

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 19, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner 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

ABSENT: Karen A. Keys-Gamarra, Sully District
Timothy J. Sargeant, Commission At-Large
Phillip A. Niedzielski-Eichner, Providence District
Janyce N. Hedetniemi, Commissioner At-Large

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The meeting was called to order at 8:26 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

SE 2015-DR-027 – MAHLON A. BURNETTE, III AND MARY H. BURNETTE
(Decision Only) (Public hearing on this application was held on October 19, 2016)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you – thank you, Mr. Chairman. We were scheduled to make a recommendation this evening, a special exception permit with waiver in Great Falls, SE 2015-DR-027. Public hearing on this application was held exactly one year ago today, on October 19, 2016. At the time, only eight members of the Planning Commission were present, one member recused himself, from any consideration with the application....

Chairman Murphy: We have not opened up a dentist office in the garage. Somebody is making the repairs downstairs. We'll see if we can get this rectified. I'm sorry.

Commissioner Ulfelder: A decision is deferred several times, and subsequently at the applicant's request, it was indefinitely deferred. This summer the applicants submitted a revised application and asked the Commission to move forward with consideration of this still pending application. Staff which had originally recommended denial of the application, changed its position and prepared an addendum to the staff report explaining their new position. In light of the length of time since the original hearing on this application, and in order to provide an opportunity for further public engagement on the revised application and staff analysis, I'm going to ask the Planning Commission to further defer the decision on this application in order to schedule a supplemental hearing on the revised application. My understanding is that all the normal rules of

procedure will apply for supplemental hearing, including new advertisements, new notices for property owners, as well as the revised affidavit. Interested persons will be able to sign up to speak at the supplemental hearing or submit information to the commission for its consideration. In making its recommendation, the Commission will need to consider all of the material in this case including the original staff report and the public hearing held last year, as well as the addendum to the staff report and the supplemental hearing. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER APPLICATION SE 2015-DR-027 TO A DATE CERTAIN OF DECEMBER 6TH, 2017, AT WHICH TIME THERE WILL BE A SUPPLEMENTAL PUBLIC HEARING ON THIS APPLICATION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer this application to a date certain of December 6th, it is SE 2015-DR-027, say aye.

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman, yes, if I could just be recorded as not voting. I had done that one, I had recused myself and I'm still recusing myself.

Chairman Murphy: Okay. Thank you very much.

The motion carried by a vote of 7-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing. Commissioner Hart recused himself from the vote.

(End Verbatim Transcript)

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RZ/FDP 2017-MA-005 – MEDICAL BUILDING, INCORPORATED
(Decision Only) (Public hearing on this application as held on October 12, 2017)

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you, Mr. Chairman. Last week we held a hearing on a case in the Mason District, Medical Building Incorporated, RZ/FDP 2017-MA-005. I deferred the decision for a week to make an amendment to the proffers to include a provision for a preemption device. Since that time another issue came up that we were trying to figure out, and what we're going to do tonight – there was a memo that was circulated with some revised proffers. Because we have not had enough time to thoroughly get that changed, I'm going to revert back to the original proffers that were in the staff report and make a recommendation that the preemption device be included in the revised proffers. And between now and the Board date of Tuesday, hopefully, all of the issues that arose can be addressed and the matter be resolved to everyone's satisfaction.

So, the applicant – there are no conditions so, according to – I can just go ahead and do the motions. So is everyone here – does anyone have any questions about...

Chairman Murphy: Any questions? Okay.

Commissioner Strandlie: Okay. Thank you. I MOVE THAT THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2017-MA-005 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 27TH, 2017, WITH AN AGREEMENT TO ADD A NEW PROFFER BEFORE THE BOARD OF SUPERVISORS HEARING TO PROVIDE A CONTRIBUTION TO TRAFFIC SIGNAL PREEMPTIVE DEVICES.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2017-MA-005, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Not present for the public hearing.

Chairman Murphy: Okay. Mr. de la Fe abstains, not present of the public hearing. Ms. Strandlie.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DATED OCTOBER 12TH, 2017, WHICH SHALL BE INCLUDED IN THE RECORD OF THE CASE.

Commissioner Flanagan: Second.

Chairman Murphy: Second by Mr. Flanagan. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Chairman Murphy: Same abstention.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-MA-005, SUBJECT TO THE BOARD OF SUPERVISORS APPROVAL OF ASSOCIATED REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? All those in favor of the motion to approve FDP 2016-PR-0... I'm sorry, FDP 2017-MA-005, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Chairman Murphy: Same abstention.

Commissioner Strandlie: Thank you.

Chairman Murphy: Thank you.

The motion carried by a vote of 7-0-1. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing. Commissioner de la Fe abstained from the vote.

(End Verbatim Transcript)

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FS-H17-42 - T-MOBILE, 2100 Reston Parkway, Reston

(Start Verbatim Transcript)

Commissioner de la Fe: Yes, Mr. Chairman, I have a "feature shown." This is a co-location of a telecommunications facility, on an existing office building, and I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE RECOMMENDATIONS OF THE DIRECTOR OF PLANNING AND ZONING THAT THIS TELECOMMUNICATIONS FACILITY, LOCATED AT 2100 RESTON PARKWAY, SHOULD BE CONSIDERED A "FEATURES SHOWN," PURSUANT TO 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to concur with the feature shown determination in FS-H17-42, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much.

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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Commissioner Migliaccio announced that on October 26, 2017, the Planning Commission's Parks Committee would meet for the first time in 2017. An update of the parks needs assessment, master planning efforts and synthetic fields issue would be part of the agenda items.

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Commissioner Hart announced that a dedication ceremony of the Ken Lawrence Park was held on October 14, 2017 to commemorate former Commissioner Kenneth A. Lawrence's service to the County and his efforts to secure parks and recreational facilities in Tysons. He further encouraged all present to visit the park.

