

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 11, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
John A. Carter, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Vacant, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:33 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee would meet on Wednesday, January 17, 2018 at 8:30 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the proposed Short-Term Lodging Zoning Ordinance Amendment.

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Commissioner Sargeant announced that the Planning Commission's Schools Committee would meet on Wednesday, January 17, 2018 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center to continue discussions regarding school designs and policy recommendations. He added that the meeting was open to the public.

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Chairman Murphy announced that, in accordance with the bylaws, the Planning Commission would conduct the election of officers at the meeting on Thursday, January 18, 2018.

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Commissioner Hart announced that Donté Tanner, who was scheduled to be appointed Planning Commissioner of the Sully District by Sully District Supervisor Kathy Smith at the Board of Supervisors meeting on Tuesday, January 23, 2018, was in attendance and would observe the meeting procedures. Then, on behalf of the Commission, he welcomed Mr. Tanner and Chairman Murphy requested that he stand and be recognized. In addition, Commissioner Hart said that Mr. Tanner would be sworn in at the Commission's meeting on Wednesday, January 24, 2018.

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PA 2017-IV-MV1 – COMPREHENSIVE PLAN AMENDMENT (SKY VIEW DRIVE)

(Start Verbatim Transcript)

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. Tonight's agenda lists a public hearing for a townhome development on Skyview Drive in the Mount Vernon District and the applicant developing a concurrent rezoning application associated with this plan amendment has renewed discussions with both the Zoning Evaluation Department and the neighboring homeowner association regarding a development proposal for the property. As a result, the applicant has requested the hearing for this plan amendment be deferred to ensure that the plan amendment and the rezoning proposal will be consistent and coordinated. Therefore, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PA 2017-IV-MV1 TO A DATE CERTAIN OF MARCH 8, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to conduct the public hearing on PA 2017-IV-MV1 to a date certain of March 8th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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FS-M17-36 – T-MOBILE, 6166 Leesburg Pike, Falls Church, VA 22103

(Start Verbatim Transcript)

Commissioner Strandlie: Yes. Thank you, Mr. Chairman. I have a "feature shown." This is a straightforward case. I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF'S RECOMMENDATION FOR THE APPLICATION – P – excuse me, FS-M17-36, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY T-MOBILE AT 6166

LEESBURG PIKE, FALLS CHURCH, VIRGINIA, 22103, 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* SECTION 15 – excuse me, 15.2-2232, AS AMENDED.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-M17-36, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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PRC 76-C-111-02 – FAIRFAX COUNTY SCHOOL BOARD (Decision Only)
(The public hearing on this application was held on January 10, 2018.)

(Start Verbatim Transcript)

Commissioner Carter: Okay. Mr. Chairman, I request the applicant confirm, for the record, their agreement to the proposed development conditions dated January 11th.

John McGranahan, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Chairman. My name is John McGranahan and I believe this is the Langston Hughes application you all heard last evening and, on behalf of the applicant, I do confirm the applicant's agreement with the development conditions dated January 11. Thank you.

Commissioner Carter: Unless there are any questions, I'm prepared to make a motion.

Chairman Murphy: Please.

Commissioner Carter: I MOVE THAT THE PLANNING COMMISSION APPROVE PRC 76-C-111-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 11, 2018 AND APPROVE A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY BOUNDARY, IN FAVOR OF THE LANDSCAPE PLAN SHOWN ON THE PRC PLAN AND WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY BOUNDARY.

Commissioner Niedzielski-Eichner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSPA 2004-LE-012 – BOZZUTO MANAGEMENT COMPANY
2. SE 2017-SP-028 – SERITAGE SRC FINANCE, LLC
3. PCA 87-C-060-13/FDPA 87-C-060-18-02 – MCNAIR SENIOR APARTMENTS, LP
4. SE 2017-MV-025 – MY LITTLE ANGELS, LLC
5. PCA 2002-HM-043-03/CDPA 2002-HM-043-02/FDPA 2002-HM-043-04/FDPA 2002-HM-043-05 – ARROWBROOK CENTRE, LLC
6. RZ 2017-SU-025/SE 2017-SU-022 – JSF MANAGEMENT, LLC
7. PA 2015-IV-MV5 – COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA, LAND UNIT G pt.)
8. PA 2015-IV-MV4 – COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA, LAND UNIT I)

This order was accepted without objection.

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CSPA 2004-LE-012 – BOZZUTO MANAGEMENT COMPANY
– Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with RZ 2004-LE-012 to permit sign modifications. Located on the W. side of Richmond Hwy. between Memorial St. and Groveton St. on approx. 3.0 ac. of land zoned PRM, CRD and HC. Tax Map 93-1 ((38)) (1) 1 A. LEE DISTRICT. PUBLIC HEARING.

Commissioner Migliaccio 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 Migliaccio for action on this case.

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. This is a very simple sign plan amendment case. I will be deferring the decision only because they have yet to have a chance to come to the Lee District Land Use Committee. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR CSPA 2004-LE-012 TO A DATE CERTAIN OF JANUARY 24TH, WITH THE RECORD REMAINING OPEN.
Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision only on CSPA 2004-LE-012 to a date certain of January 24th, with the record open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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The next public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Secretary Hart.

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SE 2017-SP-028 – SERITAGE SRC FINANCE, LLC – Appl.
under Sect. 9-620 of the Zoning Ordinance to permit a waiver of
certain sign regulations. Located at 12000 L Fair Oaks Mall,
Fairfax, 22033 on approx. 15.07 ac. of land zoned C-7 and HC.
Tax Map 46-3 ((8)) 2. SPRINGFIELD DISTRICT. PUBLIC
HEARING.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lebeley & Walsh, PC, reaffirmed the affidavit dated December 13, 2017.

Secretary Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Brant'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.

Commissioner Murphy asked that Secretary Hart 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, Secretary Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

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Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward application by Seritage SRC Finance to increase the signage on the Sears building at Fair Oaks Mall, which is now a two-story building. The upper story is going to be transformed into retail uses and a restaurant. The bottom part of the Sears store will remain a Sears store and will be rehabilitated. And we want to make sure that we continue the great success of this great mall. It's a regional mall and the signage will certainly help that. This application is in conformance with the Comprehensive Plan, with the Zoning Ordinance, and with the applicable standards for special exceptions. Before I make the motion, I'd like to call the applicant up and request that you state your name for the record and that you accept the development conditions dated January 8th, 2018.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Thank you, Mr. Chairman. Robert Brant, again, on behalf of the applicant and the applicant has read and is in agreement with the development conditions dated January 8th, 2018.

Commissioner Murphy: Thank you very much.

Mr. Brant: Thank you.

Commissioner Murphy: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2017-SP-028, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 8TH, 2018.

Commissioner Sargeant: Second.

Secretary Hart: Seconded by Mr. Sargeant. Is there any discussion on the motion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner Murphy: Thank you very much.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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Chairman Murphy resumed the Chair.

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PCA 87-C-060-13/FDPA 87-C-060-18-02 – MCNAIR SENIOR APARTMENTS, LP – Appls. to amend the proffers, conceptual and final development plans for RZ 87-C-060 previously approved for housing for the elderly to permit an independent living facility and associated modifications to proffers and conditions at a density of 46.95 dwelling units per acre (du/ac). Located on the N. side of Coppermine Rd. approx. 250 ft. E. of its intersection with Centreville Rd. on approx. 3.12 ac. of land zoned PDH-16. Comp. Plan Rec: Mixed Uses. Tax Map 16-3 ((1)) 38D. HUNTER MILL DISTRICT. PUBLIC HEARING.

Nicholas Nunn, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated December 7, 2017.

There were no disclosures by Commission members.

Jay Rodenbeck, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of PCA 87-C-060-13 and FDPA 87-C-060-18-02.

When Commissioner Niedzielski-Eichner asked whether the modification of the age requirements to the existing elder care facility on the site would incur a significant traffic impact on the surrounding area, Mr. Rodenbeck said that staff had concluded that the modification would not incur such an impact. He added that the subject applications would not modify or expand the existing facility.

Commissioner Cortina expressed concern regarding the stormwater management provisions for the site and asked whether those provisions were consistent with the standards prescribed by the County. William Mayland, ZED, DPZ, explained that the proposal would not affect the stormwater runoff generated by the site, adding that the applicant's stormwater mitigation provisions had been implemented prior to the development of the surrounding areas that utilized other mitigation measures. He also echoed Mr. Rodenbeck's remarks, stating that the proposal would not significantly modify the existing facility on the site. He added that issues regarding stormwater management on the site would be addressed in the event that the facility was modified. A discussion ensued between Commissioner Cortina and Mr. Mayland, with input from Commissioner Ulfelder, regarding the existing stormwater management measures on the site, the subsequent measures that had been implemented throughout the area since the construction of the existing facility, and the standards for stormwater management that had been in place at the time when the facility was constructed.

Commissioner Carter requested that Chairman Murphy poll the audience to inquire whether there were any speakers in opposition to these applications. There being none, he requested that the applicant's presentation be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Carter for action on these cases.

(Start Verbatim Transcript)

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Commissioner Carter: Okay, I'm prepared to make a motion. We already did the request for the applicant to confirm the record. So, moving right to the motion, I move that the Planning Commissioner...

Chairman Murphy: No. No, you have to...

Commissioner Hart: Wait, wait, wait...he did that affidavit. He didn't do the development conditions.

Chairman Murphy: He did the affidavit. You have to bring him back up to reaffirm the...

Commissioner Carter: I request that the applicant confirm for the record, their agreement to the proposed development conditions dated December 26.

Chairman Murphy: You want to come up, please?

