the Planning Commission defer the decision only for RZ 2014-MA-023 to a date certain of July 19th.

Commissioners Flanagan and Hedetniemi: Second.

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

Commissioners: Aye.

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

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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The next public hearing was in the Hunter Mill District; therefore, Vice Chairman de la Fe relinquished the Chair to Secretary Hart.

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RZ/FDP 2016-HM-005 – 1831 MICHAEL FARADAY, LLC –
Appls. to rezone from I-4 to PRM to permit residential development with an option for 10,000 sq. ft. of non-residential uses at an intensity of 1.75 Floor Area Ratio (FAR) and approval of the conceptual and final development plans. Located on the E. side of Michael Faraday Dr. approx. 570 ft. S. of Sunset Hills Rd. on approx. 3.85 ac. of land. Comp. Plan Rec: Residential Mixed Use. Tax Map 18-3 ((6)) 6. HUNTER MILL DISTRICT. PUBLIC HEARING.

Scott Adams, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated May 5, 2017.

There were no disclosures by Commission members.

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of RZ/FDP 2016-HM-005.

When Commissioner de la Fe asked for additional information regarding the status of the staff report addendum dated July 7, 2017, Mr. Gorney said that the addendum had been distributed digitally prior to the public hearing. A discussion ensued between Mr. Gorney and Commissioner de la Fe regarding the accessibility of the addendum wherein Mr. Gorney stated that staff would ensure that the addendum had been adequately distributed and his presentation reflected the changes that had been published in the addendum.

Commissioner Niedzielski-Eichner asked for additional information regarding the applicant's request for a parking reduction, subject to the guidelines prescribed by Paragraph 5A of Section 11-102 of the Zoning Ordinance. Mr. Gorney explained that that the reduction had been requested in lieu of providing the parking provisions that would be required under a Planned Residential Mixed-Use District, which was subject to approval by the Board of Supervisors. He added that the review of the request by the Department of Public Works and Environmental Services, as well as recommended conditions, had been included in Appendix 16 in the staff report.

Secretary Hart asked whether staff's concerns regarding outdoor dining areas, as articulated in pages 19 and 20 of the staff report, had been adequately addressed. Mr. Gorney explained that the issue had arisen when staff expressed concern regarding the location of the seating area near one of the garage openings on Michael Faraday Drive and the applicant made the appropriate commitments to address that issue.

Secretary Hart asked for additional information regarding the process for delivery trucks serving the townhouse units located on the southern portion of the site. Mr. Gorney pointed out the location of a T-shaped turnaround that could be utilized for such deliveries, noting that delivery vehicles could legally park in that area to conduct the necessary delivery services.

Secretary Hart asked whether the subject applications contained a unit typical, expressing concern regarding the dimensions and capacity of the garages for the townhouse units. Mr. Gorney stated the following:

- The proposed development would utilize two-car garages for the townhouse units and the lot typical for such units was included on Sheet 2 of the rezoning plan that had been included in the staff report;
- The interior dimensions of the garages in the townhouse units would be approximately 19 feet by width and 20 feet by length; and
- The garages of the townhouse units included an area for storing multiple trash cans.

Secretary Hart expressed concern regarding the width of the alley that would service the townhouse units on the southern portion of the site, noting that it was narrow and could impede internal circulations, which had occurred at other developments in the County. He then asked whether the alley was sufficiently wide to accommodate two vehicles and provide adequate space for turning. Mr. Gorney indicated that the applicant had modified the designs of the alley and the location of the townhouse units to provide additional space. He then stated that staff had concluded that the width of the alley was adequate.

Mr. Adams gave a presentation wherein he explained the following:

- The subject application permitted a mixed-use development on the site that was consistent with the recommendations of the Comprehensive Plan;
- The subject property was located near the Wiehle Avenue Metrorail Station and was within a transit station area (TSA);
- The proposal would implement the transportation provisions and road alignments prescribed by the Comprehensive Plan for the area;
- The proposal included provisions for affordable housing that were consistent with the guidelines prescribed by the County's affordable housing policy;
- The applicant had coordinated with neighboring properties to ensure that the proposed development would complement other redevelopment efforts throughout the area;
- The intent of the proposal was to install a commercial retail development that would function as an anchor for subsequent redevelopment efforts throughout the area;
- The areas west of the subject property were planned for redevelopment in a manner that would be consistent with the character of the proposal;
- The proposed outdoor seating areas were intended to improve the character of the streetscape along Michael Faraday Drive;
- The applicant had responded to staff's concerns regarding the proximity of the outdoor seating areas to the garage entrance along Michael Faraday Drive by incorporating architectural treatments and a barrier for the entrance;
- The proposal included various open space areas that would include pedestrian-friendly amenities and active uses, such as fitness stations and playground equipment;
- The open space that would be included with the proposed development was designed to connect with similar recreational amenities that would be included with the redevelopment of the neighboring site to the west;

