

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 22, 2018**

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

Chairman Murphy stated that Commissioner Flanagan had completed his final case at the Planning Commission's meeting on Thursday, March 15, 2018. He then announced that March 22, 2018 meeting was Commissioner Flanagan's final Planning Commission meeting before retiring from the Commission. On behalf of the Commission, Chairman Murphy recognized Commissioner Flanagan for his 12 years of service for the Mount Vernon District. He pointed out that Commissioner Flanagan had been initially appointed by former Mount Vernon District Supervisor Gerald Hyland in 2006 and went onto serve on multiple committees. He also noted his contributions to promoting development in the Lorton area, the institutionalizing the Distributed Antenna System for telecommunication facilities in the Mount Vernon District, and the finalization of the Embark Richmond Highway project. Chairman Murphy added that Commissioner Flanagan would be honored at a banquet on April 22, 2018 and, on behalf of the Commission, thanked him for his service. In addition, he acknowledged Commissioner Flanagan's military service with the United States Army.

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Commissioner Sargeant announced that the Planning Commission's Capital Improvement Program Committee would meet on Wednesday, April 4, 2018 at 8:30 p.m. in the Board Conference Room of the Fairfax County Government Center. He noted that the meeting was open to the public.

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Commissioner Hurley announced that the Planning Commission's Policy and Procedures Committee would meet on Wednesday, April 4, 2018 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center. She noted that the meeting was open to the public.

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CAPITAL IMPROVEMENT PROGRAM (CIP) – FISCAL YEARS 2019 – 2023

ADVERTISED (With Future Fiscal Years To 2028) (Decision Only)

(The workshop and public hearing this item was held on March 7, 2018.)

(Start Verbatim Transcript)

Commissioner Sargeant: Well, the weather has certainly run afoul of our schedule for the Capital Improvement Program budget and advertised mark-up. As a result, Mr. Chairman, I MOVE THAT THE DECISION ONLY FOR THE CAPITAL IMPROVEMENT PROGRAM, FISCAL YEARS 2019 TO 2023, AS ADVERTISED, BE DEFERRED TO A DATE CERTAIN OF APRIL 5TH, WITH THE RECORD REMAINING OPEN FOR PUBLIC COMMENT.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. PA 2017-CW-5CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE BUILDING REPURPOSING)
2. CODE/PFM AMENDMENT – INTERPRETATION OF THE PFM, HYDRAULIC GRADE LINE, DEBRIS CONTROL DEVICES, NEW FEES FOR MODIFICATIONS AND APPEALS, AND OTHER EDITS
3. SE 2017-HM-031 – FR PIKE 7 LIMITED PARTNERSHIP
4. CSP 86-C-121-04 – EXCELSIOR PARC APARTMENT OWNER, LLC

5. PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LC AND RZ/FDP 2016-HM-035/PCA 2009-HM-019 – CRS SUNSET HILLS, LC

This order was accepted without objection and Chairman Murphy called the first case on the agenda.

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PA 2017-CW-5CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE BUILDING REPURPOSING) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. Plan Amendment 2017-CW-5CP concerns countywide guidance for the Policy Plan, Land Use section, Appendix 13 of the Comprehensive Plan, which sets forth policy recommendations for the repurposing of vacant, partially vacant, and underutilized office buildings in Mixed-Use Centers and Industrial Areas, as designated on the Concept for Future Development, to an alternative land use not envisioned under the Comprehensive Plan. The amendment will consider extending the guidance in this appendix to the repurposing of vacant, partially vacant and/or underutilized office buildings in Suburban Neighborhood Areas and Low Density Residential Areas. Performance criteria would apply.
COUNTYWIDE. 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 amendment PA 2017-CW-5CP.

Commissioner Cortina commended staff for their work on the proposed amendment. She then asked for additional information regarding the procedure for processing applications for light industrial areas that were located near existing residential development. Mr. Klibaner explained that the evaluation process involved determining whether the proposed repurposing was consistent with the appropriate performance criteria, as articulated in guidelines depicted on pages 8 through 10 of the staff report. In addition, he said that the proposed repurposing had to comply with the standards prescribed by the Zoning Ordinance. When Commissioner Cortina asked whether the evaluation process would provide adequate opportunities for public input, Mr. Klibaner stated that there would be such opportunities. He added that repurposing applications would be subject to existing review procedures.

Referring to page 7 of the staff report, Commissioner Hart pointed out a typographical error in the third sentence in the first paragraph listed in Section 1: Compatibility. Mr. Klibaner acknowledged the error and indicated that the sentence should read, “Office building repurposing in areas within or adjacent to Suburban Neighborhood Areas or Low Density Residential Areas should be considered only when the use will not adversely impact adjacent land uses and the overall character of the neighborhood.”

Referring to page 8 of the staff report, Commissioner Hart pointed out an editorial error in the usage of quotation marks for Section 6: Affordable and Workforce Dwelling Units, and Section 7: Historic Preservation. Mr. Klibaner acknowledged the errors and indicated that staff would implement appropriate revisions.

Referring to the last sentence on page 8 of the staff report in Section 6: Affordable and Workforce Dwelling Units, which stated that flexibility might be appropriate when applying the policy to live/work conversions, Commissioner Hart asked for additional information on the extent of such flexibility afforded to applicants. Meghan Van Dam, PD, DPZ, said that the proposed text was intended to permit additional discussion when a live/work function was included with a repurposing. She pointed out that the implementation of live/work was subject to a variety of designs and subsequent discussions might be necessary to determine appropriate provisions. A discussion ensued between Commissioner Hart and Ms. Van Dam regarding the need for greater flexibility in determining live/work functions in repurposing applications and the impact of such provisions on affordable housing provisions wherein Ms. Van Dam indicated that the presence of office use and residential use within a repurposed building would impact the need for affordable housing provisions.

Commissioner Ulfelder pointed out the scope of the proposed amendment, noting that the guidelines prescribed by the amendment would cover most of the suburban neighborhoods throughout the County. He then indicated that office buildings located within suburban neighborhoods that might be appropriate for repurposing were smaller compared to urban areas. Commissioner Ulfelder asked whether staff had considered establishing a minimum building size for office buildings within those suburban areas that would be eligible for repurposing. Mr. Klibaner said that no such standards had been considered by staff. A discussion ensued between Commissioner Ulfelder and Ms. Van Dam regarding the instances in which condominium units were included within an office development, the impact that the proposed office repurposing guidelines would incur on such developments, and the efforts to obtain support from the condominium owners in those developments for an office repurposing wherein Ms. Van Dam indicated that developments that included condominiums and office developments were permitted to pursue an office repurposing application under the proposed amendment, but certain office repurposing efforts did not require the consensus of existing condominium owners in such a development.

Commissioner Ulfelder voiced support for the proposed amendment because it facilitated process for repurposing office development throughout the County, but expressed concern that the process did not provide sufficient provisions for existing condominium owners in instances where an office development included such units.

When Commissioner Sargeant asked whether staff had coordinated with Fairfax County Public Schools (FCPS) in evaluating the proposed amendment, Mr. Klibaner and Ms. Van Dam stated that staff had met with appropriate FCPS personnel and FCPS supported the amendment because repurposing existing FCPS buildings was more cost-effective than constructing new facilities. Commissioner Sargeant also said that he favored utilizing the office repurposing process to develop satellite facilities for FCPS.

Referring to the third paragraph on page 5 of the staff report, Commissioner Flanagan expressed support for the provisions stating that office building conversions to non-residential uses should be rigorously reviewed to ensure that the neighboring residential communities were not adversely affected. He then asked for additional information on the review process for such uses and whether that process included coordinating with neighboring homeowners associations or civic organizations. Mr. Klibaner explained that in the event of such an application that was located near an existing residential development, staff would conduct an appropriate evaluation on the associated impacts. He added that the evaluation would apply the standards prescribed by the Zoning Ordinance for mitigating impacts such as noise, glare, and traffic. He also indicated that staff would conduct appropriate outreach efforts to the surrounding neighborhood when evaluating an application. A discussion ensued between Commissioner Flanagan and Ms. Van Dam regarding the recourse that staff would pursue in the event that neighboring organizations opposed an office repurposing application wherein Ms. Van Dam said the following:

- The processing of repurposing applications would be subject to the appropriate notification and advertising standards for a public hearing;
- The coordination efforts for evaluating repurposing applications would include meeting with the associated district land use committee or community group; and
- The process for responding to opposition to a repurposing application would be addressed on a case-by-case basis.