Nicholas Nunn, Applicant's Agent, McGuireWoods, LLP: Thank you. Again, my name is Nicholas Nunn. I'm counsel for the applicant and the applicant has read and agrees to the development conditions dated December 26, 2017.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING:

- APPROVAL OF PCA 87-C-060-13, TO AMEND THE PROFFERS FOR PCA 87-C-060-5 TO REVISE THE USE LISTED IN THE PROFFERS FOR HOUSING FOR THE ELDERLY TO AN INDEPENDENT LIVING FACILITIES AND REDUCE THE AGE OF RESIDENTS FROM 62 AND OLDER TO 55 AND OLDER, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT;
- SECONDLY, APPROVAL OF THE MODIFICATION TO PARAGRAPH 1 OF SECTION 9-306 OF THE ZONING ORDINANCE TO PERMIT A REDUCTION IN THE AGE LIMITATION OF OCCUPANTS FROM 62 YEARS AND OLDER TO 55 YEARS AND OLDER;

- I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 87-C-060-18-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 26, 2017, AND THE BOARD OF SUPERVISORS' APPROVAL OF PCA 87-C-060-13.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of those motions? All those in favor of the motions, as articulated by Mr. Carter, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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SE 2017-MV-025 – MY LITTLE ANGELS, LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to permit a child care center. Located at 8806 Pear Tree Village Ct., #B and #C, Alexandria, 22309 on approx. 3.91 ac. of land zoned C-8, CRD and HC. Tax Map 109-2 ((2)) 4, 4A, 19A and 110-1 ((17)) 19. MOUNT VERNON. PUBLIC HEARING.

Ahmed Abdul Razak, Applicant's Agent, Lessee and Title Owner Lessor, reaffirmed the affidavit dated December 7, 2017.

There were no disclosures by Commission members.

Jay Rodenbeck, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of SE 2017-MV-025.

When Commissioner Flanagan asked whether the revised development conditions dated January 8, 2018 had been distributed, William Mayland, ZED, DPZ, confirmed that the revised set had been distributed to the Commissioners prior to the public hearing. He added that the revisions involved minor modifications to Development Condition 3 that added the following text to the end of the condition: "Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance." (A copy of the revised set is in the date file.)

Commissioner Flanagan said that the Mount Vernon Council of Citizens Association (MVCCA) had submitted a resolution expressing support for the subject application, subject to the incorporation of additional environmental provisions that would remove impervious surfaces from the parking lot area, should it be utilized as the site for the outdoor play area. He then asked whether the applicant had agreed to such a modification. Mr. Mayland indicated that the development conditions did not address that issue, adding that if the applicant decided to utilize a segment of the parking lot for the play area, then that play area would be required to comply with the standards prescribed by the State of Virginia. He then stated that the applicant had expressed an intent to install a rubberized surface for the play area if it were installed at that location. Mr. Mayland noted that such a surface was not a pervious, but was consistent with the State of Virginia's standards for such areas. A discussion ensued between Commissioner Flanagan and Mr. Mayland regarding the ability of staff to require certain design features for the play area and the potential need for a special exception amendment (SEA) to install the play area on that portion of the parking lot in the event the location was utilized wherein Mr. Mayland indicated that staff could not articulate such requirements for the play area in the development conditions and a SEA would not be necessary to install that play area. (A copy of the MVCCA's letter is in the date file.)

Commissioner Sargeant pointed out that Development Condition Number 11 required that the Virginia Department of Social Services (DSS) approve the equipment for the outdoor play area for the proposed child care facility. He then asked whether the applicant would be required to seek a similar approval in the event that the outdoor play area for the facility were moved to another portion of the site. Mr. Rodenbeck confirmed that the applicant would be required to seek such an approval. A discussion ensued between Commissioner Sargeant and Mr. Mayland regarding the adequacy of the language for Development Condition Number 11 in ensuring that the applicant obtained a subsequent approval in such a scenario, the process DSS utilized for evaluating the outdoor play area, and the development condition affected that evaluation process wherein Mr. Mayland said that staff did not object to modifying the condition to articulate such a requirement and Commissioner Sargeant indicated that he favored clarifying the requirements delineated by the language of the condition prior to the Board of Supervisors' public hearing.

Commissioner Migliaccio expressed concern regarding the safety of the children utilizing the outdoor play area in the area located to the north of the facility, noting that area's proximity to Richmond Highway and an existing McDonald's restaurant. He also noted that utilizing the portion of the parking lot on site located to the west of the proposed child care facility was farther from such hazards. He then asked whether staff supported utilizing the parking lot location, subject to the pervious surface provisions recommended by the MVCC. Mr. Mayland explained that staff also had safety concerns regarding the parking lot location for the play area, pointing out the distance between the proposed child care facility and the location. He noted the presence of active parking areas between the play area and the facility, adding that installing the play area at the site to the north utilized established pedestrian paths with fewer potential safety hazards. A discussion ensued between Commissioner Migliaccio and Mr. Mayland regarding the feasibility of locating the outdoor play area on the site located to the north of the facility, the benefits of such a site, the standards for outdoor play areas that served commercial child care facilities, the methods for screening the play area from potential safety hazards, and the portion of the site that staff preferred for locating the play area wherein Mr. Mayland stated that the play

area would be enclosed in a fence and noted that staff did not object to modifying the development conditions to reflect a preferred location.

Commissioner Migliaccio stated that he favored locating the outdoor play area for the proposed child care facility on the western portion of the site because the northern portion was located too close to Richmond Highway.

Commissioner Hart pointed out the presence of a significant slope on the area of the parking lot that the applicant was considering for the outdoor play area. Mr. Rodenbeck confirmed the presence of such a slope. Commissioner Hart then asked whether there were tenants of the existing commercial development on the subject application that utilized a special exception, special permit, or a non-residential use permit that were dependent on the parking spaces in that area being considered for the play area. Mr. Mayland explained that staff had evaluated that issue and had concluded that the removal of the parking spaces on the western portion of the site to accommodate the play area would not affect the operation or parking viability for the commercial development, noting that the existing parking provisions for the site were greater than the minimum requirements prescribed by the Zoning Ordinance. A discussion ensued between Commissioner Hart and Mr. Mayland regarding the location for the outdoor play area that staff favored wherein Mr. Mayland indicated that staff favored locating the play area on the area to the north of the proposed child care facility, but did not object to locating it on the area to the west, provided the play area complied with the standards prescribed by DCC.

Commissioner Hart asked whether constructing the outdoor play area on the parking lot located to the west of the proposed child care facility would impact the stormwater management provisions on the site. He also requested additional information on the existing stormwater management features of the site and how such features might generate safety concerns for children utilizing the play area, citing other child care facilities that required additional fencing to prevent access to such features. Mr. Mayland deferred to the applicant for additional information on the existing stormwater management features on that portion of the site, but indicated that the applicant would be required to install fencing for such features.

Mr. Mayland addressed Commissioner Hart's concerns regarding the impact that reducing the amount of parking on the site to install the outdoor play area would incur on the existing commercial development, pointing out that the development's parking provisions would remain consistent with the standards prescribed by the Zoning Ordinance in the event those spaces were removed. Mr. Rodenbeck concurred with Mr. Mayland's statement, adding that the operation of the proposed child care facility required the usage of approximately 19 spaces. A discussion ensued between Commissioner Hart and Mr. Rodenbeck regarding the existing parking provisions on the site, the impact of removing parking spaces on the site to accommodate the outdoor play area, and the overall operation of the site in a scenario where those spaces were removed wherein Mr. Rodenbeck reiterated that the development would remain consistent with the appropriate parking standards in the event that the installation of the outdoor play area required the removal of certain parking spaces.

A discussion ensued between Commissioner Hart and Mr. Rodenbeck, with input from Mr. Mayland, regarding the instances in which play areas for child care facilities were located near stormwater management features, the safety concerns associated with locating play areas near

such features, the safety issues associated with the proposed child care center for transporting children to the play areas, and the fencing that would be required for the play areas wherein Mr. Rodenbeck and Mr. Mayland stated the following:

- The applicant would be required to install fences around the outdoor play areas, regardless of which location was utilized;
- The requirement to install fences around the outdoor play areas was reflected in the revised set of development conditions;
- The applicant would utilize strollers in transporting the children to the outdoor play areas; and
- The portion of the parking that the applicant was considering as a possible location for the play area was not subject to significant usage.

Commissioner Hurley aligned herself with remarks from Commissioner Migliaccio regarding the safety concerns associated with installing the outdoor play area on the portion of the site located to the north of the proposed child care facility, noting its proximity to Richmond Highway and an existing McDonald's restaurant. She also expressed concern regarding the effectiveness of utilizing strollers to transport the children to the play area. She then pointed out that other child care facilities utilized different methods for transporting children and suggested that the applicant consider such methods. Mr. Mayland indicated that the usage of strollers for transporting children had been suggested by the applicant and deferred to the applicant for considering other methods to address safety concerns. Commissioner Hurley then reiterated her support for locating the play area on the portion of the site to the west of the proposed child care center.

Commissioner Strandlie expressed concerns regarding the safety of the proposed surface for the outdoor play area, stating that she favored surfaces that did not utilize cement layers. She also suggested that the installation of safer surfaces for the play area be articulated in the development conditions.

Commissioner Niedzielski-Eichner aligned himself with Commissioners Hurley and Migliaccio, stating that he favored locating the outdoor play area on the location to the west of the proposed childcare facility.

Answering questions from Commissioner Ulfelder, Mr. Rodenbeck said the following:

- The outdoor play area for the proposed child care facility would be approximately 2,339 square feet in area; and
- The County required that there be approximately 100 square feet per child utilizing the play area.