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RZ/FDP 2016-PR-020 – SEKAS HOMES, LTD (Decision Only) (Public hearing on the application was held on October 12, 2017)

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. This on the Sekas case. Last week the Commission held a public hearing on a combined rezoning and final development plan in the Providence District by Sekas Homes, Inc. This was going to be Commissioner Niedzielski-Eichner's case but he was unable to be hear this evening. Before I make any motions, I would like to read into the record a statement from Commissioner Niedzielski-Eichner at his request. It's dated October 19, 2017. "Mr. Chairman and colleagues, an unanticipated obligation prevents me from attending tonight's meeting and proposing approval of this application. I'd like to thank Commissioner Hart for moving to approve the rezoning of the Four Seasons property. I thank the members of the public who have voiced their concerns in testimony and in writing about losing the Four Seasons Tennis Club to redevelopment. Operating over forty years, the Club is an institution upon which many depend for year-round tennis play. Further, it is readily apparent that Four Seasons is also a community with intangible social and personal benefit to its members that extends beyond the sport. I, therefore, understand the heartbreak caused by the pending loss in 2018 of this institution and tennis community. I also recognize that Four Seasons is a private enterprise, whose facilities and land are wholly owned and operated by the Williams family. As such, it is necessary for the Planning Commission to separate this application to rezone a privately-held 5.57-acre parcel from the matter of maintaining, replicating or replacing the tennis facilities. The one is a land-use matter about which we have a direct mandate to consider, while the other is a public policy question, about which we have a more tangential and broadly considered role. Regarding rezoning the parcel from the I-5 and HC Districts to the PRM and HC Districts, I agree with staff's conclusion that the proposed development is in harmony with the use and intensity recommendations of the Comprehensive Plan and the applicable Zoning Ordinance requirements. I also agree that the proposed layout integrates well into the existing

Mosaic District's single-family attached units and by its alignment of streets. Further, the proposed amenities of an urban park, plaza and courtyard and the inclusion of a day-care facility are all consistent with the development vision for this area. Inclosing these comments in support of the motions to approve this application, I note that the Providence District Supervisor, Park Authority and Public Schools and I are exploring whether a public-private partnership can be created that leverages the availability of the Four Season's "bubble" for use over publicly owned tennis courts. While it is unlikely that the Four Seasons Tennis Club experience can be replicated in its totality, perhaps there is an opportunity to replace some of the capabilities that will be lost due to this parcel's pending redevelopment." That's the end of his statement. We, the Commission, have also have received numerous written comments following the public hearing including several recent requests for further deferral of our decision. Nevertheless, this matter is scheduled for public hearing with the Board of Supervisors next week and the applicant has requested the Commission to proceed forward tonight with the vote on the application before us. We received an e-mail from Mr. Robert Williams – a copy of an e-mail from Mr. Williams to Mr. Sekas, and I will read that into the record as well. It's – oh I had it, I had it. Just bear with me one moment, I'm sorry. Here we go. It's dated October 18th. "All" it's addressed to, "we appreciate all of the time and effort that your group put into a new concept plan for the use of the Four Seasons Tennis Club property. We are not interested in changing, delaying, or deferring the approval of our CDP/FDP before the Planning Commission on RZ 2016-PR-020. After 44 years of operation, the 88-year-old owners want to retire and put their affairs in order during their lifetime. It was wonderful to hear all of the testimonials about the Four Seasons Tennis Club being well-run, a top-notch facility, an environment to nurture 400 plus kids to get college scholarships and all the health and wellness provided. We are hopeful that you will not punish us for all our good efforts over 44 years by impeding our efforts to get our property rezoned. Whether this rezoning is successful or not, Jeannie and I are retiring from the management of the Four Seasons Tennis Club at the end of April 30, 2018, and we will close the tennis facility operations down. I believe that the County has heard loud and clear that there is a need for County operated indoor tennis facilities in Fairfax County. Thank you for your consideration in this matter and we hope you will support our decision." It's signed Robert T. Williams, he's Vice President of Hughes and Smith, Inc. That's the end of his e-mail. Given the schedule, and the applicant's position, I will be moving forward tonight. It has been suggested that the Commission has an alternate plan to consider, but the applicant has not proposed any alternate, nor is the applicant willing at this time to delay our vote to continue those discussions. The pending application also would need to be amended and advertised if there were to be significant changes. The Commission does not ordinarily act upon alternate plans not fully engineered, nor fully reviewed by staff. The diagram we received, may or may not be feasible, and may have – may have conflicts with the comprehensive plan including the constraints of FAR, floor area ratio of 1.2 and a height limit of 95 feet. We sometimes defer a decision multiple times when something may still change, particularly when an applicant is reviewing specific suggestions, or when no Board date is eminent. But at this point, no changes to this application are under consideration. The applicant has instead, requested that we vote on what is before us. In my judgement, nothing further will change to another deferral, so we shall proceed. I want to thank again the citizens who participated in the public hearing and those who submitted written material. I also want to thank Billy O'Donnell for his fine work on this case. This is a difficult decision for us. I agree that much of the testimony we heard from the tennis advocates was quite compelling. But the question before us is not whether the tennis club should be saved or whether indoor tennis is a valuable and necessary type of facility, or whether we prefer tennis to

townhouses. Our role here instead is limited to a review and recommendation on the applicant's specific proposal before us and whether that application is in conformance with the Comprehensive Plan and the Zoning Ordinance. Land use also is never permanent. Buildings and neighborhoods evolve over time. This area has changed dramatically since 1972. More importantly, the land is private property and the owner of the tennis club remains free to operate it, or sell it or ask permission for redevelopment like any other owner. The land may be too valuable for the Park Authority to step in and buy it at this point. With plan changes, a neighborhood looking like Baltic Avenue in 1972, may have evolved into park place and boardwalk by 2017, and old commercial buildings, may be replaced with luxury high-rises and million-dollar townhouses. Under the statute and following out statutory duty, if an applicant files an application, our obligation is to review it in accordance with the applicable criteria. I agree with our professional staff as does Commissioner Niedzielski-Eichner, that this application meets all the applicable criteria in the Comprehensive Plan and the Zoning Ordinance, and merits or recommendation of approval. That is not to diminish in any way the importance of tennis programs and facilities. Certainly, the Commission has been made aware of this important need. I hope that the citizens discussions with the Park Authority will continue, and that we may see some consideration of tennis facilities in the upcoming capital improvement program process next spring, or in future park master planning processes, or other more immediate options, as Commissioner Niedzielski-Eichner has suggested. The advocates for the tennis facility ought to continue their efforts, perhaps focusing on the need for a replacement facility, even if this site is no longer available, due to the owner's plans. I will have three motions, but before I make the motions, let me ask Ms. Greenleaf if you could come back to the podium. Ms. Greenleaf, can you – Ms. Greenleaf can you confirm for the record that the applicant has read and understands and agrees to the proposed final development plan conditions, published in the staff report and dated September 27, 2017.

Lori R. Greenleaf, Applicant's Agent, McGuireWoods, LLP: Yes, we have reviewed and agree with those conditions.

Commissioner Hart: Thank you. Then, Mr. Chairman, I'll have three motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF RZ 2016-PR-020 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 4, 2017.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-PR-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Not present.

Chairman Murphy: Mr. de la Fe abstains, not present.

Commissioner Flanagan: I'm abstaining as well.

Chairman Murphy: And Mr. Flanagan abstains.

Commissioner Hart: Secondly, Mr. Chairman, I move that the...

Commissioner Strandlie: Mr. Chairman, I'm gonna abstain also. Thank you.