Commissioner Flanagan asked whether staff would utilize a process for coordinating with existing residential neighborhoods and associated civic organizations to render a recommendation, citing instances when community opposition had emerged after such a recommendation had been finalized. Ms. Van Dam stated that staff would coordinate with appropriate personnel to notify the public of such recommendations prior to the public hearing. Marianne Gardner, PD, DPZ, added that an office repurposed application would be compared to existing standards in the Policy Plan upon submission. She also indicated that staff reserved the authority to recommend a Comprehensive Plan Amendment for such a repurposing if it was determined that the proposed use was not adequately compatible with the surrounding area.

Commissioner Hart pointed out that the words “rigorous review” were utilized in multiple areas of the Comprehensive Plan, such as the standards articulated for Residential Community Districts and non-residential uses. However, he expressed concern that such language had not been incorporated into the proposed amendment and recommended that the words “rigorous review” be included in the proposed Plan text modifications articulated on pages 6 through 8 of the staff report. He suggested that the third sentence on page 7 of the staff report under Section 1: Compatibility be revised to read, “Office building repurposing in areas within or adjacent to Suburban Neighborhood Areas or Low Density Residential Areas should be rigorously reviewed and considered only when the use will not adversely impact adjacent land uses and the overall character of neighborhood.” Ms. Van Dam did not object to such a revision, concurring that the rigorous review standards had been utilized in other portions of the Comprehensive Plan.

Commissioner Flanagan expressed support for Commissioner Hart’s revision because it articulated the standards that would be utilized for evaluating an office repurposing application.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that there was no need for closing remarks. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Cortina for action on this item.

(Start Verbatim Transcript)

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Commissioner Cortina: Okay, I’m going to – considering the question about the rigorous review, is that possible to go ahead? I can make a motion to add, “and should be rigorously reviewed after the overall character of the neighborhood” in sentence 6... I’m sorry, Page 7 under Compatibility. Okay, so I would...

Chairman Murphy: We all together on that?

Commissioner Cortina: So we’re...

Chairman Murphy: Mic please, Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: I just want to be sure I understand where that insertion is being made – “consideration of the location of residential convergence.” Is that paragraph?

Commissioner Cortina: I am on Page 7 of 8 under Section 1, Compatibility, and at the end of the underlined sentence.

Commissioner Niedzielski-Eichner: Oh, at the end...

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: I think I opened this door. What I was thinking was, in the second line, about in the middle, where it says, “should be considered” – only, I’d say “SHOULD BE RIGOROUSLY REVIEWED AND CONSIDERED ONLY.”

Commissioner Niedzielski-Eichner: Second.

Commissioner Flanagan: Second.

Chairman Murphy: Without objection?

Commissioner Cortina: Okay. Okay, so now...

Chairman Murphy: Go ahead.

Commissioner Cortina: We can go ahead with...

Chairman Murphy: Sure.

Commissioner Cortina: ...the primary motion.

Chairman Murphy: Sure.

Commissioner Cortina: Okay.

Chairman Murphy: And say, "as amended this evening by Mr. Hart."

Commissioner Cortina: Okay, "as amended and revised – should be rigorously reviewed." Okay, we are all good with that?

Chairman Murphy: Yes.

Commissioner Cortina: Okay, so at this point, I'D LIKE TO, Mr. Chairman, MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2017-CW-5CP FOUND ON PAGES 5 THROUGH 8 OF THE STAFF REPORT DATED MARCH 8TH, 2018. THE AMENDMENT WOULD MODIFY APPENDIX 13, GUIDELINES FOR OFFICE REPURPOSING OF THE LAND USE ELEMENT OF THE POLICY PLAN TO FACILITATE THE REPURPOSING OF EXISTING OFFICE BUILDINGS IN THE COUNTY'S SUBURBAN NEIGHBORHOOD AND LOW-DENSITY RESIDENTIAL AREAS, AS AMENDED.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: AND INCLUDING THE TWO CORRECTIONS WE HAD AT THE BEGINNING. Yes, okay.

Chairman Murphy: Okay? 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 2017-CW-5CP, as amended by Mr. Hart and articulated by Ms. Cortina, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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CODE/PFM AMENDMENT – INTERPRETATION OF THE PFM, HYDRAULIC GRADE LINE, DEBRIS CONTROL DEVICES, NEW FEES FOR MODIFICATIONS AND APPEALS, AND OTHER EDITS – The specific changes to the County Code and the PFM include:

1. Clarification of Introductory Language and Director Authority (PFM as Guidelines) The Introduction to the PFM §§1-0100 states that it “sets forth the guidelines for the design of all public facilities” and provides that the Director of Land Development Services (LDS) can waive these guidelines subject to specific conditions. However, throughout the PFM there are several other paragraphs that specify which provisions can be waived and which are mandatory, and these provisions conflict with each other. The proposed amendments clarify the conditions for waiver and remove conflicting language regarding the Director’s authority. Additional background information is provided in the attached Staff Report.
2. Hydraulic Grade Line (HGL) Storm sewer systems consist of a network of pipes connected by inlets and manholes. The HGL is an engineering analysis used to determine the flow energy of water. However, the County has inconsistently required HGL analysis. In cases where HGL analysis has not been required, the designer has used Manning’s Equation alone, which measures the initial capacity of a storm sewer pipe. Mandating the use of both HGL analysis and Manning’s Equation in the design of storm sewer systems will help decrease flooding and manhole cover displacement during storm surges. This requirement aligns with the current design requirements of the Virginia Department of Transportation (VDOT).
3. Debris Control Devices (Trash Racks) County inspectors have noted the wide variety of debris control devices installed for low-level and low-flow intakes in storm water detention ponds as well as the associated varying degree of functionality: many require constant maintenance and replacement due to product failure. The current PFM does not specify a uniform design requirement. Thus,

the proposed amendment to PFM Chapter 6 (Storm Drainage) creates a uniform standard and revised design guidelines resulting in stronger, more reliable and more maintenance-free debris control devices.

4. Land Development Services Fee Schedule The proposed amendment to Appendix Q (LDS Fee Schedule) of the County Code will clarify various inspection and study fees and aligns current inspection fees with LDS' annual Comprehensive Unit Price Schedule. The proposed amendment sets new fees for modifications and appeals.

5. Update to the Subdivision Provisions The proposed amendment to Fairfax Code Chapter 101 (Subdivision Provisions) mirrors the 2014 amendment to Virginia Code § 15.2-2260, which made it optional for owners creating 50 or fewer lots to submit preliminary subdivision plats to localities.

6. Update to the PFM The proposed amendment updates the PFM to require submitting engineers to incorporate a copy of the standard maintenance specifications for stormwater management facilities on construction plans. COUNTYWIDE. PUBLIC HEARING.

Jan Leavitt, Site Code Research and Development Branch (SCRDB), Land Development Services (LDS), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed amendment.

Commissioner Ulfelder pointed out that the proposed revisions to Public Facilities Manual (PFM) Section 1-0100.7, as articulated in Attachment A of the staff report, stated that the Director of LDS was authorized to grant a waiver in instances when the strict application of the standard could not be met for a particular site or where new or creative designs were proposed. He then noted that such language differed from criteria for granting a waiver articulated in Section 1, Clarification of Introductory Language and Director Authority, which stated that the Director could grant a waiver if the following conditions were met:

- A strict application of the PFM standard could not be met for a particular site;
- A creative design was proposed that met the intent of the provisions; and
- A submitting engineer provided adequate justification and supporting data.