Commissioner Ulfelder noted the number of trips that would be required by the staff of the proposed child care facility to transport children to the outdoor play area. He then expressed

concern regarding the effectiveness of the applicant's provisions to safely transport the children to those areas, echoing remarks from Commissioner Hurley on that issue. Commissioner Ulfelder added that the slope of the site created additional safety concerns for transporting children to the play areas.

Commissioner Flanagan stated the following:

- He did not support the applicant's existing designs for the outdoor play area for the proposed child care facility;
- He intended to defer the decision only for the subject application at the close of the public hearing to a date certain of January 18, 2018; and
- He did not support utilizing rubber over concrete surfaces for the outdoor play areas.

Commissioner Flanagan pointed out that existing stormwater management features of the site channeled the runoff along the curbs of the roads. He also noted the distance between Richmond Highway and the proposed location for the outdoor play area to the north of the proposed child care facility, adding that there was an existing fence between the site and the existing McDonald's restaurant. In addition, Commissioner Flanagan indicated that the installation of another commercial development to the north of the proposed play area that fronted along Richmond Highway was possible and such a development would not hinder the operation of the play area. He also noted the staff requirements for transporting children from the proposed facility to the outdoor play areas and asked for additional information regarding that issue. Mr. Mayland deferred to the applicant for such information.

Commissioner Cortina also expressed safety concerns for locating the outdoor play area in the portion of the site located to the north of the proposed child care facility, noting that areas located near Richmond Highway were subject to greater air pollution. She then expressed support for locating the play area at the portion of the site located to the west of the facility.

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

- The applicant was committed to utilizing appropriate safety provisions when transporting children from the proposed child care facility to the outdoor play areas;
- The applicant had evaluated the possibility of utilizing strollers that had breaks to address concerns regarding the slope of the area between the facility and the play areas;
- The strollers that the applicant intended to utilize for transporting the children to the outdoor play area included appropriate restraints to ensure safety;
- The applicant would install appropriate street markings providing warnings to vehicles to further improve the safety for the children attending the facility;

- The area of the existing parking lot that was being considered as a location for the outdoor play area was not subject to frequent usage;
- The applicant did not object to incorporating additional provisions to further improve the safety of the children being transported to the play areas, such as age-specific policies;
- The transportation of the children to the outdoor play area would involve at least three staff members from the proposed facility;
- The strollers the applicant had considered utilizing for transporting the children to the play areas had a capacity of four to six children;
- The distance to the site located to the west of the proposed child care facility that was being considered for the outdoor play area was less than the potential site to the north, but the area to the north utilized established pedestrian paths; and
- The applicant would coordinate with the owner of the existing commercial development to install a pedestrian path in the event that the location to the west of the facility was utilized for the outdoor play area.

Commissioner Sargeant requested that the applicant provide additional information regarding the licensing process for DCC during the deferral period to demonstrate the extent to which the process addressed the Commission's concerns for the proposal.

Commissioner Flanagan pointed out that the proposed child care facility would utilize four classrooms with each classroom containing a maximum of 20 children with one adult attendant per classroom. When he asked for additional information regarding the staffing provisions for the facility, Mr. Razak indicated that each classroom would utilize two adults with one teacher and one teaching assistant. He then stated that the facility would employ approximately eight adult attendants, but the number of attendants would fluctuate, depending on the number of students enrolled at the facility. A discussion ensued regarding the operation of the proposed child care facility, the child care experience of the primary operator of the facility, the process for ensuring sufficient staffing at the facility as more children were enrolled, and the process for transporting the children to the outdoor play areas wherein Mr. Razak said that there would be at least two adult attendants from the facility transporting the children to the play areas and Commissioner Flanagan requested that such procedures be incorporated into the development conditions during the deferral period.

Commissioner Hart expressed concern regarding the operation and staffing for the proposed child care facility, stating that the proposed staffing would not be sufficient to effectively transport the children to and from the outdoor play area. He then suggested that additional provisions for transporting the children be evaluated during the deferral period.

Commissioner Hurley pointed out that the State of Virginia required that a commercial child care facility employ one adult for every four children under the age of 16 months and one adult for every five children over that age. She then aligned herself with Commissioner Hart's concerns

regarding the adequacy of the staffing of the proposed facility. She also reiterated her concerns regarding the safety of the children being transported to the outdoor play areas. Mr. Razak said that he did not object to the incorporation of additional provisions to improve the safety of the children attending the facility, reiterating that the applicant was committed to ensuring such safety. In addition, he pointed out that the applicant's provisions for transporting children to the outdoor play areas were similar to those utilized by child care facilities in neighboring jurisdictions, such as the District of Columbia. Mr. Razak also stated that the applicant would evaluate additional safety provisions during the deferral period.

Commissioner Sargeant reiterated his request that the applicant provide the Commission with additional information on the licensing requirements by DCC to ensure that the concerns regarding staffing and operation that Commissioners had raised were addressed.

In reply to questions from Commissioner Sargeant. Mr. Rodenbeck and Mr. Razak stated the following:

- The existing McDonald's restaurant located to the north of the proposed child care facility utilized different ingress/egress than the one that would be utilized to access the facility; and
- The access to the site and the neighboring McDonald's restaurant utilized a traffic signal that permitted vehicles to make the necessary turn when entering and exiting the site.

Commissioner Sargeant acknowledged that the design and operation of the proposed child care facility provided benefits that were equal to or greater than similar facilities in the area. Mr. Razak also indicated that the applicant would coordinate with the owner of the existing commercial development on the site to address the Commission's concerns regarding the surfaces for the outdoor play area, noting that certain design features required approval from the owner.

When Commissioner Migliaccio asked whether staff had considered lowering the maximum capacity of the proposed child care center to address potential safety issues, Mr. Mayland said that such a provision had not been considered because staff's primary safety concerns related to the applicant's provisions for transporting the children to the outdoor play area safely.

When Commissioner Migliaccio asked whether staff had a preference for the two potential locations for the outdoor play area, Mr. Mayland indicated that staff had concluded that both locations were feasible. However, he noted that staff did not object to recommending that the location to the west of the proposed child care facility be utilized over the one to the north.

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

(Start Verbatim Transcript)

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Commissioner Flanagan: Thank you, Mr. Chairman. I think it's been a very good public hearing and I MOVE, NOW, TO DEFER THE DECISION ONLY FOR SE 2017-MV-25 TO A DATE CERTAIN OF JANUARY 18, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2017-MV-025 to a date certain of January 18th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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PCA 2002-HM-043-03/CDPA 2002-HM-043-02/FDPA 2002-HM-043-05 – ARROWBROOK CENTRE, LLC (Dranesville District)
– Appls. to amend the proffers, conceptual development plan and final development plan for RZ 2002-HM-043, previously approved for mixed-use development to permit site modifications and associated modifications to proffers and site design at a density of 31.95 dwelling units per acre (du/ac). Located on the W. side of Centreville Rd., N. of Arrowbrook Dr., S. of the Dulles Airport Access Rd., on approx. 7.20 ac. of land zoned PDC. Comp. Plan Rec: mixed use. Tax Map 16-3((20)) 1, 2 (pt.), 6 (pt.), 7 (pt.) and 10 (pt.). (Concurrent with FDPA 2002-HM-043-04).
DRANESVILLE DISTRICT. PUBLIC HEARING.

FDPA 2002-HM-043-04 – ARROWBROOK CENTRE, LLC (Dranesville District) – Appl. to amend the final development plan for RZ 2002-HM-043 to permit site modifications and associated changes to development conditions. Located on the W. side of Centreville Rd., N. of Arrowbrook Dr., S. of the Dulles Airport Access Rd., on approx. 3.04 ac. of land zoned PDC. Comp. Plan Rec: mixed use. Tax Map 16-3((20)) 2 (pt.), 4 (pt.), 7 (pt.) and 16-3 ((20)) (1) D (pt.). (Concurrent with PCA 2002-HM-043, CDPA 2002-HM-043-02 and FDPA 2002-HM-043-05). DRANESVILLE DISTRICT. PUBLIC HEARING.

John McGranahan, Jr., Applicant's Agent, Hunton & Williams, LLP, reaffirmed the affidavit dated January 2, 2018.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of PCA 2002-HM-043-03, CDPA 2002-HM-043-02, FDPA 2002-HM-043-04, and FDPA 2002-HM-043-05.

Commissioner Ulfelder indicated that the subject applications did not significantly modify the provisions articulated in the previously-approved rezoning, final development plan, special exception, and proffered condition amendment applications for the site.

Commissioner Ulfelder pointed out the location of the off-site trail that ran along the Dulles Toll Road and noted that the applicant would construct a portion of that trail if the necessary approvals from the County and the Metropolitan Washington Airports Authority (MWAA) were obtained. He added that upon completion, the trail would connect to the planned Innovation Station Metrorail Station. He then asked for additional information regarding the status of those approvals. Ms. Williams indicated that the applicant was coordinating with MWAA and the Fairfax County Department of Transportation (FDOT) to obtain those approvals, but negotiations had not been completed. Commissioner Ulfelder then noted the importance of the trail.

Commissioner Ulfelder also pointed out that there were multiple off-site trail locations depicted in the subject application, one of which ran along Fairfield Ridge Avenue. A discussion ensued between Commissioner Ulfelder and Ms. Williams regarding those trail locations wherein Ms. Williams clarified that one of the trails was an interim trail, which was intended to ensure that the applicant had sufficient flexibility in connecting the trail with the planned Innovation Station Metrorail Station in the event that the necessary permits were not obtained.