Chairman Murphy: Ms. Strandlie abstains.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-PR-020, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 27, 2017, AND TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2016-PR-020, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hart: Third, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE MODIFICATIONS AND WAIVERS DISCUSSED IN THE STAFF REPORT. SUMMARY LIST OF THOSE MODIFICATIONS AND WAIVERS DATED OCTOBER 19, 2017 WAS PROVIDED TO YOU TODAY AND WILL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 5-0-3. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing. Commissioners de la Fe, Flanagan and Strandlie abstained from the vote.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. SEA 95-Y-071 – SUNOCO RETAIL LLC
2. SEA 86-D-056-03 – SUNOCO RETAIL LLC
3. SE 2017-MA-014/2232-M16-34 – WASHINGTON GAS LIGHT COMPANY
4. PCA 85-S-061-05 – COPT PARKSTONE, LLC
5. SE 2017-MV-021 – KARLYN DAVIS “KARLYN’S LITTLE BLESSINGS”
6. RZ/FDP 2016-MV-030 – WASHREIT RIVERSIDE APARTMENTS LLC
7. RZ 2017-DR-007/PCA 1997-DR-028/SEA 97-D-038-02 – TRUSTEES OF TEMPLE RODEF SHALOM

This order was accepted without objection.

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SEA 95-Y-071 – SUNOCO RETAIL LLC – Appl. under Sects. 4-804 and 9-505 of the Zoning Ordinance to amend SE 95-Y-071 previously approved for a service station, mini-mart and a car wash to permit a quick-service food store and to modify development conditions. Located at 4647 West Ox Rd., Fairfax, 22030 on approx. 1.10 ac. of land zoned C-8 and WS. Tax Map 56-1 ((13)) 1. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant’s Agent, The Plan Source, Inc., reaffirmed the affidavit dated May 3, 2017.

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

Commissioner Murphy asked that Vice Chairman de la Fe 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, Vice Chairman de la Fa closed the public hearing and recognized Commissioner Murphy for action on this application.

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(Start Verbatim Transcript)

Commissioner Murphy: Thank you, Mr. Chairman. We've had several of these applications which is a request to modify previous development conditions, which restrict the sale of alcoholic beverages in quick service food stores in the County. And that was brought about by a decision by the Board of Supervisors. Will a representative of the applicant, please come forward and state for the record that you confirm, for the record agreement to the development conditions?

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: Yes, my name is Bhoopendra Prakash, representing Sunoco Retail LLC. We do reaffirm the affidavit and do concur with the conditions.

Commissioner Murphy: Thank you very much. Therefore, Mr. Chairman, I MOVE that the Planning Commission – public...

Vice Chairman de la Fe: Yes, I closed the public hearing.

Commissioner Murphy: Okay, thank you very much. I would – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 95-Y-071, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 4TH, 2017.

Commissioner Hart: Second.

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

Commissioners: Aye.

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

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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Chairman Murphy resumed duties of the Chair.

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SEA 86-D-056-03 – SUNOCO RETAIL LLC – Appl. under Sects. 4-804 and 9-505 of the Zoning Ordinance to amend SE 86-D-056 previously approved for a service station and a quick service food store to modify development conditions. Located at 11516 Leesburg Pike, Herndon, 20170 on approx. 33,124 sq. ft. of land zoned C-8. Tax Map 6-4 ((1)) 79. DRANESVILLE DISTRICT. PUBLIC HEARING.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc., reaffirmed the affidavit dated September 6, 2017.

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 application.

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(Start Verbatim Transcript)

Commissioner Ulfelder: Mr. Chairman, this is a simple and straightforward application, in accord with a number of others, including the one we've just voted on. Similar application involving quick service food stores and [inaudible] in Fairfax County. It will delete the development permission of food for 1986, restricted retail food sales and the sale of alcoholic beverages in a quick service food area and food for this service station. In 1997, the Board of Supervisors approved an amendment to the zoning ordinance to allow the sale of all types of food, as well as alcoholic beverages in quick service food stores. This application merely brings this station's quick service food store in line with the current zoning ordinance provisions. Therefore Mr. Chairman, I request first the applicant's representative please come forward, confirm for the record the applicant's agreement to the proposed development conditions, dated October 4th, 2017.

Bhoopendra Prakash, Applicant's Agent, The Plan Source, Inc.: Yes, Bhoopendra Prakash, representing Sunoco, LLC, confirming our acknowledgement of the development conditions and our concurrence.

Commissioner Ulfelder: And your concurrence. Good. Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 86-D-056-03, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 4TH, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 86-D-056-03, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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SE 2017-MA-014 – WASHINGTON GAS LIGHT COMPANY –
Appl. under Sects. 5-604, 9-105 and 10-104 of the Zoning Ordinance to permit a telecommunications facility (self-support tower) and increase in fence height. Located at 6801 Industrial Rd., Springfield, 22151 on approx. 7,140 sq. ft. of land zoned I-6. Tax Map 80-2 ((1)) 31 (pt.). (Concurrent with 2232-M16-34). MASON DISTRICT. PUBLIC HEARING.

2232-M16-34 – WASHINGTON GAS LIGHT COMPANY –
Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia to permit a telecommunications facility (self-support tower). Located at 6801 Industrial Rd., Springfield, 22151 on approx. 7,140 sq. ft. of land zoned I-6. Tax Map 80-2 ((1)) 31 (pt.). (Concurrent with SE 2017-MA-014). MASON DISTRICT. PUBLIC HEARING.

Benjamin J. Pelletier, Applicant's Agent, Network Building & Consulting, LLC, reaffirmed the affidavit dated August 2, 2017.

Commissioner Hart recused himself from the public hearing.

Commissioner Strandlie 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 Strandlie for action on this application.

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(Start Verbatim Transcript)

Commissioner Strandlie: Okay. Thank you, Mr. Chairman. This is a straightforward case, a relocation of a cell tower from one parcel to a nearby second parcel, due to the new St. James Sports Complex and some rearrangement of some – some land and ownership. So, there has been no opposition to this, it sailed through with – with great support. So, therefore, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-M16-34, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15-2232 OF THE CODE OF VIRGINIA, AND, THEREFORE, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to approve 2232-M16-34, say aye.

Commissioners: Aye.

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

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF SE 2017-MA-014, INCLUDING A MODIFICATION OF THE MAXIMUM FENCE HEIGHT, PURSUANT TO SECTION 10-104, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 10TH, 2017.

Chairman Murphy: Did you ask the applicant to reaffirm the affidavit?

Commissioner Strandlie: Would you confirm the development conditions for the record please?

Benjamin J. Pelletier, Applicant's Agent, Network Building & Consulting, LLC: Yes. I confirm the development conditions, and also reaffirm the affidavit dated – dated August 2nd, 2017.

Chairman Murphy: Thank you very much. Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-MA-014, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 7-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing. Commissioner Hart recused himself from the public hearing.