Commissioner Ulfelder asked for clarification on which criteria would be utilized by the Director for determining whether a waiver was warranted. Sarah Hensley, Office of the County Attorney,

indicated that the standards articulated in Attachment A were the correct standards. She added that it was not the intent of staff to indicate that each of the three conditions listed on the first page of the staff report were required to authorize a waiver. A discussion ensued between Commissioner Ulfelder and Ms. Hensley regarding the adequacy of the standards for authorizing a waiver and the flexibility that an applicant could exercise in pursuing such a waiver wherein Commissioner Ulfelder favored utilizing additional conditions for applicants pursuing waivers and recommended that staff clarify those standards on the first page of the staff report to ensure the language was consistent with the text depicted in Attachment A.

Referring to the revised language for Section 6-0904.1 for hydraulic grade lines on page 2 of Attachment A, Commissioner Ulfelder pointed out that the Director of LDS could require subsequent analysis for areas further downstream of the outfall pipe to demonstrate whether conditions exist, provided a statement of justification for deviating from the PFM was on the plan. He then requested additional information regarding the methods that an applicant would utilize to demonstrate whether such conditions exist. John Matusik, SCRDB, LDS, explained that the intent of that provision was to establish that the determination for those conditions was connected with the operation of the outfall pipe, but also provide flexibility for applicants to evaluate conditions upstream, if warranted. A discussion ensued between Commissioner Ulfelder and Mr. Matusik regarding the adequacy of that language, the process that applicants would utilize for justifying subsequent evaluations upstream, and the standards for determining that certain analyses were unnecessary wherein Commissioner Ulfelder recommended that the text for Section 6-0904.1 be modified to clarify the criteria for determining whether such conditions existed and Mr. Matusik said that staff did not object to such modifications.

When Commissioner Ulfelder asked whether the Director of LDS could delegate the authority to grant a waiver, Ms. Hensley indicated that the authority could not be delegated. However, she noted that subsequent PFM amendments could potentially delegate that authority.

Commissioner Niedzielski-Eichner said that the proposed amendment established a process for evaluating stormwater outflow within the County's stormwater management systems. He then asked whether the proposed amendment would supplant other standards for evaluating that system, such as the Manning's Equation. Mr. Matusik said that the proposed amendment would not remove or replace the Manning's Equation from the process. He then explained that the standards articulated in the amendment for the Hydraulic Grade Line would be utilized to determine whether a system was overcapacity and the extent it had risen. When Commissioner Niedzielski-Eichner asked why the existing standards prescribed by Manning's Equation, as shown in Attachment A of the staff report, had been removed, Mr. Matusik indicated that the intent for removing the text was to align the County's standards with those of the Virginia Department of Transportation (VDOT). He added that VDOT's standards were consistent with those utilized by neighboring jurisdictions for calculating pressure flow in stormwater systems. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Matusik regarding the impact that removing that text from the PFM would incur wherein Mr. Matusik noted that the standard articulated in the deleted text were depicted in VDOT's drainage manual.

Commissioner Strandlie aligned herself with the concerns expressed by Commissioner Ulfelder regarding the need for clarifying the criteria utilized by the Director of LDS for granting a waiver. She then stated that she favored deferring the decision only of the proposed amendment to provide additional time to address that issue. In addition, Commissioner Strandlie suggested revising the language of Section 1-0100.7 to ensure that gender-neutral verbiage was utilized.

Referring to the last sentence in of the revised text for Hydraulic Grade Lines in Section 6-0904.1, as shown in Attachment A of the staff report, Commissioner Hart suggested that the language be modified to clarify the provisions of the sentence, noting that the standards were not adequately specified. Ms. Leavitt stated that staff would evaluate the language in Section 6-0904.1 to determine appropriate revisions.

Commissioner Hart pointed out that the word “shall” appeared in multiple portions of the proposed text revisions articulated in Attachment A of the staff report. He then said that the County had conducted efforts to replace the word “shall” with “must” in the Zoning Ordinance to denote required actions. Commissioner Hart asked for additional information on why such language had been included in the proposed amendment. Ellie Codding, Code Development and Compliance Division, LDS, concurred that the County had made efforts to replace “shall” with “must” in various regulatory provisions. She then indicated that the language included in the proposed amendment had been finalized prior to that effort and staff did not object to revising the language to replace each instance of “shall” with “must.”

Commissioner Ulfelder asked whether staff had considered the impact of climate change on standards for debris control devices utilized in the County’s stormwater management systems. Ms. Codding indicated that such impacts would be factored into the associated hydrology calculations, as determined by appropriate regulatory organizations. When Commissioner Ulfelder asked whether those standards would be applied when determining the appropriate operation for a stormwater management facility, Ms. Codding said that such standards would be utilized.

Chairman Murphy called for speakers from the audience, but received no response.

Chairman Murphy called for closing remarks from staff wherein Ms. Hensley stated that staff had adequate information to implement appropriate revisions to the proposed amendments to address the Commission’s concerns regarding the language in certain portions of the revised text. Chairman Murphy recommended that staff finalize such revisions after the public hearing.

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

(Start Verbatim Transcript)

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Commissioner Cortina: Okay, well in line of what we have discussed, including 6-0904-1, the clarity of the language – and then, I think more material is the issue about the broad scope of powers. We’re providing quite a bit of flexibility to the director with using the word “or” versus the word “and” and it doesn’t seem as though we’re requiring the applicants, if the conditions are waived, to even make any attempt to be in the spirit of the provisions. So, I think that is an issue to look at before we come together the next time. So, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE PROPOSED AMENDMENTS TO DATE CERTAIN OF APRIL 5, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer decision only on Code and PFM Amendment, Interpretation of the PFM Hydraulic Grade Line, Debris Control Devices, New Fees for Modifications and Appeals, and Other Edits, to a date certain of April 5th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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SE 2017-HM-031 – FR PIKE 7 LIMITED PARTNERSHIP –
Appl. under Sect. 9-620 of the Zoning Ordinance to permit a
waiver of certain sign regulations. Located at 8361, 8365, 8371
and 8399 Leesburg Pike, Vienna, 22180 on approx. 12.92 ac. of
land zoned C-7, SC and HC. Tax Map 29-3 ((1)) 36A1, 36B, 36C1
and 36D. HUNTER MILL DISTRICT. PUBLIC HEARING.

Nicholas Cumings, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated February 3, 2018.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Mr. Cumming’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 Cortina pointed out that control of the content on signs was beyond the Planning Commission's purview, but noted that the limited amount of text on the proposed sign ensured that the structure did not require significant space.

Commissioner Ulfelder stated that he supported the subject application. He also indicated that the staff report had noted the limited visibility of the proposed sign from the westbound lane of Route 7.

Commissioner Carter 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 Carter for action on this case.

(Start Verbatim Transcript)

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Commissioner Carter: Okay. Mr. Chairman, I request that the applicants confirm, for the record, their agreement to the proposed development conditions dated March 6, 2018.

Nicholas Cumings, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: We do so confirm.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION APPROVE [sic] SE 2017-HM-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 6, 2018.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-HM-031, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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CSP 86-C-121-04 – EXCELSIOR PARC APARTMENT
OWNER, LLC – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 86-C-121. Located E. of the intersection of Reston Pkwy.

and Sunset Hills Rd. next to the Oracle Office Complex on approx. 5.0 ac. of land zoned PRC. Tax Map 17-4 ((1)) 7B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Angelica Gonzalez, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of CSP 86-C-121-04.

Commissioner Hurley stated that while some of the signs in the proposed amendment utilized lighting, there were no signs that included changing text.

Commissioner Cortina said that she supported the subject application, but noted that determinations regarding the content of the signs within the proposal were beyond the purview of the Planning Commission. She then stated that the size of the signs was impacted by the amount of text utilized, but the Commission could only consider size in rendering a decision. She then indicated that a Comprehensive Sign Plan Amendment would be required in the event that an applicant sought to include additional text on the sign.