Referring to Appendix 9 of the staff report, which contained a memorandum dated December 4, 2017 that articulated FCDOT's assessment of the applicant's request for a parking reduction for the proposed development, Commissioner Ulfelder asked for additional information regarding the criteria for warranting a parking space utilization study. John Matusik, Site Code Research and Development Branch, Land Development Services, explained that such a study would be triggered in the event that a complaint was received by the County that revealed an off-site impact generated by the applicant's parking provisions. A discussion ensued between Commissioner Ulfelder and Mr. Matusik regarding the scenarios in which an issue might arise with the applicant's parking provisions, that would warrant a parking space utilization study, and the applicant's recourse in addressing issues involving inadequate parking at the site wherein Mr. Matusik indicated that staff would coordinate with the applicant to determine appropriate measures.

Replying to questions from Commissioner Ulfelder, Ms. Williams confirmed that the modifications articulated in the subject applications were reaffirmations of those cited in previously-approved applications. She also concurred that the issue pertaining to the requested

parking reduction was a matter separate from those modifications, adding that staff had anticipated the applicant's request for a parking reduction and the proffers of previously-approved applications included language that permitted such a request. In addition, Ms. Williams stated that the parking request reduction was still subject to approval by the Board of Supervisors.

Commissioner Ulfelder said that the Commission had received a letter from the Director of Community Development from the Town of Herndon, which encouraged the County to evaluate the proposal within the context of potential long-term impacts on other planned developments along the Centreville Road Corridor. When he asked whether those impacts had been considered during staff's review of the previously-approved applications for the site, Ms. Williams indicated that such impacts had been considered. A discussion ensued between Commissioner Ulfelder and Ms. Williams regarding the proposal's impact on the local school system, the number of residential units that would be included with the proposed development, and the growing demand for indoor recreational facilities in the Centreville area wherein Ms. Williams noted that the overall number of residential units would be decreased under the subject applications and the expansion of indoor recreation facilities in the area was beyond the scope of the proposal. (A copy of the letter is in the date file.)

Commissioner Hart pointed out that while the Commission frequently reaffirmed previously-approved waivers and modifications associated with proffered condition amendment applications, further revisions were permitted with subsequent applications. He then expressed concern regarding the applicant's request for a waiver to the loading space requirements, stating that the number of spaces the applicant had requested would be inadequate. Commissioner Hart noted that the growing need for such spaces would be necessary due to changing economic trends. He said that without the waiver, approximately 40 loading spaces would be required and the applicant had requested 9 loading spaces with 2 of those spaces being reserved for the residential units. He then suggested further evaluation of the applicant's loading space provisions to ensure that the number of spaces was sufficient and that the lack of such spaces did not negatively impact the quality of life for the residents.

Addressing Commissioner Hart's concerns regarding the sufficiency of the applicant's loading space requirements, Commissioner Ulfelder noted that there was a substantial difference between the loading spaces for residential development compared to those of commercial development. He noted that those spaces were utilized by various delivery vehicles and described the process that those vehicles would utilize for making deliveries at the site. However, he acknowledged the economic trends that Commissioner Hart had cited regarding the increased usage of delivery services due to changing economic conditions.

Commissioner Cortina asked whether the stormwater management provisions for the proposed development would be sufficient in lieu of the existing stormwater pond on the site being reconstructed under the proposal. Ms. Williams stated that staff had evaluated the reconstruction of the pond and no issues had been raised. She also said that the reconstructed stormwater management pond would remain consistent with the appropriate standards prescribed by the County. In addition, she noted that the final design of the pond would be subject to approval by

staff at the time of site plan review. Commissioner Cortina suggested that further evaluation of the effectiveness of the reconstructed pond be conducted at that time.

Commissioner Ulfelder pointed out that the reconstruction of the existing stormwater management pond on the site was necessary due to the planned construction of a bridge to expand the road network within the site. He also indicated that the reconstruction of the pond was required to accommodate the redevelopment of the surrounding area.

When Commissioner Flanagan asked for additional information regarding the process for verifying the applicant's commitment to remove a certain amount of phosphorous from the water on the site, Ms. Williams stated that the extent of the reduction was evaluated and confirmed at the time of site plan review. A discussion ensued between Commissioner Flanagan and Ms. Williams regarding the testing procedures for measuring phosphorous in the water, the extent to which those procedures had been utilized at other sites, and the ability of staff to measure phosphorous from the stormwater management features that were utilized at the site.

Addressing Commissioner Flanagan's concerns regarding the ability of staff to measure the phosphorous in the water on the subject property, Commissioner Ulfelder explained that the process was contingent on the installation and utilization of various techniques that had been determined to demonstrate a significant reduction of phosphorous over time. He added that other aspects of the process included inspections to verify that reduction measures proffered by the applicant were installed and functioning adequately.

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

- The applicant had provided approximately 17 acres and \$10 million in active and passive park facilities in 2010, which had been proffered with the previously-approved applications for the subject property;
- The park facilities that the applicant had been previously provided by the applicant was in operation prior to the submission of the subject applications;
- The existing condition of the site consisted primarily of vacant land, which had been subdivided into multiple land bays in the previously-approved applications for the site;
- The subject applications would permit a reconfiguration of the proposed commercial building that had been previously approved for Land Bay D that included an extension of the maximum building height from 65 feet to 85 feet;
- The proposed development would include two office developments that would front along the Dulles Toll Road;
- The proposed development would utilize an interim parking lot, which was permitted by the proffers from the previously-approved applications for the site;

- The subject applications included a configuration of the interim parking lot, which would be subsequently modified from surface parking to parking decks;
- The subject applications included provisions for trail connections to the planned trail network that would connect with the Innovation Station Metrorail Station;
- The applicant had been coordinating with the County and MWAA to obtain the necessary permits to construct the planned trail connections, but the proposal included an alternate trail that would be installed in the event that the permits were not obtained;
- The proposed development included multifamily residential building on Land Bay D2;
- The interim parking lot that would be constructed in conjunction with the proposed development included a landscape buffer and the designs for that buffer was depicted in the subject applications;
- The proposal included designs for a reconfigured entrance to Land Bay D2;
- The concurrent final development plan amendment included with the subject applications depicted a redesign of the multifamily residential building, which would reconfigured into three separate buildings that would contain approximately 96 dwelling units; and
- The designs for the multifamily residential buildings for the proposed development were consistent with similar developments within the County.

Addressing the concerns raised in the letter from the Town of Herndon, Mr. McGranahan stated that the proposed development would include private recreation amenities, which mitigated the impact of the development on existing recreation facilities throughout the area. He also addressed concerns from Commissioner Hart regarding the loading space waiver, echoing remarks from Commissioner Ulfelder regarding the different function of loading spaces for residential development compared to commercial development. Mr. McGranahan added that the proposal included provisions that permitted the sharing of loading spaces. In addition, he pointed out that the waiver for the loading space requirement had been included in the previously-approved applications for the site. He also indicated that other developments had functioned effectively with fewer loading spaces than the number prescribed by the Zoning Ordinance. Mr. McGranahan addressed Commissioner Cortina's concern regarding the stormwater management pond that would be reconstructed in conjunction with the proposed development, noting that the County owned the pond, but the applicant would provide the necessary maintenance. He then stated that the applicant had committed to preserving the function of the pond, adding that the applicant was included in a private agreement with the Fairfax County Park Authority to ensure the continued operation of the pond.

Commissioner Ulfelder pointed out that Proffer Number 54B, Off-Site DTR Trail, shown in Appendix 1 of the staff report established June 30, 2019 as the deadline for obtaining the necessary permits from the County and MWAA to construct the planned trail connection to the

Innovation Station Metrorail Station. He then asked for additional information regarding the applicant's recourse in the event that the permits were not obtained by that date. Mr. McGranahan explained that there was language in Proffer Number 54B that permitted an extension to the deadline by the Zoning Administrator in the event that additional time was necessary to finalize an agreement, but noted that the applicant would be required to demonstrate that such an agreement was pending. A discussion ensued between Commissioner Ulfelder and Mr. McGranahan regarding the preferred design for the trail and the ability of applicant to install that trail at a later date in the event that the alternative design was constructed wherein Mr. McGranahan concurred that the preferred design for the trail was one that ran along the Dulles Toll Road.

Commissioner Ulfelder pointed out that staff from M.J. Wells & Associates, Inc. had conducted a study on the requested parking reduction for the proposed development, which concluded that the removal of up to 101 spaces for the site was warranted. He then described how the site's proximity to a planned Metrorail station impacted the parking and traffic patterns around the development. He also asked for additional information on the study and the means by which the conclusions had been determined. Mr. McGranahan deferred to Kevin Fellin, Transportation Engineer for the Applicant, M.J. Wells & Associates, Inc., who explained the following:

- The study by M.J. Wells & Associates, Inc. had been conducted in June 2017;
- The study analyzed the parking rates of transit station areas (TSA);
- The subject property was located within a TSA;
- The transportation analysts from M.J. Wells & Associates, Inc. coordinated with staff to determine the appropriate parking requirements for a development on the scale depicted in the proposal for a TSA;
- The study determined the parking requirements for the proposed development by utilizing standards consistent with the unit types for the residential buildings;
- The applicant's parking provisions were consistent with the standards of those various unit types for the residential development;
- The applicant's request for a parking reduction had been instigated by a determination that fewer parking spaces were necessary for the low-occupancy residential unit types and the study concurred with that determination;
- The request for a parking reduction had also been instigated by a determination that the restaurant portion of the proposed development would not require the amount of parking prescribed by the Zoning Ordinance and the study concurred with that assessment;
- The applicant's parking provisions under the requested parking reduction would remain consistent with the existing standards articulated in the Zoning Ordinance and the revised

standards that were being considered for a pending Zoning Ordinance Amendment that was scheduled for a public hearing by the Commission in January 2018; and

- The study evaluated the parking provisions for the proposed development within the context of a TSA and a mixed-use development that included community-serving commercial development.