- The applicant had coordinated with staff and the Hunter Mill District Supervisor's Office on the workforce dwelling unit (WDU) provisions for the proposal;
- The WDUs that would be included in the proposed development would be available to income levels at 70 percent of the area median income, which was significantly less than the level prescribed by the Policy Plan;
- The applicant had committed to reserving 25 percent of the WDUs in the proposed development as two to three bedroom units, which was intended to address changing trends in workforce housing;
- The use of an alley within the proposed development was intended to preserve the viability of the open space areas and ensure their compatibility with redevelopment efforts to the west of the site;
- The applicant had designed the alley to accommodate two vehicles and such designs were consistent with similar developments throughout the County;
- The applicant had addressed an issue raised by staff regarding the provisions of Proffer Number 14, Transportation Demand Management (TDM), by revising the language to permit other developments to participate in the TDM program;
- The applicant had addressed an issue raised by staff regarding the language of Proffer Number 14c, Transportation Management Associations (TMA), by including a provision ensuring that the applicant would not be required to form a TMA in the event that securing participation in another was unsuccessful;
- The applicant would coordinate with the property owner to the west of the site to finalize the design for Michael Faraday Drive so that it could be installed without being affected by potential interim uses, but an agreement with the owner had not been finalized;
- The applicant favored incorporating language in the proffers to facilitate an agreement with the property owner to the west on finalizing the ultimate condition for Michael Faraday Drive, such as the use of an escrow;
- The applicant did not object to revising the proffer language to address staff's remaining concerns regarding transportation issues;
- The applicant had requested a parking reduction for the proposed development to permit a parking ratio of 1.3 spaces per dwelling unit, which was consistent with the standards for TSAs; and
- The subject application had the support of the Reston Planning and Zoning Committee.

Commissioner Sargeant expressed support for the applicant's commitment to provide WDUs that utilized two or three bedrooms at 70 percent of the area median income. He then asked for

additional information regarding the trends in demand for such WDUs, noting that page 13 of the staff report indicated that there was a significant need for such units. Mr. Adams said that the need for affordable housing varied throughout the County, but indicated that the size of the dwelling units within the proposed development made the two to three bedroom WDUs more viable. Mr. Gorney stated that staff supported the provision, having concluded that such units would more adequately meet the need for affordable housing in the area.

Referring to Sheet 10B of the rezoning plan in the staff report, Parliamentarian Hart asked for additional information regarding the internal circulation for vehicles accessing the garages of the townhouse units, expressing concern that the amount of space with which vehicles had to maneuver was insufficient. Mr. Adams stated that the design of the alley that vehicles utilized to access the garages for the units had sufficient space. A discussion ensued between Parliamentarian Hart and Mr. Adams, with input from Elizabeth Iannetta, Transportation Planning Division, Fairfax County Department of Transportation, regarding the turning radius for vehicles utilizing the alley that served the townhouse units, the traffic volume that the alley would incur, and the extent to which staff supported the design of the alley wherein Ms. Iannetta said that staff had coordinated with the applicant to modify the design of the alley to ensure it had adequate space to accommodate two vehicles.

Parliamentarian Hart 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, Parliamentarian Hart closed the public hearing and recognized Commissioner de la Fe for action on these cases.

(Start Verbatim Transcript)

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Commissioner de la Fe: Thank you very much, Mr. Chairman. As you can see, there – although I think this is a fairly straightforward application, it's one of a number of them that are impacting this area. However, I think that there are a couple of things that we need a little bit of tweaking before I move to recommend – make a recommendation on this, particularly regarding transportation, the TMAs, and so on. I also would like to give the Commission a chance to look at that addendum that we never got, although it was explained, you know, what was being done. But if that – that could be put into our iPads, so that we can see it. I WOULD, Mr. Chairman, MOVE THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR RZ 2016-HM-005/FDP 2016-HM-005 AND THE PARKING REDUCTION REQUEST 12650-PKS-001 TO A DATE CERTAIN OF JULY 20TH, 2017, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Sargeant: Second.

Secretary Hart: A motion's been made by Commissioner de la Fe. Seconded by Commissioner Sargeant. Is there any discussion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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At the conclusion of the case, Vice Chairman de la Fe resumed the Chair.