Commissioner Hart said that the Planning Commission had received a letter from a resident prior to the public hearing that expressed concern about the visual impact incurred by the color palette of the existing building on the site. He then pointed out that the photographs of the building in the staff report differed from the renderings included with the previously-approved development for the site. Commissioner Hart asked for additional information regarding the applicant's ability to implement a particular color on the façade of the building. Ms. Gonzalez explained that a proffered condition amendment previously-approved in 2010 had not articulated a specific color for the building, but noted that Proffer Number 17, which had been included with the application, required that the applicant obtain approval for the final designs by the Reston Design and Review Board (DRB). A discussion ensued between Commissioner Hart and Ms. Gonzalez regarding the extent to which approval of the subject application would affect the final color scheme of the building on the site, the flexibility for modifying the color of the proposed signage, and the applicant's ability to implement subsequent modifications to the color palette of the building wherein Ms. Gonzalez indicated the following:

- The provisions of Development Condition Number 3 dated March 6, 2018 provided sufficient flexibility to the applicant in modifying the color scheme of the signage;
- The ability of staff to affect the content of the signage was beyond the scope of the proposal;
- The modification of signage on the site was required to comply with the provisions articulated in the subject application; and
- The applicant reserved the right to implement minor modifications, subject to the review process articulated in Development Condition Number 2.

(A copy of the letter and the revised set of development conditions is in the date file.)

When Commissioner Sargeant asked whether it was possible to modify the illumination of the signs to affect the color palette, Ms. Gonzalez confirmed that such a measure was possible, but the decision to make such a modification would be determined by the applicant. A discussion ensued between Commissioner Sargeant and Ms. Gonzalez regarding the types of illumination the applicant could utilize for signage and the visual impact of such illumination wherein Ms. Gonzalez stated that such lighting features for signage on the site was required to comply with the lighting standards prescribed by the Zoning Ordinance.

Commissioner Ulfelder pointed out that Development Condition Number 6 established a 24-month limit for the utilization of banner signs on the site. He then asked whether staff had evaluated the possibility of establishing limits on banner signs on the basis of building occupancy. Ms. Gonzalez said that staff had not evaluated such a provision, adding that the 24-month limit would be initiated upon issuance of the sign permit. In addition, William Mayland, ZED, DPZ, explained that staff favored the 24-month limit to establish a definitive timeframe for the usage of banner signs on the site, adding that previous efforts to limit such signage on the basis of occupancy had been subject to frequent extensions. He then stated that the 24-month limit for banner signs could not be extended under the provisions of Development Condition Number 6.

Commissioner Carter aligned himself with concerns from Commissioner Hart regarding the visual impact of the color palette utilized for the existing building on the site. He then asked for additional information regarding the color of the proposed signage compared to the color of the building. A discussion ensued between Commissioner Carter and Ms. Gonzalez, with input from Mr. Mayland, regarding the designs for the proposed signage for the site, the color palette for that signage, the visual impact of the temporary banner signs, and the function of the signage wherein Ms. Gonzalez described the various locations of the signage for the site and Mr. Mayland indicated that the intent of Development Condition 3 was to permit minor modifications to the signage in the event that the color scheme of the building was modified without being required to obtain the approval of a Comprehensive Sign Plan Amendment.

Ms. Baker gave a presentation wherein she explained the following:

- The DRB had reviewed the color of the existing building on the site;
- The visual impact of the color of the existing building was dependent on the angle of view from the observer and the time of day;
- The color palette of the proposed signage would be consistent with that of the building;
- The majority of the building-mounted signage were white and utilized white backlighting;
- The only signage that utilized colored lighting were the monument signs;
- The applicant had no outstanding plans to modify the exterior color of the building;

- The provisions of Development Condition Number 3 was intended to provide flexibility to the applicant for modifying the signage in the event that the design or color palette of the building was altered;
- The language utilized in Development Condition Number 3 was consistent with the conditions utilized for similar sign plans; and
- The ability to modify the content of the signage on the site was beyond the purview of the subject application.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for closing remarks from Ms. Gonzalez, who declined.

When Commissioner Flanagan asked whether the street signs included in the proposal utilized internal lighting or reflective finishes, Ms. Baker stated that the street signs would utilize reflective finishes. Commissioner Flanagan then suggested that the applicant provide additional clarity on such provisions in future applications.

When Commissioner Sargeant asked whether the DRB had expressed concern regarding the visual impact of the color palette for the proposed signage, Ms. Baker indicated that the DRB voiced no objections to the color scheme of the signage and had recommended approval of the subject application.

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

(Start Verbatim Transcript)

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Commissioner Carter: Okay. Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed development conditions dated March 6, 2018.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: We do agree to those conditions.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 86-C-121-04, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 6, 2018.

Commissioner Tanner: Second.

Chairman Murphy: Seconded – I'm sorry...by Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to approve CSPA – CSPA 86-C-121-04, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 – COMSTOCK RESTON STATION HOLDINGS, LC – Appls. to amend the proffers, conceptual development plan, and final development plan for RZ 2009-HM-019, previously approved for transit station mixed-use development, to permit modifications to proffers and site design at an overall floor ratio (FAR) of 3.59. Located on the S. side of Reston Station Blvd., W. of Wiehle Ave. on approx. 9.91 ac. of land zoned PDC. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 17-4 ((1)) 17A (pt.), 17L1, 17L2 and 17L3 and 17-4 ((24)) 3. HUNTER MILL DISTRICT.

RZ/FDP 2016-HM-035 – CRS SUNSET HILLS, LC – Appls. to rezone from PDC and I-4 to PDC to permit transit station mixed use development with an overall Floor Area Ratio (FAR) of 3.68 and approval of the conceptual and final development plan. Located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of Reston Station Blvd. on approx. 8.44 ac. of land. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 17-4 ((20)) (A) 1, 2, 3 and 4; 17-4 ((20)) (B) 5, 6, 7 and 8; 17-4 ((20)) (C) 9, 10, 11, 12, 13 and 14; 17-4 ((20)) (D) 15, 16, 17 and 18; 17-4 ((2)) (E) 19, 20, 21 and 22; 17-4 ((20)) (F) 23, 24, 25 and 26; 17-4 ((20)) (G) 27, 28, 29 and 30; 17-4 ((1)) 17A (pt.), 17B and 20. (Concurrent with PCA 2009-HM-019). HUNTER MILL DISTRICT.

PCA 2009-HM-019 – CRS SUNSET HILLS, LC – Appl. to amend the proffers for RZ 2009-HM-019 previously approved for transit station mixed use development to permit deletion of land area to allow the land area to be included in RZ 2016-HM-035. Located in the N.W. intersection of Wiehle Ave. and Reston Station Blvd. on approx. 1.35 ac. of land zoned PDC. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 17-4 ((1)) 17A. (Concurrent with RZ/FDP 2016-HM-035). HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Mark Looney, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated February 20, 2018 for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019.

In addition, Mr. Looney reaffirmed the affidavit dated February 20, 2018 for RZ/FDP 2016-HM-035/PCA 2009-HM-019.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an attorney/client relationship with the brother of Christopher Clemete, who was listed as a principle and agent for various entities, including the applicants. He then stated that while there was no business or financial relationship, but there had been multiple legal matters involving Mr. Clemente and since those matters had occurred within past two years, he would recuse himself from the joint public hearing.

William O'Donnell, 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 applications PCA 2009-HM-019-02, CDPA 2009-HM-019, and FDPA 2009-HM-019. He also indicated that staff recommended approval for RZ/FDP 2016-HM-035/PCA 2009-HM-019.