Commissioner Hurley asked for additional information regarding the instances that would trigger a parking review and the recourse for the applicant in the event that the County determined that the parking provisions for the proposed development was inadequate. Mr. McGranahan explained that the applicant would coordinate with staff to determine appropriate measures in such a scenario, adding that such measures could include the installation of additional parking spaces. He also indicated that the parking garages that would serve the residential and commercial buildings could be modified to provide such spaces.

Commissioner Hurley suggested that the proposed development reserve certain areas for deliveries that were independent of the operation of the loading spaces or adopt provisions that facilitated such deliveries. A discussion ensued between Commissioner Hurley and Mr. McGranahan regarding the economic trends associated with deliveries, the need to modify provisions to accommodate such trends, and the mechanisms for addressing those trends.

Responding to questions from Commissioner Niedzielski-Eichner, Mr. McGranahan said that the planned off-site trail would be approximately a half-mile from the planned Innovation Station Metrorail Station and would be located along the Dulles Toll Road, subject to the applicant obtaining the necessary approvals by the County and MWAA. He also indicated that the existing condition along the Dulles Toll Road did not contain any trail connections. A discussion ensued between Commissioner Niedzielski-Eichner and Jeffrey Fairfield, A Professional Corporation, Attorney for Title Owner, regarding the existing condition of the area along the Dulles Toll Road, the extent that trail connections had been established throughout the area, and the efforts of the applicant to coordinate with the necessary parties to obtain the permits for the trail connections wherein Mr. Fairfield stated the following:

- The portion of the trail that would run along the frontage of the proposed development had not been installed;
- The existing area around the site included a pedestrian aisle that ran under the Dulles Toll Road and ran along Elden Street;
- The planned trail that the applicant had committed to installing would connect the existing pedestrian aisle, which would subsequently connect with other segments of the trail that led to the planned Innovation Station Metrorail Station;
- The construction of the overall trail network would utilize a public/private partnership to install the necessary segments of that network;

- The applicant intended to request the necessary easements for the off-site trail from MWAA within the first quarter of 2018; and
- The applicant had coordinated with MWAA to finalize the design for the portion of the trail that would be constructed.

In reply to questions from Commissioner Niedzielski-Eichner, Mr. Fairfield stated that the final design for the off-site trail would connect with portions that ran along Sunrise Valley Drive. He also clarified that the applicant's commitment to construct a portion of the off-site trail had been included in the previously-approved applications for the site, but the subject applications contained additional provisions to ensure that the trail would be built in the event that the necessary permits from MWAA and the County were not obtained. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Fairfield regarding the County's commitments to installing the segments of the planned trail network that would eventually connect with the Innovation Station Metrorail Station, the extent to which County's commitment had been articulated throughout the course of the coordination efforts with the applicant, and the location of the trail in relation to the subject property wherein Mr. Fairfield confirmed that the applicant's obligation to construct a trail did not extend beyond the boundaries of the subject property.

Commissioner Sargeant pointed out that the designs for the proposed development depicted in the staff report would reduce the traffic impact of the development depicted in the previously-approved applications. He then asked for additional information regarding the interim conditions of the proposed development and the applicant's ability to manage those conditions prior to the implementation of the ultimate condition for the development. Mr. McGranahan stated that the subject applications did not request an increase in the number of dwelling units that had been articulated in the previously-approved applications for the site. He then explained that the proposal included flexibility in locating the dwelling units to facilitate the transition from the interim condition to the final condition, adding that an increase in the maximum number of dwelling units would be subject to approval by the Planning Commission and the Board of Supervisors. A discussion ensued between Commissioner Sargeant and Mr. McGranahan regarding the possibility of modifying the applicant's transportation demand management (TDM) plan for the proposed development wherein Mr. McGranahan indicated that the provisions for the applicant's TDM that had been articulated in the previously-approved applications for the site would not be modified by the subject applications and the applicant was responsible for abiding by those provisions.

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

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. I don't think there are any show-stoppers here, but I think there are a few things that need to be addressed a little bit further. And in working with staff earlier this evening before we started our meeting, there's some nits and gnats, also, within some of the language here and we're – and we're going to have a nice, long motion when it's time. But for this evening, I think I'm going to defer. So with that – will defer decision for a week – there is a Board date of January 23rd, so I would ask the "snow god" to avoid doing anything on next Thursday and make this motion. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 2002-HM-043-03, CDPA 2002-HM-043-02, FDPA 2002-HM-043-05, AND FDPA 2002-HM-043-04 TO A DATE CERTAIN OF JANUARY 18TH, 2018, WITH THE RECORD REMAINING OPEN FOR FURTHER WRITTEN COMMENTS.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer the applications, as articulated by Mr. Ulfelder, to a date certain of January 18th, with the record remaining open for comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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The Commission went into recess at 10:00 p.m. and reconvened in the Board Auditorium at 10:20 p.m.

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RZ 2017-SU-025 – JSF MANAGEMENT, LLC – Appl. to rezone from C-7, WS, SC and HC to C-8, WS, SC, and HC to permit mini-warehousing with an overall Floor Area Ratio (FAR) of 0.70. Located in the S.W. quadrant of the intersection of Sully Rd. and Lee Hwy. on approx. 3.42 ac. of land. Comp. Plan Rec: Mixed use. Tax Map 54-4 ((1)) 72A and 72B. (Concurrent with SE 2017-SU-022). SULLY DISTRICT. PUBLIC HEARING.

SE 2017-SU-022 – JSF MANAGEMENT, LLC – Appl. under Sects. 4-804 and 9-618 of the Zoning Ordinance to permit mini-warehousing and an increase in Floor Area Ratio (FAR) to 0.70. Located in the S.W. quadrant of the intersection of Sully Rd. and Lee Hwy. on approx. 3.42 ac. of land zoned C-8, WS, SC and HC.

Tax Map 54-4 ((1)) 72A and 72B. (Concurrent with RZ 2017-SU-025). SULLY DISTRICT. PUBLIC HEARING.

Molly Novotny, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated November 2, 2017.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of RZ 2017-SU-025 and SE 2017-SU-022.

Commissioner Hart said that staff had concluded that the expected traffic impact of the proposed mini-warehousing facility was not sufficient to trigger a contribution to the Centreville Road Fund. Ms. Williams concurred with that statement, explaining that staff had utilized the previously-approved guidelines for the Fairfax Center Area when determining the need for such a contribution. She added that those guidelines required such a contribution if the peak-hour vehicle trips generated by the proposed development exceeded that of the existing development. Ms. Williams then indicated that the traffic generated by the proposed facility would not exceed that of a by-right development of the site, which was zoned C-7.

Commissioner Hart pointed out the relationship between Proffer Number 3, Proposed Development, and Proffer Number 20, Centreville Developer Contributions to Fund 30040, in Appendix 1 of the staff report, stating that the applicant was required to contribute to the Centreville Road Fund in the event the site was developed for a use other than the proposed mini-warehousing facility. Ms. Williams concurred with that statement. A discussion ensued between Commissioner Hart and Ms. Williams regarding the potential for developing the site with other uses and the potential such developing would require a contribution to the Centreville Road Fund wherein Ms. Williams reiterated that the applicant would be required to make a contribution to the Centreville Road Fund in the event that the site was redeveloped with a use other than the proposed mini-warehouse facility, as articulated by Proffer Number 20.

When Commissioner Hart asked whether developing the site with uses other than the proposed mini-warehouse facility would be subject to a special permit or special exception, Ms. Williams confirmed that such approvals would be required. A discussion ensued between Commissioner Hart and Ms. Williams regarding the possibility that by-right uses under a C-8 zoning could be precluded within the proffers wherein Ms. Williams confirmed that the issue of precluding certain by-right uses was still being discussed with the applicant.

Commissioner Niedzielski-Eichner pointed out that there were no formal guidelines for Centreville Road Fund, but the applicant had utilized those prescribed by the Fairfax Center Area. He then asked for additional information on those guidelines. Michael Davis, Fairfax County Department of Transportation (FCDOT), explained that the Centreville Road Fund had been approved in conjunction with a Comprehensive Plan Amendment during the 1980s and there were no formal guidelines for that fund included in the amendment. He then indicated that the provisions articulated within the Fairfax Center Area Fund as the primary guideline for the

Centreville Road Fund. Mr. Davis added that there were ongoing efforts by FCDOT to create a formal set of guidelines for the Centreville Road Fund by the end of 2018.

Ms. Novotny said that the applicant concurred with staff's recommendations. She also indicated that the applicant had coordinated with staff to address the issues raised by Commissioner Hart regarding the Centreville Road Fund and the prohibition of certain by-right uses within the proffers. She added that such coordination would continue to determine the by-right C-8 uses that would be precluded for the site.

Commissioner Hart commended the applicant for coordinating with staff to address concerns regarding by-right uses in a C-8 District on the subject property. He also commanded staff for addressing concerns regarding the Phase 2 archeological study that would be conducted on the site prior to the installation of the mini-warehouse facility. Ms. Novotny indicated that a Phase 1 archeological study had been conducted on the subject property, but a Phase 2 study was necessary because certain portions of the site had not been accessible by the previous study. She also stated that the applicant would continue coordinating with staff to address the issue. Commissioner Hart pointed out that the subject property was located near another site in which graves had been uncovered and the purpose of the archeological study was to determine that there were no such features prior to construction.