(End Verbatim Transcript)

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PCA 85-S-061-05 – COPT PARKSTONE, LLC – Appl. to amend the proffers and general development plan for RZ 85-S-061 previously approved for office to permit site modifications to permit the location of two office buildings and associated modifications to proffers with an overall Floor Area Ratio (FAR) of 0.50. Located in the S.W. quadrant of the intersection of Conference Center Dr. and Parkstone Dr. on approx. 14.94 ac. of land zoned I-3 and WS. Comp. Plan Rec: Mixed Use. Tax Map 43-4 ((6)) 27 (pt.) and 37A. SULLY DISTRICT. PUBLIC HEARING.

Scott E. Adams, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated September 15, 2017.

Commissioner Hart 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 Hart for action on this application.

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(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. This is a straightforward proffer condition amendment to reconfigure office buildings on a site that has already been approved for office buildings. The application has staff's favorable recommendation with which I concur. It also has the support of the West Fairfax County Citizens Association, and a vote of no objection from Sully District Council, and we have an e-mail in the record to that affect. Mr. Chairman, I believe the application is ready to move forward to the Board. First, I move that the Planning Commission recommend approval of – oh – no that's right. I MOVE THE PLANNING – PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 85-S-061-05 TO THE BOARD OF SUPERVISORS, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 28, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 85-S-061-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Second, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF THE WAIVERS AND MODIFICATIONS, CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING, DATED OCTOBER 17, 2017, AND WHICH WILL BE A MADE PART OF THE RECORD.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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SE 2017-MV-021 – KARLYN DAVIS “KARLYN’S LITTLE BLESSINGS” – Appl. under Sects. 6-105, 6-106 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8851 Creekside Way, Springfield, 22153 on approx. 21,780 sq. ft. of land zoned PDH-3. Tax Map 97-4 ((4)) 656. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Karlyn Davis, Applicant, reaffirmed the affidavit dated August 17, 2017.

Commissioner Flanagan 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 Flanagan for action on this application.

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(Start Verbatim Transcript)

Commissioner Flanagan: Yes, thank you, Mr. Chairman. I request that the applicant confirm for the record their agreement, to the proposed development conditions dated October 4, 2017.

Karlyn Davis, Applicant: Yes, I do confirm.

Commissioner Flanagan: Thank you. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF SE 2017-MV-021, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 4, 2017.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-MV-021, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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RZ/FDP 2016-MV-030 – WASHREIT RIVERSIDE APARTMENTS, LLC – Appls. to rezone from R-30, CRD and HC to PRM, CRD and HC to permit residential use with an overall Floor Area Ratio (FAR) of 1.76 inclusive of affordable and bonus units and approval of the conceptual and final development plan with 70.6 du/ac with ADU. Located in the N.W. quadrant of the intersection of Huntington Ave. and Old Richmond Hwy. on approx. 28.17 ac. of land. Comp. Plan Rec: Mid and high-rise residential uses of up to 61 du/ac and small mixed use component at overall Floor Area Ratio (FAR) of 1.60. Mount Vernon District. Tax Map 83-3 ((1)) 101. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Scott E. Adams, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated October 3, 2017.

Wanda Suder, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of RZ 2016-MV-030 and FDP 2016-MV-030.

Commissioner Hurley asked if the subject application included plans for dog parks. In response, Ms. Suder stated it didn't.

As a result of the on-site public and private parkland, Commissioner Migliaccio inquired about the coordination of the three wayfinding signs, and whether those signs would specifically state the park was open to the public. In response, Gayle Hooper, Planning and Development Branch, Park Authority, stated further coordination of wayfinding signs were typically done during the receipt of site plans. There would be further coordination during development. Commissioner Migliaccio asked whether the County had a standardized sign. Ms. Hooper stated there were no standardized templates and there were signs in other districts which noted a space was open to the public.

Commissioner Hart queried about the status of the park's contribution. Ms. Hooper stated that based on the standard calculation accepted by the Board of Supervisors, the contribution amount was \$893.00 per new resident. This application would generate the request for approximately \$1,198,000.00 dollars. She stated the applicant, chose not to address the park contribution and requested offset to the impacts, and as a result, no fair share contribution was provided. Commissioner Hart inquired about the kayak launch facility and asked for clarification on the intent of the proffer, and discussions that took place in the event the recreational facility was not approved. In response, Ms. Hooper stated that should the request for the kayak facility be denied, a contribution to the Park Authority, was not an offer proposed by the applicant.

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

- The site was a 1970s vintage design, inward focused, with fences and gates blocking off access to the site and the rest of the community;
- There were no issues with stormwater controls;
- No open space, with very limited green space on the site;
- The site would be integrated into the surrounding community;
- The new building would be designed and would help them relate to a more pedestrian scale, and stepped the existing fifteen-story buildings to five or seven stories;
- A pedestrian oriented grid of streets would be created that would serve not only the proposed project, but would also align with the North Gateway site;
- A substantial amount of parking on the site would be removed and replaced with structured, above and underground parking. All three sides of the exposed above ground parking garage would be aligned with units with individual doors and access points. These units would create a townhouse or rowhouse feel and would be attractive to pet owners. A minor addition was made to proffer 5 which addressed the interior lightening of the above grade parking structure of the garage;
- Multi-modal connections were created between the site and the Huntington Metro site. A trail connection was created to the new trail going into the County's Huntington Levee project. This trail would provide an alternative access for individuals who wanted to walk or bike to the Huntington Metro as opposed to walking along Huntington Avenue;
- In order to promote bus ridership, a new bus structure would be installed in the pocket park. The current shuttle on the site would be expended;
- In addition to the 1.72 acres of private outdoor recreation space, 5.28 acres of park space was proposed;
- The design of the wayfinding signage would clearly indicate the site was open to the public;
- There were three main areas to the park open spaces, the pocket park on Huntington Avenue, the linear park running on the western property line, and along the Cameron Run frontage a much larger public open space with visuals to the water;
- The Cameron Run Park was in a resource protection area and flood plain. It included impervious surface and parking and would be removed as part of the project and transformed into green space. The programing of the space included active and passive recreational amenities. A public kayak launch would be included as part of the park

programming and a kayak rack would be installed. A pedestrian bridge would also be constructed; and

- There were ten parking spaces available to the public.

Commissioner Flanagan inquired about the three wayfinding signs in proffer 7, and the possibility of adding additional signs. Mr. Adams stated there was nothing in proffer 7 that prohibited additional signage.

Commissioner Migliaccio inquired about the various phases of the project and the installation of the three wayfinding signs in proffer 7. Mr. Adams stated the language would be revised to clearly state the wayfinding signs would be installed during the development phase of the pocket park.