Commissioner Tanner pointed out that staff had cited multiple unresolved issues with the subject applications and asked for additional information regarding the extent to which the applicant had addressed those issues. Mr. O'Donnell explained that while the applicant had not entirely resolved those issues, the proposed development was determined to be consistent with the recommendations of the Comprehensive Plan. He added that staff favored reserving an additional 0.3 acres of publicly accessible open space for the proposed development to address the concerns. Mr. O'Donnell noted that Proffer Number 32, Publicly Accessible Parks and the Woonerf, in the revised set included in Attachment 2 of the staff report addendum for RZ/FDP 2016-HM-035/PCA 2009-HM-019 provided a list of uses for the publicly accessible open space, two of which would be selected for development with an approximately \$300,000 investment. He then indicated while staff recommended approval of the proposal, further coordination with the applicant was suggested to resolve such issues. Mr. O'Donnell also commended the amount of commitments the applicant had included with the proposal.

When Commissioner Sargeant asked whether staff had expressed concerns regarding the building height or massing of the proposed development, Mr. O'Donnell said that there were no such concerns because the development was located within a quarter-mile of the Wiehle Avenue Metrorail Station and staff favored such high-intensity development in those areas. In addition, he stated that there had been building height limitations in place at the time of the previously-approved rezoning for a portion of the subject properties. However, he pointed out only Building 7, as identified in CDPA 2009-HM-019, was expected to exceed those limitations. Mr. O'Donnell also noted that such building heights were appropriate due to the close proximity to the Wiehle Avenue Metrorail Station.

Commissioner Sargeant asked for additional information on the status of the applicant's parking reduction request, 6132-PKS-000-1, for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019. Mr. O'Donnell explained that the applicant had submitted that request prior to February 20, 2018, and the County had subsequently modified the standards for permitting parking reduction prescribed in the Zoning Ordinance, adding that the revised standards favored

permitting reductions for development located within a transit station area. He then said that the Comprehensive Plan had previously recommended parking provisions at approximately 1.4 spaces per dwelling unit and the proposed development would provide parking at a level consistent with that standard. Mr. O'Donnell stated that the revised standards in the Zoning Ordinance calculated the parking provisions on the basis of the number of bedrooms instead of the number of dwelling units. He also indicated that it was possible for the applicant to comply with the necessary criteria for a more significant parking reduction, but the extent of that reduction was contingent on the overall mix of uses that were implemented with the development. In addition, Mr. O'Donnell said that the applicant had requested a parking reduction for the proposed restaurant on the site, which had been previously established at 11 spaces per 1,000 square feet, to 10 spaces per 1,000 square feet. He also said that the applicant had included flexibility in the proffers to determine the appropriate procedure for pursuing a parking reduction at the time of site plan review. Mr. O'Donnell indicated that staff did not object to the applicant's pursuit of a parking reduction because such a reduction was consistent with the recommendations of the Comprehensive Plan.

When Commissioner Sargeant asked for additional information regarding the parking provisions for the proposed restaurant facility included within PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019, Mr. O'Donnell pointed out that the development included flexibility for providing parking on various portions of the development. He then indicated that such flexibility provided the applicant with sufficient provisions to implement parking consistent with the standards prescribed by the Zoning Ordinance. In addition, Mr. O'Donnell explained that the applicant would not be required to increase the parking provisions at the development, provided that modifications to the mix of uses did not increase the amount of expected trips determined by the traffic impact assessment.

Commissioner Sargeant pointed out that Proffer Number 7, Mix of Uses, in the revised set included an option for utilizing one of the buildings in the proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 for short-term hotel use. He then asked for additional information on how such uses would be regulated. Mr. O'Donnell indicated that there were appropriate standards articulated in the Zoning Ordinance, but those standards would be subject to subsequent revisions to accommodate trends in short-term lodging. He also cited options for short-term hotel use that had been included for a previously-approved development in Tysons and the language included in Proffer Number 7 mirrored the language of that provision. In addition, Mr. O'Donnell noted that the short-term hotel use for the site would be limited to a two-year timeframe. He also indicated that the building that utilized short-term hotel uses would be required to comply with the applicable standards prescribed by the Virginia Building Code.

Commissioner Niedzielski-Eichner asked for additional information regarding the pedestrian paths that would be installed in conjunction with the proposed developments and the extent to which such paths would facilitate pedestrian access to the Wiehle Avenue Metrorail Station. Mr. O'Donnell described the various pedestrian paths throughout the developments, noting the multiple paths that connected with the Wiehle Avenue Metrorail Station. He added that such pedestrian connections were not possible under the existing conditions on the subject properties. Mr. O'Donnell also stated that the paths would be approximately eight feet wide and would run

along the perimeter of the subject property. In addition, Mr. O'Donnell noted the presence of open plazas, mass transit infrastructure, and various connections between the two subject properties. He pointed out that the Washington and Old Dominion Trail was located north of the subject properties and that trail would connect to the pedestrian paths included in the proposed developments. Commissioner Niedzielski-Eichner commended the design of the pedestrian paths and the extent to which they connected with existing development throughout the area.

When Commissioner Niedzielski-Eichner asked for additional information regarding the applicant's provisions for promoting bicycle traffic throughout the area, Mr. O'Donnell noted the location of bicycle lanes along the southern portion of Sunset Hills Road and some of the private roads located within the proposed developments. He also indicated that the proposed developments would connect with the existing bicycle storage area located within the Wiehle Avenue Metrorail Station.

Commissioner Niedzielski-Eichner said that staff had recommended approval of the subject applications, despite having multiple unresolved issues. He then asked for additional information on staff's effort to resolve those issues, expressing concern that the ability to address such issues would be difficult after the Commission had rendered a decision. Mr. O'Donnell described staff's evaluation process for the subject applications, stating that the nature of the outstanding issues did not warrant recommending denial of the subject applications. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. O'Donnell regarding the concerns articulated by staff on the amount of publicly accessible park space that would be included with the proposed developments, the need for an athletic field in the area, the applicant's efforts to provide athletic fields throughout the area, and the overall merit of the subject applications wherein Mr. O'Donnell explained the following:

- The applicant's athletic field contributions of \$1.72 per square-foot of new gross floor area was consistent with the recommendations of the Comprehensive Plan;
- The applicant had stated that the proposed developments were consistent with the urban park standards, but staff had determined whether such a conclusion was warranted;
- The staff concerns over the amount of publicly accessible open space was not sufficient to warrant a recommendation of denial;
- The proposed developments supplemented the existing infrastructure on the sites and staff concluded that the merits of such developments outweighed the outstanding concerns; and
- The issue of providing athletic fields throughout Reston was an ongoing issue for the region and staff had determined that the applicant's contribution was sufficient.

When Commissioner Ulfelder asked for additional information regarding the location and availability of athletic fields throughout Reston, Mr. O'Donnell pointed out that the applicant had

coordinated with the Reston Association to utilize existing athletic fields throughout the area. He also stated that staff had suggested that the applicant provide public access to some of the rooftop amenities that were included in the proposed development. A discussion ensued between Commissioner Ulfelder and William Mayland, ZED, DPZ, regarding the feasibility of utilizing rooftop amenities for publicly-accessible recreation facilities, the issues associated with making rooftop amenities publicly accessible, the areas within Reston that had been identified as potential locations for an athletic field, and the various methods by which an applicant could fulfill the athletic field requirement wherein Mr. Mayland indicated the following:

- The area located north of the subject properties had been identified as a potential site for an athletic field;
- The athletic field requirement could also be fulfilled by an applicant through the funding of enhancements to existing fields, such as lighting, capacity, or turf installation;
- The process for evaluating development in Reston included criteria that stated an application that generated a need for more than one athletic field was required to include a field on-site or off-site; and
- The subject applications generated a need for less than one athletic field and, under staff's review criteria, were expected to provide a contribution for off-site fields and the applicant's contribution met that criteria.

Commissioner Hurley acknowledged the purpose for permitting parking reductions for developments located near metrorail stations to promote the usage of the mass transportation. However, she expressed concern that approving those reductions would limit the accessibility of such developments from citizens who did not utilize metrorail to access the development.