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RZ/FDP 2016-MV-002 – NOVUS PROPERTY HOLDINGS, LLC

– Appls. to rezone from C-8 and R-4, CRD and HC to PRM, CRD and HC to permit mixed use development with an overall Floor Area Ratio (FAR) of 2.12 and approval of the conceptual and final development plan. Located in the N.E. quadrant of the intersection of Richmond Hwy (Route 1) and Fairview Dr. (Route 1409) on approx. 5.29 ac. of land. Comp. Plan Rec: Retail with option for residential up to 375 du/ac with retail/amenities. Tax Map 83-3 ((1)) 18, 19 and 20. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated June 28, 2017.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases 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 public hearing.

Commissioner Flanagan stated that the original staff report for the subject applications dated June 27, 2017 had a recommendation of denial by staff. However, he noted that the applicant had met with staff and Supervisor Daniel Storck on Wednesday, July 12, 2017 to review the outstanding issues of the proposal, as articulated by staff on page 32 of the staff report. He then explained that, as a result of the meeting, the applicant had submitted a revised set of proffers dated July 12, 2017. Therefore, Commissioner Flanagan announced his intent to defer the decisions only on the subject applications to a date certain of Wednesday, July 19, 2017 at the conclusion of the public hearing to provide Commissioners, staff, and the public sufficient time to review those revisions. (A copy of the revised proffers are in the date file.)

Wanda Suder, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of RZ/FDP 2016-MV-002 because the proposal was not in harmony with the Comprehensive Plan and not in conformance with the applicable zoning ordinance provisions with the following unresolved issues:

- The undergrounding of utilities;
- The contribution to the Fairfax County Park Authority (FCPA);
- The completion of interim improvements along Richmond Highway prior to the issuance of the first residential use permit;
- The removal of Richmond Highway landscaping from the ultimate right-of-way;
- The transitional screening along Fairview Drive;
- The verification of 10-year canopy calculations; and
- The language of the affordable dwelling units (ADU) proffer.

When Commissioner Migliaccio asked for additional information regarding staff's recommendation for the subject applications after the publication of the revised proffers, Ms. Suder clarified that staff still recommended denial. She added that, despite the revisions, there were multiple outstanding issues, such as loading spaces, and staff would continue coordination with the applicant to address those issues. A discussion ensued between Vice Chairman de la Fe and William Mayland, ZED, DPZ, regarding the impact of the revised proffers on staff's recommendation wherein Mr. Mayland reiterated that staff still recommended denial of the proposal, noting that certain issues had been resolved by the proffers while others remained outstanding.

Commissioner Flanagan concurred with Ms. Suder and Mr. Mayland's statement regarding staff's recommendation, reiterating that the revised proffers addressed the various concerns associated with the proposed development, such as the undergrounding of utilities, the applicant's parking contribution, the landscaping of the open space, and the agreement to maintain a public roadway prior its adoption by the Virginia Department of Transportation (VDOT). A discussion ensued between Commissioner Flanagan and Ms. Suder regarding the status of the unresolved issues wherein Commissioner Flanagan indicated that some of those issues would be addressed at the time of site plan review.

When Commissioner Hurley asked whether staff had outstanding concerns other than those associated with the loading spaces, Ms. Suder listed the following concerns:

- The process for completing the interim improvements along Richmond Highway prior to the issuance of the first residential use permit for the site;
- The process for removing the landscaping from the Richmond Highway right-of-way in the ultimate condition;
- The language of Proffer Number 13, which articulated the applicant's commitments to affordable dwelling units; and

- The applicant's proffered parks contribution, which was less than the amount recommended by the Fairfax County Park Authority (FCPA).

A discussion ensued between Commissioner Hart and Ms. Suder, with input from Commissioner Flanagan, regarding the justification for staff's recommendation for denial and the efforts of the applicant to address those issues during the deferral period wherein Ms. Suder indicated that staff would coordinate with the applicant during the deferral period to address the unresolved issues and Commissioner Flanagan added that documentation of subsequent changes would be submitted to Commissioners prior to a decision.

Commissioner Hart asked whether the residents of Lot 17, which was located adjacent to the subject property, had been properly informed about the subject applications with a certified letter, expressing concern that such notification had not been issued. Ms. Suder said that staff had coordinated with the property owner of Lot 17, but had not verified whether they had received a notification letter. A discussion ensued between Commissioner Hart and Mr. Mayland regarding the potential issues that would be incurred in the event that the resident of Lot 17 had not been sufficiently notified wherein Mr. Mayland stated that the applicant was required to comply with the notification requirements prescribed by the State of Virginia and if there had been an issue in meeting those requirements, then the applicant would be required to address it.