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

(Start Verbatim Transcript)

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Commissioner Hart: Thank you, Mr. Chairman. We, I think, need a few more days to finalize the wording of number 3, but I think we're in the home stretch. I, therefore, MOVE, MR. CHAIRMAN, THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR BOTH RZ 2017-SU-025 to a date certain – excuse me, 2017-SU-25 AND SE 2017-SU-022 TO A DATE CERTAIN OF JANUARY 18, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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 the decision only on RZ 2017-SU-025 and SE 2017-SU-022 to a date certain of January 18th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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PA 2015-IV-MV5 – COMPREHENSIVE PLAN AMENDMENT
(HUNTINGTON TRANSIT STATION AREA, LAND UNIT G
pt.) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 4.21 ac. generally located on the north side of Huntington Avenue at Telegraph Road [NE quadrant of intersection]; Tax Map Parcels 83-1 ((1)) 33 (2560 Huntington Ave), 83-1 ((1)) 45 (2600 Huntington Ave) and 83-1 ((1)) 45a (No address assigned), in the Mount Vernon Supervisor District. The area is planned for office use up to 0.30 FAR. The amendment will consider residential and/or office and hotel mixed-use up to 3.0 FAR and possible expansion of Transit Development Area. Recommendations relating to the transportation network may also be modified.
MOUNT VERNON DISTRICT. PUBLIC HEARING.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of proposed Comprehensive Plan Amendment PA 2015-IV-MV5.

Commissioner Flanagan pointed out that staff had recommended utilizing gross floor area (GFA) as the primary guideline for redevelopment of the subject property instead of floor area ratio (FAR). When he asked for additional information regarding staff's preference for using GFA, Mr. Lynskey explained that staff favored GFA because such a measure provided greater flexibility in encouraging consolidation of the various lots throughout the subject property. Commissioner Flanagan also pointed out that the surrounding Huntington community, the Mount Vernon Council of Citizens Association's (MVCCA) land use committee, and the Southeast Fairfax Development Corporation had preferred utilizing both GFA and FAR in the recommendations. He then indicated that he intended to utilize both measures in his motion for the proposed amendment. A discussion ensued between Commissioner Flanagan and Mr. Lynskey regarding the issues associated with utilizing FAR in the proposed Plan text, the details of the MVCCA's recommendations, and the extent to which those recommendations applied to specific parcels on the site wherein Commissioner Flanagan indicated that he intended to utilize gross floor area and FAR in his motion, noting that the FAR recommendations would depend on the amount of consolidation that occurred on the site.

Referring to a letter from Kimberly Larkin that had been submitted to the Commission prior to the public hearing, Commissioner Niedzielski-Eichner stated that concerns had been expressed regarding the impact that increasing the FAR on the subject property would incur on the sanitary sewer system in the surrounding area. Mr. Lynskey indicated that issues regarding the sanitary sewer system in the area were beyond the scope of the proposed amendment, noting that the

stormwater runoff generated by the site drained into Cameron Run. (A copy of Ms. Larkin's letter is in the date file.)

A discussion ensued between Commissioner Sargeant and Mr. Lynskey regarding the location of levies near the subject property, the extent to which the levy system mitigated flooding concerns in the area, the improvements to the levy system that had been implemented after major flood events, and the impact of levy construction on the site wherein Mr. Lynskey said the following:

- The existing levy system was located to the east of the site and fronted along Cameron Run;
- The area along Cameron Run would be subject to additional flood mitigation efforts, but those efforts were associated with other projects;
- The existing development on the site utilized significant amounts of impervious surfaces and a redevelopment of the site would remove portions of those surfaces, which would mitigate flooding; and
- The proposed amendment discouraged development within the existing flood plain on the site.

Answering questions from Commissioner Sargeant, Mr. Lynskey confirmed that Parcel 33 on the subject property had been developed with an automotive repair facility. He indicated that the owner of that facility had not expressed interest in selling the property or consolidating with the rest of the site for redevelopment. He also stated that staff supported consolidating Parcel 33 with the subject property and utilizing the majority of that parcel for open space and revegetation. In addition, Mr. Lynskey said that the extent to which Plan language could influence the owner of Parcel 33 was limited and such language would only be applicable in the event that the owner redeveloped the parcel. He added that there was an alternative redevelopment plan for the subject property that did not depend on full consolidation of the site, but staff still favored including incentives to promote such consolidation, noting the limited development options for Parcel 33.

Referring to the letter submitted by the MVCCA prior to the public hearing, Commissioner Cortina pointed out that while the majority of the concerns had been addressed, the issue regarding the daylighting of a stream and the preservation of existing meadows on the western portion of the property remained unresolved. She then asked for additional information regarding the status of those issues. Mr. Lynskey explained that the stream referenced by the letter was not a stream, stating that it was a stormwater pipe that ran between Parcels 45 and 33. He then said that in the absence of such a stream, no daylighting was necessary. He also indicated that the amount of meadow on the site was not significant to warrant preservation. (A copy of the MVCCA's letter is in the date file.)

Commissioner Carter asked for additional information on how a redevelopment of the site would address outstanding capacity issues with the local school system, pointing out that the high

school in the area was beyond capacity. He also expressed concern regarding the adequacy of the recreation contributions that would be included with a redevelopment of the site, noting that the proposed amendment did not designate particular areas for recreational amenities.

A discussion ensued between Commissioner Carter and Mr. Lynskey regarding the extent to which a redevelopment of the site would be subject to modifications to proffer laws that had been passed by the State of Virginia wherein Mr. Lynskey indicated that such a redevelopment would be exempt from the proffer laws.

Addressing Commissioner Carter's concerns regarding the adequacy of the recreational amenities that would be included with a redevelopment of the site, Mr. Lynskey explained that such a redevelopment would have to comply with the urban park standards, which would be partially met with the presence of the resource protection area and the existing recreational trail that ran along Cameron Run.

Addressing Commissioner Carter's concerns regarding the impact that a redevelopment of the site would incur on the local school system, Meghan Van Dam, Planning Division, DPZ, indicated that issues relating to school capacity would be addressed at the time of rezoning, noting that such measures included contributions to off-set the impact of a redevelopment of the site. In addition, she said that Fairfax County Public Schools would monitor the impact of such a redevelopment to determine an appropriate recourse for addressing capacity issues. Commissioner Carter reiterated his concerns regarding the impact that a redevelopment of the site would incur on the local school systems, stating that he favored more proactive measures to address the existing capacity issues at the schools.

Commissioner Niedzielski-Eichner concurred with Commissioner Carter's concerns regarding the impact that a redevelopment on the site would incur on the local school system, but noted that there were multiple methods for addressing that issue, such as the installation of temporary facilities at existing school sites, the renovation of existing facilities through the County's Capital Improvement Program, or the reconfiguration of existing school boundaries. However, he indicated that implementing such methods were beyond the purview of the proposed amendment. A discussion ensued between Commissioner Carter and Commissioner Niedzielski-Eichner regarding the need to address capacity issues at the local school systems and the mechanisms for addressing such issues.

Referring to the letter submitted by Ms. Larkin, Commissioner Flanagan said that he had coordinated with Ms. Larkin and the Department of Public Works and Environmental Services on the issues she had raised. A discussion ensued between Commissioner Flanagan and Mr. Lynskey regarding the function of the stormwater management features on the site, the operation of the wastewater management system on the site, and the extent to which both systems affected one another wherein Mr. Lynskey indicated that the stormwater management system was separate from wastewater management system.

Commissioner Flanagan pointed out that portion of the site that had been subject to frequent flooding, noting that there was no levy in that area to mitigate such flooding. He then said that subsequent modifications to the levy system along Cameron Run would affect those areas and

some areas might be more prone to flooding. Mr. Lynskey concurred with that statement. A discussion ensued between Commissioner Flanagan and Mr. Lynskey regarding the lots that were most vulnerable to flooding and the impact that those concerns would incur on efforts to consolidate the site wherein Commissioner Flanagan noted the benefits of consolidating the site to address flooding concerns.

A discussion ensued between Commissioner Flanagan and Commissioner Niedzielski-Eichner, with input from Commissioner Hart, regarding the instances in which water from a stormwater management system mixed with water from a wastewater management system, the impact of flooding on those systems, the measures for ensuring that water from each system did not mix, and the previous flooding events that had occurred in the Huntington area wherein Commissioner Flanagan indicated that concerns about stormwater management and wastewater management could be addressed when the site was redevelopment.

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

Lynne Strobel, 2200 Clarendon Blvd, Suite 1300, Arlington, representing Walsh, Colucci, Lubeley & Walsh, PC, stated that she spoke on behalf of the owner of Parcel 33 on the site, which was zoned as an I-5 District and developed with an existing five-story office building at an FAR of 0.63. She also pointed that the existing Comprehensive Plan text recommended redeveloping the site at an FAR of 0.3 and the existing development on the site significantly exceeded that density. Ms. Strobel described the existing condition of the site, which included a significant amount of impervious surface. She then indicated that the owner of Parcel 33 had expressed interest in redeveloping the site in a manner that improved the environmental conditions of the site. Ms. Strobel stated that the owner had coordinated with the Mount District Supervisor's office to pursue the proposed amendment. She also pointed out that the proposed amendment had the support of the MVCCA, the Southeast Fairfax Development Corporation, and the Huntington Community Association. However, she noted that the language recommended by staff was different from that recommended by the community. Ms. Strobel indicated that the language favored by the community provided additional incentives to consolidate the site and that language had been forwarded to Commissioner Flanagan. In addition, she acknowledged the concerns raised by the Commission regarding environmental issues and the impact the redevelopment would incur on the local school system, stating that such issues would be addressed at the time of rezoning. Ms. Strobel said that a redevelopment would improve the environmental conditions of the site, but noted that the owner of the existing automotive repair facility on Parcel 45 had not expressed an interest in consolidating the site.

In response to questions from Commissioner Flanagan, Ms. Strobel confirmed that permitting a potential FAR of 3.0 on the site within the proposed Plan text would provide incentives to the various property owners to consolidate. She also concurred that the revised language that had been included in the proposed amendment would facilitate negotiations for consolidating the site.