Commissioner Hurley pointed out that the applicant had committed to providing parking for the workforce dwelling units with the proposed developments, as articulated in Proffer Number 37, Workforce Dwelling Units (WDU), and requested additional information on the parking provisions for those units. Mr. O'Donnell stated that Proffer Number 37 included a provision that guaranteed a parking space for residents of the WDUs at a reduced rate. He added that the applicant had committed to providing approximately 1.4 parking spaces for the residents of the proposed developments and the parking provisions for the various mix of uses on the subject properties would be consistent with the rates prescribed by the Zoning Ordinance or an approved parking reduction. A discussion ensued between Commissioner Hurley and Mr. O'Donnell regarding the parking provisions that the applicant would provide for the WDUs, the parking provisions for the overall development, and the County's efforts to encourage the use of metrorail in lieu of vehicles wherein Commissioner Hurley requested that staff provide additional information on the County's policy for determining appropriate parking provisions for WDUs and within transit station areas.

Referring to Sheet 18A in the conceptual/final development plan for RZ/FDP 2016-HM-035/PCA 2009-HM-019, which depicted the stormwater management study, Commissioner Cortina pointed out that staff had expressed concern regarding the stormwater outfall during the review of the previously-approved development for the subject properties. She then asked for additional information regarding how those concerns were addressed. Mr. O'Donnell said that the concerns regarding the stormwater outflow from the site was an ongoing issue throughout the area around the site. He then pointed out the location of an existing stormwater management pond located to the west, but noted that the pond had not been designed to the necessary specifications prescribed by the existing standards. He also indicated that there were other stormwater management facilities located near the subject properties that were in a state of disrepair. Mr. O'Donnell explained that the County Attorney had concluded that, under the existing stormwater management standards, the proposed developments were required to detain the stormwater outflow of levels consistent with 100-year floods on-site. He stated that the proposed developments included stormwater management facilities that were consistent with such standards, noting that both developments would utilize underground vaults to detain the stormwater. Mr. O'Donnell indicated that such requirements were consistent with those prescribed for the area.

Referring to the applicant's transportation demand management (TDM) plan, as articulated in the proffers for both subject applications, Commissioner Sargeant pointed out that the plan had committed to reduce trips by approximately 45 percent for the residential and commercial development. He then asked for additional information on the TDM plan and the extent to which it applied to both subject properties. Mr. O'Donnell explained that the trip-reduction goals for the TDM plan for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 were greater than those that had been included in the previously-included rezoning for the site. He then indicated that the trip-reduction commitments articulated in the TDM plan for RZ/FDP 2016-HM-035/PCA 2009-HM-019 were consistent with the recommendations of the Comprehensive Plan. Commissioner Sargeant requested that staff and the applicant provide for additional information on how the TDM plans would be monitored.

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The Commission went into recess at 9:40 p.m. and reconvened in the Board Auditorium at 9:56 p.m.

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

- The site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 had been subject to a previously-approved rezoning that permitted mixed-use, public/private partnership development around the Wiehle Avenue Metrorail Station in lieu of a stand-alone parking structure;

- The existing development on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 included a mixed-use development that was constructed atop a below-grade parking facility that served the Wiehle Avenue Metrorail Station, which was consistent with the Comprehensive Plan at the time;
- The Comprehensive Plan was amended in 2014, which subsequently modified the recommendations for the subject property for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019;
- The subject applications would develop the subject properties with mixed-use development within a transit station area in a manner consistent with the Comprehensive Plan, as amended after 2014;
- The existing development on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 included an open plaza that had been utilized for community activities, such as farmer's markets, outdoor recreation, and local events;
- The proposed developments would continue to accommodate the existing community activities occurring at the sites and would also implement approximately \$300,000 worth of improvements to the plaza at a level consistent with the recommendations of the Comprehensive Plan;
- The previously-approved development on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 had been implemented with the intention of ensuring the parking facilities were operational by the time the Wiehle Avenue Metrorail Station was opened, but the applicant had done so with the understanding that subsequent development would occur;
- The subject application for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 would modify the previously-approved development for the site by permitting development at an intensity consistent with the standards of the Comprehensive Plan, as amended through 2014;
- The applicant's proffer package for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 included commitments to improve the existing plaza area, streetscape enhancements, provide WDUs at income levels lower than the previously-approved application, contribute \$1.72 per square foot for athletic fields, and include updates to green building provisions to reflect the revised standards articulated in the Comprehensive Plan;
- The subject application for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 also included a \$3.00 per square-foot contribution for regional infrastructure improvements, such as stormwater management, transportation, and road improvements;

- The architecture for the development on the subject property for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 would be subject to additional review;
- The subject property for RZ/FDP 2016-HM-035/PCA 2009-HM-019 consistent of 33 separate parcels, which had been primarily developed with office, commercial, and condominium development;
- The applicant for RZ/FDP 2016-HM-035/PCA 2009-HM-019 had been pursuing a purchase and sale agreement with the condominium association to purchase the existing units within the development, but the agreement had not been finalized;
- The subject application for RZ/FDP 2016-HM-035/PCA 2009-HM-019 would consolidate the various parcels throughout the site for a total size of 8.4 acres;
- The proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 had been subject to frequent modifications and an entry park on the northeast portion of the site had been included during the review process with staff to improve pedestrian accessibility;
- The final designs for the proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 would improve pedestrian connectivity throughout the area;
- The proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 included areas for ground-floor retail, a hotel/condominium building, and an open plaza area;
- The plaza area included in the development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 was at a higher grade than the one included in the PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 development;
- The plaza area for RZ/FDP 2016-HM-035/PCA 2009-HM-019 was intended to function as a public gathering area;
- The proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 could accommodate an entertainment venue within one of the buildings;
- The subject applications provided various landscape and open space provisions, but staff had expressed concern that the amount of open space was not sufficient;
- The applicants had expressed a commitment to utilize the public open space on both sites to an extent that adequately served the community and addressed staff's concerns, but achieving that goal required flexibility in utilizing the space;
- The revised set of proffers for RZ/FDP 2016-HM-035/PCA 2009-HM-019 included a list of various options for utilizing the public open space, but the applicant had not finalized

the usage of such spaces and required flexibility to ensure that such uses were appropriate;

- The applicants had committed to providing approximately 1.66 acres of public open space, which was consistent with the standards prescribed by the Urban Park Standards;
- The applicant had committed to providing certain park facilities throughout the subject properties and some of those facilities had been included after coordination with the Fairfax County Park Authority (FCPA);
- The intent of the public plaza for RZ/FDP 2016-HM-035/PCA 2009-HM-019 was to provide a space where pedestrians had the right-of-way, but still accommodated vehicular traffic in a manner similar to the layout of the Reston Town Center;
- The proposed development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 included the potential for rooftop amenities that would provide additional recreation options and environmental benefits, but the applicant did not support making those amenities accessible to non-residents of the development;
- The subject applications included transportation improvements, such as bicycle lanes, road improvements, and road connections that created a grid of streets for the area;
- The revised set of proffers for RZ/FDP 2016-HM-035/PCA 2009-HM-019 also included commitments to providing park facilities, open space, environmental features, infrastructure improvements, WDUs, and an athletic field contribution;
- The applicant had revisioned the proffers for RZ/FDP 2016-HM-035/PCA 2009-HM-019 after the publication of the staff report to provide additional flexibility to modify the building lines to increase the setback and incorporate elements that created a sense of place for the development at the time of site plan review;
- The applicants had committed to incorporating subsequent modifications to the corner park facility at the intersection of Sunset Hills Road and Wiehle Avenue to address concerns raised by staff and FCPA regarding the amount of hardscape included at that area;
- The applicants would provide parking for residents of the WDU at a reduced rate, but the residents were not required to purchase a space; and
- The revised set of proffers for RZ/FDP 2016-HM-035/PCA 2009-HM-019 included provisions for short-term parking areas for deliveries and improvements to stormwater management features.