Commissioner Hart said that the Zoning Ordinance required the applicant to provide a 25-foot buffer area to screen the proposed development from Lot 17, but pointed out that the applicant had proposed to install a 10-foot buffer with plantings and a fence instead. Ms. Suder concurred with Commissioner Hart's remarks, adding that the area included landscaping, sidewalks, a six-foot wooden fence. When Commissioner Hart asked whether staff supported the applicant's design for the buffer, which required approval of a modification under Sections 13-303 and 13-304 of the Zoning Ordinance, Ms. Suder indicated that staff supported the design. She also stated that staff had coordinated with the applicant on the features of buffer and the proposed design had been the result of various negotiations. A discussion ensued between Commissioner Hart and Ms. Suder regarding the extent to which the proposed development impacted the existing residential dwelling unit on Lot 17 and the effectiveness of the applicant's proposed buffer for the lot wherein Ms. Suder reiterated that staff had concluded that the applicant's provisions for buffering the site from Lot 17 were adequate.

Commissioner Sargeant asked for additional information regarding the process for undergrounding utilities and the types of utilities that such a process involved. Ms. Suder explained that the undergrounding process involved the installation of conduits to accommodate the transference of utility structures underground. She added that such conduits accommodated various utility types, including electricity, telecommunications, and fiber optics. When Commissioner Sargeant asked whether the proposed underground processes would accommodate similar processes on neighboring sites, Ms. Suder indicated that the location of the underground conduit associated with the process would be determined to ensure that it complemented similar underground procedures throughout the area. In addition, she said that the applicant would coordinate with the Fairfax County Department of Transportation (FCDOT) on the undergrounding process. Commissioner Sargeant noted that redevelopment efforts along Richmond Highway, some of which would involve higher-density developments, would impact

the undergrounding of utilities and recommended that the language of the proffers be revised to ensure sufficient flexibility for the process.

Referring to Proffer Number 4, Transportation Demand Management (TDM), Commissioner Sargeant said that the applicant's TDM goals were dependent on the number of residential units within the proposed development. He then asked whether the number of residential units in the development would be subject to revisions. Michael Garcia, Transportation Planning Division, FCDOT, explained that the language of the proffer contained sufficient flexibility to adjust the TDM goals in the event that the number of units in the development was modified. A discussion ensued between Commissioner Sargeant and Mr. Garcia regarding the flexibility of the language pertaining to the applicant's TDM plan, the extent to which that plan would complement those of neighboring redevelopment efforts, and the challenges associated with coordinating TDM plans on multiple sites wherein Mr. Garcia indicated that the language included in Proffer Number 4 was standard language, adding that the applicant would have additional opportunities to coordinate with neighboring sites to meet the necessary goals.

Referring to Proffer Number 4A, subsection vi, Additional Trip Counts, Commissioner Sargeant pointed out that FCDOT would have the authority to require subsequent evaluation of the vehicular traffic counts generated by the site if it were determined that the applicant's trip reduction goals were not being achieved. He then asked for additional information on the impact of that provision. Mr. Garcia explained that the language permitted TDM personnel to evaluate the data compiled by the implementation of the applicant's TDM plan and coordinate with the applicant on determining the veracity of that data. He then said that in the event that the data indicated that the applicant had not achieved the stated TDM goals, there would be efforts to revise the provisions of the TDM appropriately. Commissioner Sargeant suggested that the language of the proffer be revised so that it would be more easily understood by the public and subsequently utilized in other applications.

When Commissioner Flanagan asked whether a process for undergrounding utilities had been implemented in other areas of the County, Mr. Garcia stated that such processes had been utilized in areas like McLean. He added that FCDOT had participated in that process and coordinated with multiple utility companies.

In reply to questions from Commissioner Flanagan, Mr. Garcia said the following:

- The process of undergrounding required that the facilities accommodate the expected increases in consumer demand and the implementation of higher-density development in the area;
- The applicant would coordinate with utility companies to determine the appropriate designs and provisions that would be incorporated into underground utility facilities; and
- The features and design of the underground facilities would be determined at the time of site plan review.

Commissioner Sargeant stated that applicants and County staff traditionally employed the services of a utility coordinator to assist in implementing provisions to accommodate major utility features, including those associated with demand growth. Mr. Garcia concurred with that statement.