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

(Start Verbatim Transcript)

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Commissioner Flanagan: Thank you, Mr. Chairman. I intend to recommend approval of the recommendations included in the published staff report for the amendment with some modifications to the recommended text that was – has been supported, as you have heard, you know, by the Southeast Fairfax Development Corporation and the...the land use committee of the Mount Vernon Council and the adjacent – the surrounding Huntington Community. The proposed modifications have been distributed to you on a separate handout dated January 11, 2017, so you should have all that. The staff recommendation in this case supports expansion of the Huntington Transit Development Area to include Parcel 33 of the subject area and includes an option for mixed-use redevelopment on Parcel 33, but would have that option conditioned on full consolidation with lots – with Parcels 45 and 45A. The owner of Parcel 33 has voiced concerns that such a condition may threaten the ability of that parcel to be redeveloped if consolidation is not achievable. The modified language tonight would support redevelopment up to 3.0 FAR, or approximately 275,000 gross square feet, on Parcel 33 with full consolidation, but also provides an alternative for Parcel 33 to redevelop without full consolidation. This alternative would be limited to a lesser maximum intensity of 2.6 FAR on that parcel or approximately 240,000 gross square feet. This tiered intensity approach would allow the property owner to potentially move forward with redevelopment, even if consolidation cannot be achieved, but still provides an economic incentive for both property owners to fully consolidate by offering a higher potential development intensity in that case. The other modification of the staff recommendation replaces proposed stormwater management recommendations for the site with text that more closely replicates recommendations included in the Plan text for Land Unit I and other sites within Huntington – the Huntington TSA and that includes the upcoming application for Land Unit I. I concur with the modified staff recommendations, as does the property owner, Mount Vernon Planning and Zoning Committee and the Mount Vernon District Council. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE STAFF RECOMMENDATIONS PRESENTED ON PAGES 16 TO 26 OF THE STAFF REPORT FOR PLAN AMENDMENT 2015-IV-MV5, DATED NOVEMBER 6, 2017, AS MODIFIED ON MY HANDOUT DATED JANUARY 11, 2017, WHICH SHALL BE INCLUDED IN THE RECORD OF THE CASE.

Commissioners Migliaccio and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Migliaccio. Discussion of the motion? Ms. Hurley.

Commissioner Hurley: We're back to the problem of the word "should." It occurs at least four times. Do you mean "should" – that you – it is recommended that they do that? Or do you mean "must"? If you mean "must", we should use the word "must" and not "should."

Commissioner Flanagan: I think in the Plan, we can only recommend.

Commissioner Hurley: Then say, "is recommended that" this happen.

Commissioner Flanagan: Yeah.

Commissioner Hurley: I'm just trying to avoid the word "should."

Commissioner Flanagan: Oh, in the motion itself?

Commissioner Hurley: Yeah, in your modified words, just avoid the word "should" by rewording it to say, "it is recommended that" this applicant – instead of, "it should happen." Because the word "should" gets us into trouble. You're saying the same thing. We're just avoiding...

Chairman Murphy: Well, let me...Ms. Van Dam, is that what we're doing now with Plan Amendments? I know it's Zoning Ordinances...

Meghan Van Dam, Planning Division, Department of Planning and Zoning (DPZ): We...we typically try to avoid the word "shall." Should is associated with a recommendation so it should be fine.

Chairman Murphy: It...should, should be fine.

Ms. Van Dam: Right, but if you – if the Planning Commission...

Commissioner Hurley: You just change it to, "is recommended that" we do this instead of saying...

Ms. Van Dam: Right. I don't know that that would...would hurt anything if the Planning Commission chose this.

Commissioner Flanagan: They prefer "recommended," I think.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I seconded the motion. I intend to support it, but I just would like to have staff comment on Mr. Flanagan's changes, especially as it relates to the ongoing EMBARK Richmond Highway process. I want to make certain that this doesn't impact it at all or negatively impact it. I don't think it does, but I just want to make certain that that's on the record.

Michael Lynskey, Zoning Evaluation Division, DPZ: In which context are you talking about? Effects to EMBARK?

Commissioner Migliaccio: Any part of it with the changes here. I just want to make certain that staff has had no heartburn over what's being changed.

Mr. Lynskey: Well...yeah, there's the...the, sort of, tiered FAR. Then, that...that stormwater...stormwater change had a little bit to do with EMBARK because the original language it had was from, sort of, the EMBARK – the current EMBARK language they're using.

And...but, as far as the rest of Huntington, the desire was to change it to conform with the rest of the Huntington TSA, which the language is already in effect for – which, in effect, is pretty similar to what...to what this...the original language was.

Commissioner Migliaccio: No heartburn.

Mr. Lynskey: So we're fine with that. We have no heartburn over that. And then the tiered intensity level – that's something – our recommendation still holds that we, technically, still recommend full consolidation. From a Plan perspective, that makes sense, but we also realize that there is market forces and ownership things going on that we really can't anticipate, but we can't fully, you know, anticipate all the – those angles. From a Plan perspective, it makes sense to consolidate because without that, that's not a way of ensuring that the environmental objectives get met on the other parcel. Because, like it was said before, there's really no – it's no mechanism to implement the plan, other than through a rezoning process, which is not going to happen on that parcel.

Commissioner Migliaccio: I was trying to make it simple – heartburn, no heartburn.

Mr. Lynskey: All right.

Commissioner Migliaccio: I think no heartburn is the way you're going. Okay.

Ms. Van Dam: Right. And if...if I may, just one more point towards the EMBARK. The additional density could actually help with the ridership of the BRT so, from that context, we would support it.

Commissioner Migliaccio: Okay. Thank you.

Chairman Murphy: Mr. Niedzielski-Eichner and then Mr. Hart.

Commissioner Niedzielski-Eichner: Thank you. Just a clarification – the proposed revisions to the Land Unit G staff recommendation...it's dated January 11th, 2017. Is that just...is that correct? And just by virtuous coincidence, this is January 11th, 2018?

Mr. Lynskey: Yeah, that is an error. It should read 2018.

Commissioner Niedzielski-Eichner: Okay, so...I thought so. Thank you.

Chairman Murphy: Good catch.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. Before we get too carried away with the changes to the wording at the last minute, I want to be careful that we're not conflating different problems. The

“should/shall” thing is different from “shall/must.” And “should” is correct here. The “shall/must” problem is a Zoning Ordinance problem for zMOD where we have to do something and the County Attorney’s office wanted us to use the word “must” instead of “shall” to clarify what’s an imperative. The Comprehensive Plan, which this – this piece that we’re looking at tonight – is different. It’s supposed to have flexibility for the Board of Supervisors. The last thing we want to do in the Comprehensive Plan is use words like “shall” and “must” because then when the Board votes to bust the Plan, as is their prerogative, the citizens are outraged because they feel that they’ve – the expectations have been built up because we approved a Plan that said, “You shall do this. You must do that.” And then that doesn’t have any force of law. It doesn’t bind anyone. Should is an appropriate word. They should...they should do it. But the Board is going to have flexibility. This is a general guide. It...it’s not in something that’s going to be enforced. I think “should” is correct, as it’s used here and – please, let’s not monkey with this at almost midnight the night of the vote. Thank you.

Commissioner Flanagan: I agree. Thank you.

Chairman Murphy: Without objection. Further discussion? Okay, motion carries. Thank you very much.

Commissioner Hart: We didn’t have our vote yet.

Chairman Murphy: Oh, okay. All those – okay, I’m sorry. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. I just said that. Thank you very much. I appreciate that.

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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PA 2015-IV-MV4 – COMPREHENSIVE PLAN AMENDMENT
(HUNTINGTON TRANSIT STATION AREA, LAND UNIT I) –
To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 19.5 ac. generally located south of Huntington Avenue, north of North Kings Highway and west of the Huntington Metro Station, Tax Map Parcels 83-1 ((23)) 1-364 and 83-1 ((1)) 32. The area is planned for residential use at a density of 16-20 dwelling units per acre with an option for mixed-use development at an intensity up to 3.0 floor area ratio. The amendment will consider amending the

existing option for mixed-use development to increase the planned intensity to 4.0 FAR. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Aaron Klibaner, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of proposed Comprehensive Plan amendment PA 2015-IV-MV4.

Replying to questions from Commissioner Hurley, Meghan Van Dam, PD, DPZ, stated the following:

- The ability to exceed the recommended floor area ratio (FAR) of a redevelopment by including affordable dwelling units (ADU) was a mechanism for providing incentives for affordable housing;
- The proposed amendment included recommendations for including ADUs in conjunction with recommendations for increased intensity on the subject property;
- The recommendations for ADUs and increased intensity had been negotiated between staff and the existing property owners on the site;
- The proposed amendment recommended redeveloping the site with a maximum FAR of 3.5, but that recommendation could be modified to permit a greater intensity that accounted for the inclusion of ADUs and such a modification would be within the scope of the advertising for the proposed amendment;
- The recommended maximum FAR of 3.5 was favored by staff due to concerns that the surrounding neighborhoods and the areas along Huntington Avenue could not support development at a greater density; and
- The recommended Plan text contained sufficient incentives for including ADUs in a redevelopment of the site.

When Commissioner Migliaccio expressed concern regarding the visual impact that a redevelopment would incur in the areas located to the west of the site, Mr. Klibaner deferred to the property owners that had expressed an interest in redeveloping the subject property. However, he indicated that proposed amendment would comply with the existing provisions within the Comprehensive Plan that favored tapering the height of the buildings located to the west and south of North Kings Highway. A discussion ensued between Commissioner Migliaccio and Mr. Klibaner, with input from Ms. Van Dam, regarding the designs for the buildings that would be located along North Kings Highway within an approved redevelopment of the site, the visual impact of those buildings for pedestrians along North Kings Highway, and the expected line-of-sight for pedestrians standing along the northern side of North Kings Highway.