Commissioner Hart inquired about proffer 39, in the event the applicant was unable to obtain the first residential use permit, and would those funds be contributed to the Park Authority or other recreational use. In response, Mr. Adams stated the applicant was comfortable adding language to proffer 39, where a contribution of \$75,000 would be made to the Park Authority, should the kayak launch be denied. Commissioner Hart inquired about proffer 37, the linkage between the construction of the units and a comparable construction of recreational amenities. Mr. Adams stated that in the phasing plan, conceptual development plan, and the final development plan, specific improvements were called out that are installed with each one of the phases. The first phase would include the pocket park and portion of the linear park. Building B would be the second phase and would be the continuation of the linear park along the western property line. The third phase would be building D, and the larger improvements in Cameron Park would be development with the continuation of the linear park on the western property line. Building C would be the last phase and most of the amenities would be completed at that point. During the phases of construction, the applicant tried to maintain a 1.3 parking space per unit ratio. Commissioner Hart asked staff to confirm Mr. Adam's explanation of the various phases. Ms. Suder confirmed.

Commissioner Ulfelder followed-up on the fair share contribution. He stated he could not grasp the concept of a developer's agreement to install on-site park recreational amenities, equated to meeting their fair share requirement. He stated his disagreement to the fair share language and the need for the County to revisit said language. Mr. Adams stated he could not speak to the broader trend and rationale, however, the applicant looked at both the dollar amount and types of amenities provided and required in the Comprehensive Plan. Mr. Adams elaborated on the types of amenities provided.

Commissioner Flanagan reverberated Commissioner Ulfelder's concerns regarding both the fair share and revitalization of districts. He noted an October 3rd letter received by the Commission which included the Riverside Public Park Summary and Analysis. He noted the community's long-awaited improvements along Cameron Run, and the proposed project satisfied the community's needs.

Commissioner Hurley asked who would retain ownership of the land along the park. Mr. Adams stated the applicant would retain ownership, and a public access easement would be placed on

the land. The land would be open to the public, and the applicant assumed maintenance costs, and ensured the functionality as a public park.

Commissioner Migliaccio reverberated Commissioner Flanagan's comments regarding the revitalization of districts.

There being no listed speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for actions on this application.

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(Start Verbatim Transcript)

Commissioner Flanagan: Thank you, Mr. Chairman. First of all, I request that the applicant confirm for the record the agreement to the proposed development conditions, dated September 19, 2017.

Scott E. Adams, Applicant's Agent, McGuire Woods, LLP: I do have one comment on the condition. I – it actually references the wrong date for the current CDP/FDP which is actually dated September 22nd, 2017. But with that change I think we – we agree with the conditions.

Commissioner Flanagan: Okay. Thank you.

Chairman Murphy: Okay.

Commissioner Flanagan: In that case then I just want to comment, again, that the rezoning application before us tonight, for the revitalization of the Riverside Apartments, in the Route 1 corridor, North Gateway Community Business Center, is a major needed element in the revitalization of the corridor. Staff is recommending approval. Written testimony from the Southeast Fairfax Development Corporation, which the Board of Supervisors created to oversee, you know, the revitalization of the corridor. The Mount Vernon Council of Citizens Associations and their Land Use Committee, and the adjacent Huntington Community Association who are waiting for this for a long, long time, also recommend approval. There being no testimony to the contrary, I concur with the recommendations to approve, particularly since the Board of Supervisors recommended that we be flexible with the countywide land use applications when we apply them to revitalization districts. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF RZ 2016-MV-030, AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS [sic]

CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 12, 2017. AND, APPROVAL OF THE WAIVERS, MODIFICATIONS AND DEVIATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING, DATED OCTOBER 19, 2017, WHICH WOULD BE MADE PART OF THE RECORD.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-MV-030, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Yes, and then I have a last motion. I MOVE THAT THE PLANNING COMMISSION APPROVE FINAL DEVELOPMENT PLAN 2016-MV-030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 19, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to approve....

Wanda Suder, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ):
Excuse me Mr. Chairman...

Chairman Murphy: Hello.

Ms. Suder: I believe with the change in the date that Mr. Adams pointed out in the proposed conditions, we should probably have that date this evening of October 19th. Would you concur, Mr. Adams, yes.

Chairman Murphy: Alright. So, it is written, so it shall be done. All those in favor of the motion to approve FDP 2016-MV-030, subject to the Board's approval of the rezoning and the conceptional development plan, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

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RZ 2017-DR-007 – TRUSTEES OF TEMPLE RODEF SHALOM
– Appl. to rezone from R-1 and R-3 to R-3 to permit a place of worship with an overall Floor Area Ratio (FAR) of 0.24 and approval of the generalized development plan. Located on the W. side of Westmoreland St. approx. 800 ft. N. of its intersection with Haycock Rd. on approx. 7.94 ac. of land. Comp. Plan Rec:

Residential 2-3 du/ac and Public Parks. Tax Map 40-2 ((1)) 18 and 19A. (Concurrent with PCA 1997-DR-028 and SEA 97-D-038-02). DRANESVILLE DISTRICT. PUBLIC HEARING.

PCA 1997-DR-028 – TRUSTEES OF TEMPLE RODEF SHALOM – Appl. to amend the proffers for RZ 1997-DR-028 previously approved for a temple to permit deletion of proffers and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.24. Located on the W. side of Westmoreland St. approx. 800 ft. N. of its intersection with Haycock Rd. on approx. 7.09 ac. of land zoned R-3. Comp. Plan Rec: Residential 2-3 du/ac and Public Parks. Tax Map 40-2 ((1)) 19A (pt.) and 25A (pt.). (Concurrent with RZ 2017-DR-007 and SEA 97-D-038-02). DRANESVILLE DISTRICT. PUBLIC HEARING.

SEA 97-D-038-02 – TRUSTEES OF TEMPLE RODEF SHALOM – Appl. under Sects. 3-302 and 3-304 of the Zoning Ordinance to amend SE 97-D-038 previously approved for a place of worship, nursery school and a child care center to permit an increase in enrollment from 150 to 165 students for the nursery school and an increase in enrollment from 120 to 250 students for the summer camp to permit associated modifications to site design and development conditions and to delete and add land area. Located at 2100 Westmoreland St., Falls Church, 22043 on approx. 9.5 ac. of land zoned R-1 and R-3. Tax Map 40-2 ((1)) 18, 19A and 25A (pt.). (Concurrent with PCA 1997-DR-028 and RZ 2017-DR-007). DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated July 21, 2017.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had two cases where the attorneys in Ms. Strobel's firm represented an adverse party or adverse parties. He stated that matter and those parties were unrelated to application. Commissioner Hart stated the law firm of Hart & Horan, P.C. had no business or financial relationship and to his knowledge, did not believe this matter before the Planning Commission would affect his ability to participate in the case.

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2017-DR-007, PCA 1997-DR-028 and SEA 97-D-038-02.