Ms. Mariska addressed Commissioner Hart's concern regarding the notification process for the resident of Lot 17, stating that the applicant was responsible for providing such notices and it had been confirmed that a certified letter had been mailed to the property on June 21, 2017 and received on June 22, 2017. She and Yves Springuel, Applicant's Architect/Agent, Michael Winstanley Architects & Planners, gave a presentation wherein she explained the following:

- The subject property was approximately 5.3 acres in size and was located along Richmond Highway;
- The site was located near a planned bus rapid transit station;
- The existing development on the subject property included several small commercial structures and a significant amount of impervious surface;
- The subject property was split-zoned with the western portion of the site zoned C-8 District and the eastern portion zoned R-4;
- The applicant had coordinated with the surrounding community, the Mount Vernon District Supervisors Office, and the Mount Vernon Council of Citizens Association (MVCCA) in efforts to redevelop the site;
- The Board of Supervisors had approved an out-of-turn Comprehensive Plan Amendment on September 20, 2016 to modify the recommendations for the site to permit a maximum of 375 multi-family residential units on the site;
- The subject property was located near an existing retail development to the north and the Spring Bank Community to the east;
- The proposed development would consist of a four to six story single multifamily residential building that would contain a maximum of 350 dwelling units, which was consistent with the recommendations of the Comprehensive Plan;
- The architecture of the proposed development was intended to complement the existing Spring Bank Community to the west and improve the character of the Richmond Highway corridor;
- The character of the proposed development was urban, which was consistent with the goals of the County's Embark Richmond Highway program;
- The applicant had coordinated with the community to design the proposed building in a manner consistent with the character of the structures envisioned for the area;

- The massing of the building varied along certain portions of the surrounding road network and was organized in a manner consistent with that of a city block;
- The proposed development would be scaled down in the areas located near existing residential development, such as that on Lot 17, to remain consistent with the residential character of the area;
- The applicant had coordinated with Commissioner Flanagan to screen the garage from neighboring residents;
- The proposal included a 0.6-acre public park, which would be located on the northern portion of the site;
- The public park would include features such as walking paths, landscaping, seating areas, and artwork; and
- The location and usage of the public park would complement the operation of the planned bus rapid transit station.

Commissioner Flanagan pointed out that the applicant's designs of the proposed multifamily residential building did not include utility poles. Mr. Springuel concurred with that statement, adding that the applicant had committed to undergrounding the utilities on the site. He then described the challenges associated with undergrounding utilities, noting that the plans to widen Richmond Highway had not been finalized. Mr. Springuel added that the applicant had included an interim condition within the proposal, which would consist of a 22-foot landscape strip, and that condition would remain in place until such plans had been finalized. A discussion ensued between Commissioner Flanagan and Mr. Springuel regarding the ongoing efforts to underground the utilities around the site wherein Mr. Springuel indicated that the applicant supported such efforts.

Continuing the presentation, Ms. Mariska stated the following:

- The public park would be maintained by the applicant in perpetuity and would include a public access easement;
- The public park would include various features, which would be consistent with Americans With Disability Act requirements, and would facilitate access to the community and the planned bus rapid transit station;
- The proposed development would reserve sufficient right-of-way to accommodate the planned widening of Richmond Highway;
- The right-of-way area reserved for the widening of Richmond Highway would contain an interim use that would be subsequently removed at a later time;

- The proposed development would improve the character, accessibility, and visual appeal of the site and the surrounding area compared to the existing condition; and
- The proposal would reserve approximately 1.8 acres of the site as publicly accessible areas and implement streetscape improvements that were consistent with the goals of the Embark Richmond Highway program.

Ms. Mariska indicated that the proposal had been subject to various revisions both prior to and after the publication of the staff report. She pointed out that the features for eastern portion of the subject property had been modified to accommodate unanticipated changes to the adjacent area, due to the activities of the Embark Richmond Highway program. In addition, Ms. Mariska said that the applicant had redesigned the portion of the site that fronted along Richmond Highway, modified the size of the park area, and reduced the size of the building on the south of the site to mitigate the impact on the residential property. She then highlighted the following modifications that had been incorporated into the proffers since the publication of the staff report:

- The applicant would commit to installing a conduit to facilitate the undergrounding of utilities;
- The applicant would contribute \$250,000 to the FCPA;
- The eastern grid street would be designed in a manner consistent with the standards prescribed by VDOT;
- The applicant would coordinate with the property owner of Lot 17 to ensure that the screening provisions along the southern portion of the site were sufficient; and
- The applicant's commitment to schools contributions had been modified to address concerns that had been raised by staff.

In conclusion, Ms. Mariska said that the subject applications had the support of the surrounding community, including the MVCCA, the Mount Vernon Lee Chamber of Commerce, the Southeast Fairfax Development Corporation, and the Spring Bank Community Association (SBCA). She also stated that the proposal would facilitate other redevelopment efforts along the Richmond Highway corridor and further the goals of the Embark Richmond Highway program.