Commissioner Carter pointed out that the Comprehensive Plan for the subject properties recommended development at an intensity at a floor area ratio (FAR) of 2 to 3 with a total square feet of 2.4 million square feet and approximately 1,900 dwelling units. He then said that the proposed developments were consistent with those recommendations, adding that there were other sites in the surrounding area planned for redevelopment.

Commissioner Carter expressed support for the density of the proposed development and the applicants' commitment to providing WDUs, transportation improvements, and additional loading areas. He also noted that the subject applications included waivers for the loading dock requirements, but such a waiver was warranted due to the inclusion of the additional loading spaces.

Commissioner Carter commended the applicant's commitments to streetscape improvements and efforts to create a sense of place with the proposed developments, noting the challenges associated with such efforts at other sites, such as Tysons. He added that subsequent coordination between staff, the applicants, and the Hunter Mill Supervisors office was necessary to finalize those provisions.

Commissioner Carter supported the applicants' efforts to modify the commitments for open space and recreation facilities, but favored subsequent efforts to augment the amount of open space included in the developments to address those concerns. He cited areas on the northeast and northwest portion of the subject property for RZ/FDP 2016-HM-035/PCA 2009-HM-019 as possible areas for expansion to provide that space. In addition, he recommended that the applicants provide public access to certain rooftop park facilities.

A discussion ensued between Commissioner Hurley and Mr. Looney regarding the areas residents would utilize for dog walking and the impact that dog walking incurred on the public open space wherein Mr. Looney pointed out multiple locations within and around the subject properties that could accommodate such activities, but Commissioner Hurley requested that the applicants provide more information on those areas.

A discussion ensued between Commissioner Flanagan and Mr. Looney regarding the density of the existing development on the subject properties, the density of the proposed developments, and the criteria for permitting greater density than the maximum FAR recommended by the Comprehensive Plan wherein Mr. Looney explained the following:

- The existing development on the subject property for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 had been previously approved under different guidelines for the Comprehensive Plan, which had included a recommended maximum density of 2.5 FAR;
- The existing Comprehensive Plan guidelines for the subject property for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 recommended development at a maximum density of 3.0 FAR, but additional density was permitted in the event that the applicant complied with certain criteria; and

- The overall FAR of the proposed development for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 was approximately 3.6 and the FAR for the RZ/FDP 2016-HM-035/PCA 2009-HM-019 development was approximately 3.36.

Commissioner Flanagan said that he supported the proposed developments at densities greater than the maximum FAR of 3.0 recommended by the Comprehensive Plan, pointing out that the Zoning Ordinance permitted greater density at a range of 3.0 to 5.0 FAR for sites located within transit station areas. He then indicated that the proposed developments were consistent with those standards.

When Commissioner Flanagan asked whether the proposed developments would comply the stormwater management standards prescribed by the Zoning Ordinance, Mr. Looney indicated that the developments would be consistent with those standards. Commissioner Flanagan pointed out that staff had indicated that the applicant was required to maximize, to the extent possible, the amount of stormwater volume reduction and provide justification in the event that such reduction was not feasible. He then asked whether the applicants had met those standards. Mr. Looney stated the following:

- The stormwater management standards for quantity and quality reduction were prescribed by the Public Facilities Manual (PFM), which were further supplemented by language in the Comprehensive Plan that recommended that developments located in Reston to exceed those standards;
- The subject applications included stormwater management provisions that were consistent with the standards of the PFM, but staff had concluded that the standards articulated in the Comprehensive Plan had not been achieved; and
- The provisions in Development Condition Number 3, which were included in the staff report addendum for RZ/FDP 2016-HM-035/PCA 2009-HM-019, required that the applicant to achieve those standards.

When Commissioner Flanagan asked whether staff concurred with Mr. Looney's comments on the stormwater management provisions for the proposed development, Mr. O'Donnell said that while staff did not object to the comments, he pointed out that the existing stormwater management concerns required that the applicant detain the outflow generated by a 100-year flood event on-site. He then added that such a provision exceeded the standards prescribed by the PFM. He also noted that Development Condition Number 3 included provisions that recommended the reuse of detained runoff on-site to further reduce the outflow.

When Commissioner Tanner asked for additional information regarding staff's concern about the amount of publicly accessible open space for the proposed developments, Mr. O'Donnell explained that staff had determined that the amount of open space included on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 was inadequate and the usage of

the space provided in RZ/FDP 2016-HM-035/PCA 2009-HM-019 had not been sufficiently defined to meet the criteria for an urban park. A discussion ensued between Commissioner Tanner and Mr. Looney regarding the efforts between the applicants and staff to resolve those concerns wherein Mr. Looney noted the challenges associated with securing extra open space for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 and finalizing the usage for the open space within RZ/FDP 2016-HM-035/PCA 2009-HM-019.

Mr. O'Donnell deferred to Gayle Hooper, Park Planning Branch, FCPA, for additional information on staff's concerns regarding the adequacy of the publicly accessible open space for the proposed developments. Ms. Hooper then said the following:

- The FCPA evaluated the public open space provisions of the subject applications on the basis of the amount of area reserved for such open space and the quality of the uses for those areas;
- The FCPA had not received sufficient commitments from the applicant regarding the usage of the open spaces;
- The FCPA had expressed concern that portions of the open space that the applicants had identified for the proposed developments functioned as streetscape and the Urban Parks standards did not consider such features as contributing to the requirements;
- The subject properties had multiple areas that could be potentially expanded to meet the Urban Parks standards;
- The FCPA had requested that the applicant provide justification for classifying the areas identified as streetscapes as public open space, but the applicant had not provided such information;
- The FCPA requested that the applicants provide additional information on how the public open space would be utilized and that the commitment to those uses be articulated; and
- The FCPA concurred with staff that the applicants had not provided sufficient public open space to the extent recommended by the Comprehensive Plan.

Answering questions from Commissioner Tanner, Mr. Looney confirmed that the applicant did not own the dwelling units within the existing condominium on the site for RZ/FDP 2016-HM-035/PCA 2009-HM-019. He also indicated that the applicants would coordinate with the condominium association to purchase the remaining units prior to obtaining ownership of the site. In addition, he indicated that the board of directors for the condominium association would render the final determination on the purchase of the units and the applicants would not directly participate in that process. Mr. Looney stated that there was only one remaining owner of the condominium development that had not committed to selling their unit.

Commissioner Strandlie asked for additional information regarding the amount of public input the applicants would pursue in determining the usage of the public open space for the proposed developments. Mr. Looney indicated that the applicant had committed to coordinate with the Reston Planning and Zoning Committee, the Office of Community Revitalization, and DPZ to finalize the uses for that open space. He added that there would be additional opportunities to review those uses prior the site plan review for the subject properties. Mr. Looney also indicated that the usage of the open space would be contingent on the final designs of the architecture, but noted that while the uses had not been finalized, the applicants had committed to considering a minimum set of potential uses. In addition, he pointed out that the usage of open space at other sites was subject to frequent changes as an area was developed, citing the usage of retail kiosks that had been installed near the Wiehle Avenue Metrorail Station. Mr. Looney stated that the applicant favored retaining adequate flexibility in evaluating the potential uses for the proposed developments and implementing appropriate modifications if warranted.

When Commissioner Strandlie asked for additional information regarding the potential uses for the publicly accessible open space in the proposed developments, Mr. Looney indicated that uses such as playground areas and climbing structures were possible. A discussion ensued between Commissioner Strandlie and Mr. Looney regarding the possibility of including child care services with the retail spaces within the proposed developments wherein Mr. Looney said that such services were possible, but the usage of that space had not been finalized.