Commissioner Ulfelder acknowledged written comments received by the Commission from a neighbor within the Kirby Court community, regarding the existing conservation easement. He referenced the Board's January 1998 approval of the proffers and development conditions and

asked for confirmation. Mr. Katai confirmed. Commissioner Ulfelder noted in the January 1998 approval, no references were made to a conservation easement, either by proffer nor development conditions. He asked for a timeline of when the conservation easement came into existence. Mr. Katai stated the applicant had a copy. Commissioner Ulfelder noted the reference made to the stormwater easement in the staff report, prior to the time the County tightened up requirements with the Chesapeake Bay ordinance, in connection with stormwater in terms of retention on site on both quantity and quality. He stated that the County at times in site plans, asked for conservation easements for protected vegetated areas to provide credit for meeting stormwater runoffs and asked staff to confirm. Mr. Katai stated he is not familiar with Commissioner Ulfelder's inquiry regarding the stormwater ordinance. Commissioner Ulfelder asked if the amended Noise Ordinance applied to any activities that would occur on the applicant's property, restricted times, and noise levels at the property line. Mr. Katai stated that in terms of noise levels, the evening hours had a-weighted decibel of 55 and daytime hours were at 60. Commissioner Ulfelder inquired about Noise Ordinance enforcement procedures. Mr. Katai stated the Noise Ordinance would be enforced by the Zoning Inspection Branch of the Department of Planning and Zoning.

Ms. Strobel gave a presentation wherein she stated the following:

- The temple owned about 7.1 acres of land, located on the west side of Westmoreland Street;
- The property was zoned R-1 and R-3 with a request to rezone the entire to the R-3 district;
- The proposed buildings were located on the north side of the property, and was the only location the applicant was able to acquire;
- The property was part of a residential area that housed an elementary school;
- There was extensive outreach with Kirby Court community before application was filed;
- There was an equal exchange of land with the Park Authority in 2001 and in addition, the temple was able to acquire a parcel of land located on the southeast corner;
- The applicant proposed three primary physical improvements. One of the improvements was a small sanctuary, which would be used for intimate events. Another was an administrative building, which would provide office space for the religious leaders. Ninety-eight parking spaces would be added, which doubled current parking. The improvements were not intended to increase the size of the congregation;
- A request for an increased number of nursery school and summer camp students was submitted;

- The green perimeter around the property was continuously maintained and adequate screening would be provided. There would be a hedge along Westmoreland Street, some trees would be preserved and there would be additional plantings. Nine existing trees would be removed, four were dead and six were in a state of significant decline. Thirty-seven trees would be planted, and would consist primarily of evergreen with 8 to 10 feet at time of planting. Understory plantings would also be provided;
- Parking would be hidden;
- Storm water management was a topic of discussion, and the temple addressed more than the County requirements. Water was being detained and there were improvements to an existing headwall in Exhibit A of the proffers;
- The applicant worked to assure the congregation parked only on site;
- The applicant would delineate clean-up; and
- At a cost to the temple, window shades would be installed on all windows facing north, toward the community.

Commissioner Ulfelder inquired about the approval of the conservation easement. In response, Ms. Strobel stated the conservation easement was not required in the prior approvals. The prior approvals were granted in 1998, and was a site plan issue. The easement itself, was granted and recorded in 2004, after the site plan was approved. Commissioner Ulfelder and Ms. Strobel further discussed the contents of the recorded easement. Commissioner Ulfelder and Ms. Strobel discussed steps taken by the applicant to address and meet current stormwater requirements. Ms. Strobel stated the applicant would vacate a portion of the easement which was no longer needed to serve its purpose of storm water management. Commissioner Ulfelder asked if the temple received any noise level complaints from the community. Ms. Strobel stated the temple have been diligent and took steps, ensuring the noise level did not exceed the noise ordinance requirements. The social hall housed a noise meter and the noise level was monitored.

Commissioner Hurley asked for a better understanding the music complaint issue. She stated most of the complaints were based on social events in the social hall with a disc jockey. Ms. Strobel stated these were cases when Bat and Bar Mitzvah celebrations were held. These events were held indoor. Commissioner Hurley asked if there would be outdoor noise or amplified music on the terrace for religious services. Ms. Strobel stated there would be no amplified music on the terrace. The condition stated the applicant, except for religious services, would not have amplified music on the terrace. The terrace could not accommodate those types of events.

Commissioner Flanagan inquired about proffer 10 which addressed amplified music. Ms. Strobel stated an instrument such as an acoustical guitar or similar equipment used as part of the service applied. She reiterated the amplified music was not associated with the Bat and Bar Mitzvah which would be held in the social hall. Commissioner Flanagan asked if prior conditions were in place. Ms. Strobel stated there were prior conditions from 1998 and were in the staff report.

Commissioner Flanagan asked if the prior conditions required amplified music. Ms. Strobel stated there were no restrictions on music in the prior approval. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, stated the previous development conditions were in the staff report and directed Commissioner Flanagan to Appendix 6 indicating there were no prior conditions for amplified music. The proposed development conditions regarding amplified music outside, was in relation to the small outdoor terrace. She stated the condition proposed would not preclude amplified music within the structure. Commissioner Flanagan inquired about the play area during summer camp. Ms. Strobel stated the play area would accommodate the daycare and summer camp. There would be no amplification or lights in the play area.

Commissioner Ulfelder asked for visuals of the terrace location. Ms. Strobel provided visuals and stated the condition for amplified music addressed the new terrace. Commissioner Ulfelder inquired about the use of the terrace. Ms. Strobel deferred to the president of the Temple Rodef Shalom, Bob Schlossberg, who stated proffer 10 addressed something the temple did for decades in the social hall. He stated the complaint received was in reference to a party after a religious service. Research was conducted regarding the noise complaint which the temple tried to accommodate. The religious services were held in the existing sanctuary and parties were held in the social hall. Mr. Schlossberg stated there was a decibel meter, head of security, parents signed a commitment where the disc jockey would not exceed the decibel limit, and financial penalties would be imposed, should they not adhere to the terms of the agreement. Based on community feedback, the applicant requested an acoustical engineer conduct an analysis and reconfirmed the decibel limit met the Noise Ordinance standard of the county. Mr. Schlossberg stated there were some complaints over the years, however, the applicant was never issued a citation. Nevertheless, he stated the applicant redoubled the efforts to control the noise level at parties. Mr. Schlossberg addressed the new terrace in development condition 10, and stated the terrace was not designed nor could it accommodate parties. The terrace was designed for any overflow of religious services. Commissioner Ulfelder and Mr. Schlossberg continued the amplification discussion.

Commissioner Hart inquired about the hours amplified music would occur. In response, Mr. Schlossberg stated that on Friday nights, the latest would be 9:30 p.m. Ms. Stroble stated the applicant would have to comply with the noise ordinance.