When Commissioner Hurley asked for additional information regarding the applicant's efforts to address staff's outstanding concerns for the subject applications, Ms. Mariska explained the following:

- The applicant had redesigned the eastern street portion of the proposed development to address staff's concerns regarding the loading space areas by including additional features, such as a single entrance/exit for vehicles, to facilitate pedestrian traffic;

- The loading areas would include various features, such as trash compactor and regular trash pickup within the designated loading spaces with an emphasis on limiting the amount of time the containers remained outside;
- The designs for the loading areas would accommodate moving trucks;
- The applicant did not support the inclusion of loading spaces within the proposed parking garage, as recommended by staff, due to concerns regarding tenant safety, the floor-to-floor heights of the facility, and the configuration of the building's mechanical systems;
- The applicant did not concur with staff's recommendation that the features to accommodate the planned improvements of Richmond Highway be implemented at an earlier stage of the construction process and favored installing such features prior to the issuance of the final occupancy permit;
- The surrounding community had voiced concern regarding the impact of construction vehicles during the construction process and the applicant had included provisions to minimize that impact;
- The Zoning Ordinance included requirements to provide a certain amount of ADUs within a development, but certain construction types were exempt and the proposed development was consistent with the criteria for such exemptions;
- The concerns expressed by staff regarding the language of the ADU proffer could be addressed by the applicant during the deferral period; and
- The applicant had not finalized the procedure for removing the interim landscaping from areas along Richmond Highway because the timeframe for the widening of that road had not been determined; however, the applicant was committed to modifying the area as necessary when the widening occurred.

Commissioner Hurley asked for additional information regarding the process for widening Richmond Highway and the role of the applicant in that process. Mr. Garcia indicated that the applicant would maintain the interim condition along that road in perpetuity. He then stated that the applicant would subsequently remove those interim features at the time when the widening was implemented and the cost of the removal would be incurred by the applicant. When Commissioner Hurley asked whether the ownership of that portion of the site locating along Richmond Highway, Mr. Garcia reiterated that the property owner of the proposed development would be responsible for maintaining that area.

A discussion ensued between Commissioner Hart and Ms. Mariska regarding the design of the proposed parking garage within the building, the features that would be utilized to screen the garage from neighboring residential development, and the extent to which those features were reflected in the revised proffers wherein Ms. Mariska said that the applicant had coordinated with Commissioner Flanagan to incorporate features that would limit the visual impact of the garage.

Commissioner Hart asked for additional information regarding the extent to which the trees along the southern property line would screen the site and Lot 17. Ms. Mariska indicated that the amount of trees along that area would be sufficient to screen Lot 17 from the proposed development. A discussion ensued between Commissioner Hart and Ms. Mariska regarding the visual impact of the garage during night, the presence of light fixtures within the garage, and the impact those lights would incur on the surrounding area wherein Ms. Mariska indicated that the trees, in conjunction with various screening provisions, was sufficient to mitigate the visual impact of the garage.

A discussion ensued between Commissioner Migliaccio and Ms. Mariska regarding the concerns staff had raised regarding the noise impact of the proposed park facility, the applicant's efforts to mitigate that impact, and the similar efforts to mitigate noise at other developments along Richmond Highway wherein Ms. Mariska indicated that the noise mitigation provisions were articulated in Proffer Number 10, Noise Attenuation, and the applicant was committed to ensuring the park functioning within appropriate noise levels, but noted the difficulties associated with mitigating noise along Richmond Highway.

Answering questions from Commissioner Flanagan, Ms. Mariska said the following:

- The road that the applicant would install along eastern grid street would be built to standards consistent with those prescribed by VDOT;
- The applicant would coordinate with VDOT to finalize appropriate provisions for trash collection;
- The applicant had been informed by VDOT that a formal agreement regarding trash collection would not be provided until the designs of the proposed development had been finalized;
- The road along the eastern grid street would be a dead end street because the neighboring property owner had not authorized an interparcel connection, but such a connection could be subsequently implemented in the event that the neighboring property redeveloped and the neighboring property owner would incur the cost of installing such a connection;
- The applicant would maintain the eastern grid street in perpetuity to VDOT standards in the event that VDOT did not accept ownership of the street; and
- The landscaping buffer between the subject property and neighboring property to the south would extend along the length of road that abutted the property line and the amount of trees to be included within the buffer would be finalized at the time of site plan review.

Commissioner Flanagan stated that he supported the applicant's provisions for addressing the concerns raised by staff, but noted that there would be additional efforts to address those issues during the deferral period.

In response to questions from Commissioner Flanagan, Ms. Mariska said that the applicant had not initially included a parks contribution because the cost of providing the necessary landscaping around the proposed building exceeded the requirements prescribed by the County. However, she stated that, after consultation with staff, the applicant had agreed to a \$250,000 contribution to the FCPA, as articulated in Proffer Number 11C, Fair Share Contribution. In addition, Ms. Mariska indicated that any remaining funds would be used to supplement that contribution and the applicant did not object to revising the proffer to articulate that intent.