Commissioner Flanagan addressed Commissioner Migliaccio's concerns regarding the visual impact of the buildings along North Kings Highway that would be constructed under a redevelopment of the site, pointing out that Figure 2 on page 8 of the staff report depicted the line-of-sight for pedestrians standing along North Kings Highway. A discussion ensued between Commissioners Flanagan, Migliaccio, and Ulfelder regarding the heights of the buildings located along North Kings Highway, the visual impact of tapered building heights, and the extent to which tapering the building heights mitigated that impact.

Commissioner Cortina said that the Mount Vernon Council of Citizens Association (MVCCA) had submitted a resolution for the proposed amendment, which expressed support for the amendment, but recommended the installation of a historic marker at the southern entrance of the site and incorporating Leadership in Energy and Environmental Design (LEED) Pilot Credit Number 55 to reduce the amount of bird collisions with the buildings on the site. She then asked whether staff had evaluated the MVCCA's recommendations. Mr. Klibaner indicated that those suggestions had not been evaluated during staff's review of the proposed amendment, but noted that such issues would be addressed at the time of rezoning. Commissioner Flanagan pointed out that the MVCCA would have additional opportunities to coordinate with prospective applicants and submit similar recommendations at the time of rezoning. Ms. Van Dam concurred with that statement, noting that the Comprehensive Plan recommended that the buildings included in a redevelopment achieve LEED certification. She added that specifying certain LEED criteria for a redevelopment was beyond the scope of the proposed amendment and would be addressed at the time of rezoning, but indicated that staff would coordinate with a prospective applicant on that issue. A discussion ensued between Commissioner Flanagan and Commissioner Hart regarding the standards the Planning Commission's Environment Committee had prescribed for bird safety wherein Commissioner Hart indicated that such issues were countywide in scope and could not be addressed on a site-specific basis within the Comprehensive Plan, but concurred with Ms. Van Dam's remarks that such issues could be addressed at the time of rezoning. (A copy of the MVCCA's letter is in the date file.)

Chairman Murphy called the first listed speaker.

Ross Irwin III, 2601 Indian Drive, Alexandria, representing the Huntington Club Condominium Association (HCCA), voiced support for the proposed amendment. He explained that in 2015, the Commission had authorized HCCA to evaluate a possible plan amendment that would permit a redevelopment of the site at a maximum FAR of 4.0. He then described the HCCA's efforts to determine an appropriate redevelopment plan for the subject property and commended both staff and the Commission for coordinating with the community to finalize a feasible plan. Mr. Irwin stated that he supported redeveloping the site with a maximum FAR at 3.5, adding that HCCA had been coordinating with a developer to pursue a redevelopment plan. He also noted that the developer intended to pursue a rezoning application for the site in the event that the proposed amendment were approved. Mr. Irwin said that the HCCA had conducted meetings with residents of the existing residential development on the site and indicated that the residents had voted to support a redevelopment of the site, adding that the vote had carried with approximately 87 percent or residents favoring the effort. He also noted the challenges associated with gaining the support of the community for redeveloping the site, but indicated that such redevelopment would improve the character of the surrounding area.

Commissioner Sargeant commended Mr. Irwin for his testimony and the HCCA's ability to achieve a consensus for redeveloping the site.

JanaLee Sponberg, 5705 Indian Court, Unit 2B, Alexandria, stated that she resided at the existing residential development on the site and expressed support for the proposed amendment. She described the existing condition of the subject property and the process the community had utilized in evaluating the possibility of redeveloping the site. Ms. Sponberg noted the challenges associated with redeveloping the site. She then commended staff and the Commission for coordinating with the Huntington Club community on finalizing a feasible plan for such a redevelopment. She also echoed remarks from Mr. Irwin regarding the extent of the support the community had voiced for redeveloping the subject property.

James Ellis, 5645 Kathryn Street, Alexandria, spoke in support of the proposed amendment. He said that his residence was located near the subject property and indicated that the surrounding community supported redeveloping the site because it would improve the property values of the surrounding area. Mr. Ellis described the process for determining an appropriate redevelopment plan for the site, echoing remarks from previous speakers regarding the challenges associated with finalizing such a plan. He also commended staff for addressing the concerns of the neighboring community regarding the visual impact of the redeveloping on the site, stating that he supported limiting building height to 55 feet for buildings located along Kathryn Street and utilizing tapering provisions to further mitigate the impact. In addition, Mr. Ellis commended the Commission and staff for coordinating with the surrounding community on the effort to redevelop the site.

Shane Murphy, 7900 Tysons One Place, Suite 500, Tysons, representing Reed Smith, LLP, stated that he spoke on behalf of a developer that had expressed an intent to redevelop the subject property. He then spoke in favor of the proposed development and gave a presentation wherein he stated the following:

- The residents of the existing Huntington Club community on the site had voted overwhelmingly to support redevelopment of the site;
- The effort to redevelop the site had been ongoing for approximately 10 years;
- The prospective applicant for the redevelopment had experience redeveloping other areas throughout the region;
- The existing condition of the site consisted of multi-family residential buildings, which had been constructed in the late 1960s;
- The prospective applicant had been coordinating with the property owners of the site to finalize a coordinated development agreement;
- The proposed amendment was supported by the surrounding community;

- The conceptual development plan that the prospective applicant had submitted in conjunction with a pending rezoning application for the site included approximately seven building blocks that would be developed in three phases and would consist of townhomes, multifamily residential structures, and office/hotel uses;
- The planned redevelopment for the site would be located near the Huntington Avenue Metrorail Station;
- The prospective applicant and the residents of the existing development on the site had coordinated on finalizing a master plan for redeveloping;
- The redevelopment of the site would occur in phases and had been determined after addressing various challenges that had arisen while coordinating with the Huntington Club community on the plan;
- The prospective applicant intended to leave the existing utility plant on the site in place until the final phase of development was completed;
- The redevelopment plan included flexible provisions for relocating existing residents of the Huntington Club development into the reconstructed units;
- The efforts by the prospective applicant to redevelop the site had the support of the surrounding community, the MVCCA, the Southeast Fairfax Development Corporation, and the HCCA;
- The prospective applicant for the proposed redevelopment intended to utilize building designs that mitigated the visual impact of the structures from the surrounding areas, complemented the existing Huntington Avenue Metrorail Station, and included various commercial development; and
- The proposed redevelopment of the site would also utilize features that complemented the slope of the site and utilize park provisions.

Commissioner Migliaccio commended Mr. Murphy for his outreach efforts, some of which included outreach into areas located within the Lee District.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he called for closing remarks from Mr. Klibaner, who declined.

Chairman Murphy commended the Huntington Club community for coordinating with staff, the Commission, and prospective developers on the efforts to redevelop the site. Commissioner Flanagan aligned himself with those remarks, adding that redeveloping the subject property would improve the overall character of the surrounding area. He also commended staff's effort on the proposed amendment and for effectively coordinating with the community.

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

(Start Verbatim Transcript)

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Commissioner Flanagan: We have to...I'd like to also thank the staff because Marianne Gardner and Meghan Van Dam, and Mr. Sorenson, actually, for a while – he's not here, I don't know where he is, but anyway – and Aaron Klibaner. We have all been – you know, we were stuck with a problem here. We had a development that couldn't go anywhere because we were stuck at a 3.0 countywide, so we had to make that change before we could really loosen up what would happen there. And it was staff that basically said – gave in and said, "Well, why don't we try a higher FAR?" And so we eventually did have to go countywide with that, you know, so we went – eventually, we got 5.0 FAR authorized at certain centers – the community business centers and transit centers. And we made that change in the Ordinance. This made it all really come together, finally. And I really appreciate everybody that worked hard, you know, to bring all that about. With all that, Mr. Chairman, I have a motion. The subject area of the Plan Amendment 2015-IV-MV4 comprises approximately 19.5 acres on Tax Map Parcels 83-1 ((23)) 1 through 364 and 83-1 ((1)) 32, which is the one lot – small lot – that we may still consolidate. And it presents a unique opportunity to achieve a high-intensity, mixed-use development adjacent to the Huntington Metro Station. The proposed amendment, when implemented, will create a high-quality development that includes a mix of housing types and onsite retail, office, hotel, and recreational amenities. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATIONS FOR PLAN AMENDMENT 20-IV-MV4 [sic] WITH A SLIGHT EDITORIAL MODIFICATION TO THE CONDITION ABOUT STORMWATER GUIDANCE TO REMOVE AN OUTDATED NAME OF THE LEED RAINWATER CREDIT. THE AMENDMENT WOULD REVISE THE CURRENT PLAN OPTION FOR TRANSIT-ORIENTED MIXED-USE DEVELOPMENT ON LAND UNIT I OF THE HUNTINGTON TSA FROM AN INTENSITY UP TO 3.0 FAR TO 3.5 FAR AND THE CONDITIONS RELATED TO THE CONSOLIDATION AND BUILDING HEIGHT, AS SHOWN ON PAGES 13-16 OF THE STAFF REPORT DATED OCTOBER 23, 2017. THE REVISION TO THE STORMWATER GUIDANCE IS SHOWN ON MY HANDOUT DATED JANUARY 11, 2018. AND I SO MOVE.

Commissioner Migliaccio: Second.

Commissioner Sargeant: Mr. Chairman, I'm happy to second this as well.

Chairman Murphy: Seconded by Mr. Sargeant and 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 adopt PA 2015-IV-MV4, Comprehensive Plan Amendment, Huntington Transit Station Area, Land Unit I, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0.

(End Verbatim Transcript)

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The meeting was adjourned at 11:57 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: April 26, 2018



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