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

Tina M. Rafalovich, 3420 Arnold Lane, Falls Church, spoke in support of the application. Ms. Rafalovich stated she was the co-chair of the parent committee for Camp Rodef Shalom. The camp was five weeks long and commenced the last week of June, with a bonus sixth week at the end, for campers who wanted to extend their summer fun. The camps did not overlap with religious school or nursery school. Children and teens from in and outside the community attended and worked at the fun-spirit camp. There were no plans to increase the size of the camp but rather utilize the new space to enhance the experience of the campers' and also looked forward to the addition of new programs that would appeal to a variety of campers. New bathrooms would ease the lines after snack time and lunch and would allow for additional changing space after trips to waterparks and water time. A new camp office would allow a dedicated meeting space for the ten members of the camp leadership team. The new classrooms

would allow for the relocation of the chill room to a main floor classroom. In closing, Ms. Rafalovich stated the temple was mindful of the traffic on Westmoreland Street, and multiple drop off and pick up times were in place which helped ease congestion. The additional parking on the property would also help resolve further traffic concerns.

Carole Kihm, 2000 Westmoreland Street, Falls Church, spoke in support of the application. Ms. Kihm was the principal of Longfellow Middle School, and was in her tenth year. The middle school and temple staff, worked together to minimize the parking issues. The middle school had a total of 1,360 students and with the many school activities and events, the temple was always very accommodating to the school's and parent's parking needs. The temple also provided a space for the school's leadership retreats and parent teacher association meetings. The middle school's National Junior Honors Society events were also held in the temple's sanctuary, and the middle school welcomed the new sanctuary. In closing, Ms. Kihm stated the middle school was extremely grateful for the temple's generosity.

Commissioner Ulfelder asked if Longfellow Middle School had activities that involved music, and were there any complaints from the neighboring community. In response, Ms. Kihm stated the school had an orchestra, band, chorus and dance. She stated that throughout her tenure, the school never received noise complaints.

Edward Murphy, 6641 Kirby Court, Falls Church, stated his family were residents of Kirby Court since 1972. Their two sons attended the temple's nursery school. Mr. Murphy's spouse gave several nutrition lectures to the members of the temple. His son's baccalaureate service was held at the temple. Mr. Murphy stated Temple Rodef Shalom was an important and appreciated part of the McLean and Falls Church community. Regarding the proposed expansion, Mr. Murphy raised several concerns with the temple about the external affects that would result from the expansion. The lights from many windows from the north side of the building, would shine through windows in the expanded part of the building. The stormwater management runoff from the temple flowed into a retention pond and creek. On the north property line of the temple, was a headwall, where the creek went into a 27-inch pipe at his property line, and carried the water beneath Kirby Court, where it emerged, and joined the natural creek bed below the court. During very heavy rain, the creek overflowed in the past over the headwall. Mr. Murphy stated he was satisfied the development plan contained storm water management facilities which would mitigate runoff. Another potential issue of concern was the noise from the air conditioning equipment. Temple Rodef Shalom satisfied that concern and installed the air conditioning on the roof, below the roof line of the temple. The relocation of the air conditioning equipment for the proposed expansion was not yet decided, as it was too early in the construction design to determine a location. In closing, Mr. Murphy reiterated his support for the application.

Jeffery Libby, 6016 North 22nd Street, Arlington, read the testimony of Christine Brooks, 527 Great Falls Street, Falls Church, who supported the application. Ms. Brooks was the co-chair of the nursery school parent committee. Her youngest daughter attended the temple's nursery school five days a week during the school year, the oldest daughter attended religious school Sunday mornings, and both children attended the summer camp. Ms. Brooks hosted and helped organize the parent orientation at the beginning of each school year. The parent orientation included reviewing morning drop-off and afternoon pick-up guidelines, as well as carpool

procedures. As a community nursery school serving both temple members and non-members, the staff enforced drop-off and pick-up rules, not only for the safety of children, but to minimize the impact of neighborhood traffic. Parking lot and carpool line procedures are also enforced for religious school on Sundays, as well as for summer camp. Many families site the drop-off and pick-up rules as a factor when they chose the temple's nursery school or summer camp. Professional emphasis was placed on the temple's landscaping and it blended in naturally with the neighborhood environment on Westmoreland Street.

Samuel Klein, 2306 Westmoreland Street, Falls Church, spoke in support of the application. Mr. Klein gave a brief history of his experience as a resident of Fairfax County. He stated his daughter and son attended the temple's nursery school, summer camp, religious school and Bat and Bar Mitzvah. The children referred to the temple as their favorite spot in the community, and the family was frequent participant of the temple's events. Mr. Klein stated he was pleased the old shack and house was purchased by the temple and was excited about the future use of a possible small chapel. Based on parking issues, the increased parking spaces would allow for greater parking access and would ease neighborhood parking during large events. Temple Rodef Shalom valued its relationship with community, with the citizens who lived in the surrounding houses, the school next door, and the church located one block from the community. Mr. Klein stated that during the winter season, the temple was mindful of the need for timely snow removal. He stated the temple was an integral part of the McLean and Falls Church Community and with the proposed changes, would make the temple a better place for the families and neighbors.

Amy Schwartzman, 6433 Hitt Ave, McLean, spoke in support of the application. Ms. Schwartzman was the Senior Rabbi of Temple Rodef Shalom, and was in her twenty-eighth year. Ms. Schwartzman stated the following:

- Temple Rodef Shalom was one of a very small number of Jewish houses of worship in Fairfax County;
- The temple was founded by thirty-seven families in 1962;
- In 1964 the temple purchased 7-acres of land on Westmoreland Street, in Falls Church at a cost of \$40,000 and the main building was completed in 1972 and was improved upon in 2001;
- The temple established deep roots in the community which benefited to both its members and others of no affiliation;
- Since the establishment of the temple, the mission to serve the Jewish community through worship and lifecycle events, education and fellowship have not changed;
- The commitment to work for the larger community in both interfaith work, as well as in secular realms, was also a priority and fulfillment of what the members of the temple understood the responsibility was as a religious and community institution;

- The proposed project would allow the temple to better serve the current membership and others;
- One of the primary goals was the creation of the small chapel for lifecycle events and worship. As the congregation aged, there was a need to host more funerals in an appropriate sacred space, to comfort the mourners, a more intimate space for the elderly, members facing illness, and those with special needs;
- The temple's work was central to ensuring the needs of the congregation, and there was a need for private office space for every clergy member;
- Additional parking spaces would allow for the decrease in neighborhood street parking; and
- The temple and its members appreciated the partnership with schools on Westmoreland Street, Haycock Elementary, Longfellow Middle and McLean High School. The temple is a resource and physical shelter for those schools in the case of any school emergencies.

Bob Schlossberg, 3933 North Dumbarton Street, Arlington, spoke in support of the application. Mr. Schlossberg stated the temple, staff and members were grateful for the constructive engagement with the community. The temple addressed the issues with lighting by the installation of shades. The heating, ventilation and air conditioning issues were improved upon and as technology advanced, would install a more quieter system.