Commissioner Strandlie pointed out an error in the numbering for the School Contribution and the ADU proffer in the revised set.

A discussion ensued between Commissioner Strandlie and Ms. Mariska regarding the possibility of installing vegetation on the façade to mitigate the visual impact of the garage wherein Ms. Mariska stated that the feature had been evaluated, but the applicant had determined that it was not feasible, noting the difficulty of maintaining such a feature.

Replying to questions from Commissioner Flanagan, Ms. Mariska confirmed that the top of the parking garage would include a trellis and was depicted on Sheet L-100c, Sheet L-100d, and Sheet L-105. She added that the intent of the trellis was to provide shade and vegetation to mitigate the visual impact. In addition, Ms. Mariska indicated that there would be areas around the roof of the parking garage that could accommodate plantings to further mitigate the impact.

When Commissioner Sargeant asked whether the Fairfax County School Board (FCSB) supported the applicant's school contribution, as articulated in Proffer Number 12, School Contribution, Ms. Suder said that FCSB supported the contribution, adding that the language of Proffer Number 12 was consistent with that utilized by similar developments.

Commissioner Sargeant asked whether VDOT had evaluated the applicant's provisions for the loading space areas. Ms. Suder stated that VDOT had not commented on those provisions because they involved private roads, but noted that VDOT had traditionally discouraged the installation of loading areas on public roads. Mr. Garcia also indicated VDOT would evaluate the provisions for the loading space area in a manner consistent with the standards utilized for other public roads and those standards did not support loading on such roads. He then said that, due to such standards, staff recommended that the applicant evaluate the possibility of conducting the loading procedures within the garage.

Vice Chairman de la Fe called the first listed speaker and recited the rules for public testimony.

Ashby Collins, 2620 Fairview Drive, Alexandria, stated that she was the property owner and resident of the existing dwelling unit on Lot 17, which was located to the south of the subject property. She described the existing development on the site. She then expressed concern regarding the adequacy of the landscaping provisions that would buffer the proposed development from her property. In addition, Ms. Collins requested that the maintenance responsibilities for the park facilities on the site be clarified and that the applicant implement provisions to discourage pedestrians from trespassing on her property. She also confirmed that she had received a certified letter from the applicant to notify her of the the subject applications.

Commissioner Flanagan commended Ms. Collins for her testimony. He then said that he intended to coordinate with her and the surrounding community to address her concerns regarding the proposed development, adding that some of the issues she raised had been addressed by the applicant prior to the public hearing.

William Brinley, 2495 Dawn Drive, Alexandria, representing the Spring Bank Community Association (SBCA), spoke in support of the subject applications. He described the SBCA's efforts to coordinate with staff and the applicant, noting that multiple meetings had been conducted to address outstanding concerns. In addition, Mr. Brinley said that the SBCA had conducted multiple surveys with residents of the community to gauge the extent of the support for the proposal. He stated that the proposed development was consistent with the goals of the Embark Richmond Highway program to revitalize areas along Richmond Highway, highlighting the applicant's park provisions as features that would improve the character of the site. In addition, Mr. Brinley indicated that the proposal would establish a standard for further redevelopment along Richmond Highway, which would subsequently improve the overall character of the area. He also noted the difficulties of redeveloping the site, pointing out that there had been multiple attempts that had not been implemented. (A copy of Mr. Brinley's statement is in the date file.)

A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Brinley regarding the location of the Spring Bank community, the extent to which Lot 17 was a part of that community, and the efforts of the SBCA to coordinate with the owner of Lot 17 wherein Mr. Brinley indicated that the Spring Bank community included Lot 17 and the SBCA had included the property owner of that lot in their outreach efforts.

Katherine Ward, 1029 Gladstone Place, Alexandria, representing the MVCCA, voiced support for the proposal. She stated that the MVCCA supported redeveloping the subject property and had coordinated with the applicant throughout the review process. Ms. Ward also said that she did not concur with staff's recommendation for denial, but favored further coordination between staff and the applicant to resolve the outstanding issues. She echoed remarks from Mr. Brinley regarding the importance of redeveloping areas along Richmond Highway and the standard that the proposed development would establish for such development. In addition, she said that the proposal was consistent with the character of the surrounding community.

Commissioner Flanagan reiterated that revised proffers had been distributed to the Commission prior to the public hearing. He then requested that the MVCCA review those proffers during the deferral period and submit a written response prior to the Commission's decision. Ms. Ward concurred with the requested, indicating that the MVCCA would evaluate the proffers and submit the appropriate documentation.

Joshua Delmonico, 6613 Oak Drive, Alexandria, stated that he was the president of the Spring Bank Citizens Association and spoke in support of the subject applications. He echoed remarks from Mr. Brinley regarding the Spring Bank community's outreach efforts with the community and the various efforts to coordinate with the applicant to address outstanding concerns. He also said that there would be subsequent coordination efforts with Ms. Collins to address her concerns and indicated that there would be additional coordination during the deferral period. Mr. Delmonico noted the need for redevelopment along the Richmond Highway corridor, adding that

denial of the subject applications would hinder such efforts. He also echoed remarks from previous speakers regarding the standard the proposed development would establish for subsequent redevelopment along Richmond Highway and the extent to which the proposal would further the goals of the Embark Richmond Highway program.

Commissioner Flanagan requested that the Spring Bank Citizens Association review the revised set of proffers that had been distributed to Commissioners prior to the public hearing and provide a written response during the deferral period. Mr. Delmonico did not object to that request.

Martin Tillet, 2410 Fairview Drive, Alexandria, voiced support for the proposal. He echoed remarks from previous speakers regarding the need for redevelopment in the area, noting the lack of development along the Richmond Highway corridor. He also described the existing condition of the commercial development on the site, pointing out that certain parts of the development were unoccupied and had become blighted. In addition, Mr. Tillet indicated that the surrounding community supported the redevelopment of the site. He added that redeveloping the site would improve the overall character of the surrounding community and encourage subsequent development along the Richmond Highway Corridor. In conclusion, Mr. Tillet stated that the outstanding issues articulated by staff did not warrant denial of the subject applications and encouraged further coordination to address those issues.

Vice Chairman de la Fe called for speakers from the audience.

Paul Johnson, 12744 Lavender Keep Circle, Fairfax, spoke in support for the subject applications. He echoed remarks from Ms. Suder and Ms. Garcia regarding VDOT's policy discouraging the practice of loading on a public street, but noted that such a policy had been adopted to ensure that maintenance efforts did not directly serve a specific commercial use. He then pointed out that while the street from which the loading would occur would be maintained to VDOT standards, the street would still function as a private street and loading within such a street was permitted to a private interest. Mr. Johnson also stated that the applicant's proffer contributions to park and school facilities were appropriate, adding that such contributions were in excess of other nearby developments.

Peter Sitnik, 4909 Godfrey Avenue, Alexandria, said that he was president of the Woodlawn Manor Community Association and regularly coordinated with the MVCCA. He then voiced support for the proposal, echoing remarks from previous speakers regarding the applicant's coordination with the surrounding community. He indicated that the applicant had addressed the community's outstanding concerns regarding landscaping, traffic, and road modifications. Mr. Sitnik said that he did not concur with staff's recommendation for denial, adding that redeveloping the site would improve the character of the area and encourage subsequent development along Richmond Highway.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Ms. Mariska, who stated the following:

- The applicant would continue coordinating with staff and Commissioner Flanagan to address the outstanding issues;

- The proposed development would improve the overall character of the site; and
- The applicant would maintain the site to an appropriate standard.

Vice Chairman de la Fe called for closing remarks by Ms. Suder, who declined.

Commissioner Flanagan pointed out that the provisions for the undergrounding of utilities for the proposed development was not depicted on the conceptual development plan and requested that the plan be updated during the deferral period to reflect those provisions. Ms. Suder did not object to that request.

Commissioner Flanagan explained that the existing service drive on the site that fronted along Richmond Highway would be removed in the ultimate condition and subsequently replaced with landscaping. He then said that staff favored installing the landscaping on that portion of the site prior to the occupation of the proposed multi-family residential building, but indicated that the applicant supported permitting the occupancy of the building at an earlier stage. In addition, Commissioner Flanagan pointed out that the proposed development would generate greater tax revenue compared to the existing commercial development on the site.

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

(Start Verbatim Transcript)

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Commissioner Flanagan: I have nothing further to comment.

Vice Chairman de la Fe: Well, I assume you have a motion.

Commissioner Flanagan: Oh, I do have a motion, yes, if you'd like that. Happy to do that.

Vice Chairman de la Fe: We can't go home until you do that.

Commissioner Flanagan: All right. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY – RZ 2016-MV-002 AND THE FDP 2016-MV-002 UNTIL JULY 19, 2017, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

The motion carried by a vote of 9-0. Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 11:38 p.m.

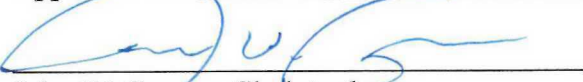
Peter F. Murphy, Chairman

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