Mark Zetts, 6640 Kirby Court, Falls Church, spoke in support of the application. Mr. Zetts thanked the applicant for all the meetings held with the residents of Kirby Court. Discussions were held about the proposed expansion, and the potential impacts on the properties that abut the conservation easement. Mr. Zetts agreed with the applicant's assessment regarding the stormwater issue of overlaying relief during major storm events and that the proposed stormwater facilities would be a significant improvement over the existing storm water conditions. The proposed development plan addressed and would improve upon the existing headwall and surrounding issues. The proffers and development conditions would mitigate the impact of the special exception amendment application and would improve upon the post development environment of the site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel, who declined.

Commissioner Ulfelder asked if the applicant would agree to amend development condition 10 which would prohibit the amplification of music on the terrace, after a certain time in the evening. Ms. Strobel stated the applicant would agree to add a condition which stated there would be no amplified noise after 10:00 p.m. Commissioner Hurley asked for clarification on the type of amplification. Ms. Strobel stated the applicant would clarify in the development conditions. Commissioner Ulfelder and Ms. Strobel discussed removal of dead trees and the location of new tree plantings. Commissioner Ulfelder asked if the plantings were part of the remaining conservation easement area. Ms. Strobel stated the conservation easement was not

large, and the plantings would be along the north property line, some along Westmoreland Street, and would be beyond the conservation easement area. Ms. Strobel provided visuals of the plantings at a five-year growth.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this application.

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(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you Mr. Chairman. As has been pointed out, this is scheduled for hearing by the Board of Supervisors next Tuesday, and as - pointed out the McLean's Citizen Association Planning and Zoning Committee has stated that they – that they don't have any particular objections to this application, even though they weren't able to go the full route to get a resolution prior to the full Board. And – and the testimony we heard this evening, have responses to some of the questions about some of the issues that have been raised by some of the neighbors. I'm going to move forward with this this evening. So I need the applicant to confirm – or the applicant's representative to confirm for the record, their agreement to the special exception amendment development conditions, now dated October 4th, 2017.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes.

Commissioner Ulfelder: Okay. With that...

Ms. Strobel: It – it, and I will also agree to...

Commissioner Ulfelder: Yes...

Ms. Strobel: ...the modifications, as we discussed this evening, to the conditions.

Commissioner Ulfelder: That's a good point. Thank you very much.

Ms. Strobel: Thank you.

Commissioner Ulfelder: And, thank you. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF RZ 2017-DR-007, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE HANDED OUT TONIGHT, DATED OCTOBER 13, 2017, AND THE CHANGES THAT WERE DISCUSSED THIS EVENING AND THE APPLICANT AGREED TO.
Commissioners Migliaccio and Hart: Second.

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

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yes.

Chairman Murphy: Could we have a mic?

Commissioner Flanagan: Mic?

Commissioner Hart: Your microphone.

Commissioner Flanagan: Shouldn't the date on these, the conditions be tonight? Because we agreed to the time on condition number 10.

Commissioner Ulfelder: Well I – I was utilizing the conditions that were proposed in the staff report, with the idea that they would make a change to that other condition.

Chairman Murphy: As amended.

Commissioner Ulfelder: As amended.

Chairman Murphy: Tonight.

Commissioner Flanagan: So it really...

Commissioner Ulfelder: Okay.

Ms. Strobel: Well...I – I...

Commissioner Ulfelder: We don't have the specific language, that's the problem.

Ms. Strobel: Unlike the FDP conditions, with the – which the Planning Commission is approving, that would be why you – you would want to change the date. I think in this case we – we – we know – we have our marching orders, to change them before – get them changed before the Board makes its final decision.

Commissioner Ulfelder: So – so when they go to the Board, they'll be gated whatever date those...

Ms. Strobel: Correct – Correct...

Commissioner Ulfelder: The additional change is made....

Ms. Strobel: Right....

Commissioner Ulfelder: So they may end up being...

Commissioner Flanagan: Right – right.

Commissioner Ulfelder: ...dated with 20 – 24 or whatever.

Ms. Strobel: Correct – Correct....

Commissioner Ulfelder: Okay, thank you. Okay. That – right. With that, did we vote?

Chairman Murphy: No – no. Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2017-DR-007, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1997-DR-028.

Commissioners Migliaccio and Hart: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1997-DR-028, say aye.

Commissioners: Aye.

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

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS, APPROVAL OF SEA 97-D-038-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 4, 2017 AND, THE PROPOSED – AND THE CHANGE DISCUSSED THIS EVENING, WITH THE APPLICANT AGREED TO CONCERNING DEVELOPMENT CONDITION NUMBER 10, IN TERMS OF THE CUT OFF TIME FOR ANY AMPLIFIED MUSIC ON THE TERRACE.

Commissioners Migliaccio and Hart: Second.

Chairman Murphy: Seconded Mr. Migliaccio and Mr. Hart. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-D-038-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you.

Commissioner Ulfelder: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF THE MODIFICATIONS, AS LISTED IN THE HANDOUT DATED OCTOBER 19, 2017, WHICH

WAS PROVIDED TO YOU TONIGHT, WHICH SHALL BE MADE PART OF THE RECORD OF THESE APPLICATIONS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Is that it?

Commissioner Ulfelder: That's it.

Chairman Murphy: Thank you very...

Commissioner Ulfelder: Can I just...

Chairman Murphy: Go please, yeah.

Commissioner Ulfelder: I wanna thank everyone who came out and spoke this evening. I very much appreciate it. I think it builds great – underscores what a good neighbor TRF has been in McLean and in this neighborhood and has done. And I wanna thank Ms. Strobel for the efforts to reach out and talk with, eat with, and try to resolve issues that were raised by the neighbors. And, we've cleaned up this property. We finally have – within the right-to-use-it hands and the Park Authority is happy, and everyone is happy, so thank you very much.

Ms. Strobel: Thank you.

Chairman Murphy: Just to add on to that. It is a rare evening indeed when a group of this size comes before the Planning Commission on a land use application and they all agree to support it. We really appreciate that. I know a lot of work went into the preparation to come before us this evening, and wish you the best of luck. And please forgive all the alien noises that you heard that we can't – that we can't identify but I'm sure we're gonna look into it and find out what they were.

The motion carried by a vote of 8-0. Commissioners Sargeant, Keys-Gamarra, Hedetniemi and Niedzielski-Eichner were absent from the public hearing.

(End Verbatim Transcript)

CLOSING

October 19, 2017

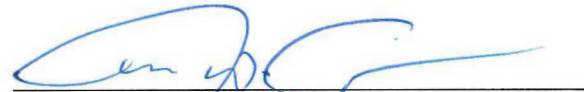
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The meeting was adjourned at 11:20 p.m.
Peter F. Murphy, Chairman Murphy
Frank A. de la Fe, Vice Chairman

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Samantha Lawrence

Approved on: December 6, 2017



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