Commissioner Sargeant acknowledged the importance of permitting flexibility for the applicants in determining the usage of the public open space. He also pointed out that the proffers for the subject applications contained additional flexibility for fulfilling various environmental commitments, such as electric vehicle charging stations and parking reductions. Commissioner Sargeant then expressed concern regarding the extent to which the applicant and staff collaborated to monitor whether such commitments were achieved. Mr. Looney addressed that concern wherein he explained the following:

- The County owned a portion of the land that would be utilized by the proposed developments, which provided incentives and mechanisms for achieving the various commitments articulated in the subject applications;
- The commitments the applicant had articulated in the proffers for the subject applications contained triggers, such as annual reporting for the TDM program and third-party certification of the green building provisions;
- The applicants would continue coordinating with the County to finalize the usage of the park space and publicly accessible open space for the proposed developments; and
- The challenges associated with implementing the proposed developments required flexibility and coordination with staff in achieving the goals articulated in the subject applications.

When Commissioner Niedzielski-Eichner asked for additional information on the existing buildings located on the subject property for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019, Mr. Looney indicated that Buildings 4, 1, and 8 had been constructed.

Commissioner Niedzielski-Eichner expressed concern regarding the adequacy of the pedestrian networks within the proposed developments, the ability of pedestrians to access the Wiehle Avenue Metrorail Station, and the extent to which the open space for both developments complemented one another. He also asked for additional information regarding the lighting provisions for the pedestrian paths that connected the two developments. Mr. Looney described the pedestrian paths that connected from the subject property for RZ/FDP 2016-HM-035/PCA 2009-HM-019 to the garage entrance for bus facility located on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019. In addition, he pointed out that there were multiple levels of below-grade parking at the existing development on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 and indicated that the pedestrian paths connected with the surrounding network to provide access to the Wiehle Avenue Metrorail Station. Mr. Looney also described the route that pedestrians would utilize to access the plaza for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019, adding that the plaza was at a different grade compared to the neighboring site. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Looney regarding the accessibility of the plaza area on the site of PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 from the below-grade parking areas, the installation of crosswalks to connect the proposed developments, the extent to which the pedestrian network would encourage retail development, and the lighting provisions for those pedestrian paths wherein Mr. Looney noted that the applicants would install a crosswalk between the developments to connect pedestrians with the garage entrance, the final designs for the streetscapes of the developments would be subject to approval by the Commission, and the applicant intended to provide sufficient lighting for the developments.

When Commissioner Niedzielski-Eichner inquired whether the multiple concurrent applications associated with the proposed developments would be considered by the Board of Supervisors simultaneously, Mr. O'Donnell confirmed that each of the concurrent applications would be decided upon as a single coordinated development.

When Commissioner Cortina asked what percentage of the dwelling units within the proposed developments would be utilized for WDUs, Mr. Looney said that the average percentage of WDUs for both developments was approximately 18 percent of the total units. She then asked for additional information regarding the bonus density afforded to the applicants for providing WDUs and the amount of additional FAR the applicants had requested. Mr. Looney explained that providing WDUs within a development permitted an applicant to include additional dwelling units on a one-for-one basis. He then indicated that the Comprehensive Plan allowed applicants to utilize greater density for a development that provided WDUs, but that density was not contingent on the number of units. Mr. Looney stated that both proposed developments had requested bonus density at a level consistent with the criteria prescribed by the Comprehensive Plan, noting that each development had met the criteria through different mechanisms. He indicated that the development for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 had provided a higher percentage of WDUs at lower income tiers in conjunction with

the \$3.00 per square-foot for off-site infrastructure improvements to meet those criteria. He then said that the development for RZ/FDP 2016-HM-035/PCA 2009-HM-019 met that criteria by consolidating the various parcels throughout the subject property in conjunction with providing WDUs at lower income tiers.

Commissioner Cortina pointed out the need for infrastructure improvements in the area around the subject properties due to the inadequacies of certain features, such as the existing stormwater management systems. Mr. O'Donnell indicated that the applicant's infrastructure contributions could be allocated to improve the function of those stormwater management systems, but noted the challenges associated with such efforts due to other development efforts throughout the area. He added that the contributions could be utilized for other infrastructure, such as transportation improvements. In addition, Mr. O'Donnell said that the applicant's infrastructure contributions were significantly greater than the minimum amount prescribed by the County. A discussion ensued between Commissioner Cortina and Mr. Looney, with input from Mr. O'Donnell, regarding the inadequacies of the existing stormwater management provisions throughout the area and the various efforts to improve those systems wherein Mr. O'Donnell confirmed that staff supported the applicant's infrastructure contribution commitments.

Commissioner Cortina noted the importance of urban parks in higher-density developments within transit-oriented stations due to the lack of green space in the area. She also expressed support for the urban park standards prescribed by the FCPA and recommended that the applicants comply with those standards, citing other developments in the County that had successfully implemented urban park facilities. Commissioner Cortina aligned herself with the concerns from Ms. Hooper regarding the applicants utilizing portions of the streetscape to comply with the urban parks standards, adding that such an approach would hinder the ability to create functional urban parks. Mr. Looney addressed the concerns from Ms. Hooper regarding the applicants' utilization of streetscapes to fulfill the urban park standards, stating that he did not concur with FCPA's conclusions because the portions the applicants cited did not meet the criteria for streetscapes prescribed by the Comprehensive Plan. He added that the size of those portions was large enough to qualify as urban park space and accommodate the necessary features for such spaces. Mr. Looney acknowledged the challenges associated with developing adequate urban parks in the area due to the existing traffic conditions on the surrounding road networks, but stated that the applicants had designed the urban areas in a manner that accommodated the existing parking facilities for the Wiehle Avenue Metrorail Station and the pedestrian networks that connected to that area. Commissioner Cortina acknowledged the challenges associated with including urban parks within the subject properties while accommodating vehicular and pedestrian traffic throughout the area, but noted the difficulty of revising the designs for those facilities after the proposed developments were approved and suggested the applicants evaluate potential solutions prior to approval.

Commissioner Cortina pointed out the rooftop greenspace depicted in the subject applications could potentially accommodate additional urban park features and expressed support for making such spaces available to the public. She suggested that the applicants provide additional provisions to ensure that the proposed pedestrian path network for the proposed developments connected with the Washington and Old Dominion trail to the north of the site. In addition, she

recommended that the applicants install signage to guide pedestrians to various places of interest throughout the area. Mr. Looney pointed out the location of the Washington and Old Dominion trail and noted the presence of an existing park-and-ride lot that was owned by the Virginia Department of Transportation (VDOT). He then indicated that VDOT had no plans for repurposing that park-and-ride, but the applicants favored redeveloping that site into a linear park that connected the trail with the surrounding pedestrian network. He added that the applicants had been coordinating with the County to redevelop that facility, but noted that no such plans had been finalized. Mr. Looney also stated that the applicants were coordinating with staff to facilitate efforts to install additional park facilities throughout the area. A discussion ensued between Commissioner Cortina and Mr. Looney regarding the possible provisions the applicant could pursue to improve pedestrian access to other places of interest in the area wherein Mr. Looney said that the applicant did not object to adding signage to improve pedestrian navigation.

In response to questions from Commissioner Flanagan, Mr. Looney stated the following:

- The applicants had determined that FCPA's urban parks standard had been met by modifying the designs for the buildings on the site for RZ/FDP 2016-HM-035/PCA 2009-HM-019 to provide more open space for pedestrians;
- The FCPA did not concur with the applicants' determination and had expressed concern that certain criteria for the urban parks standards had not been met;
- The proposed developments included public art features and the existing development on the site for PCA 2009-HM-019-02/CDPA 2009-HM-019/FDPA 2009-HM-019 contained public art;
- The proposed developments would provide additional opportunities for the installation of public art;
- The lighting for the buildings and the designs for the public art had not been included in the subject applications because such designs were not finalized, but the proffer packages for both applications included commitments to install public art;
- The final designs for the recreational facilities had not been finalized, but the applicants did not support the installation of basketball courts due to the potential noise impact and such uses could be accommodated by the retail space within the developments;
- The amenities for the rooftop areas of the proposed developments had not been finalized, but the applicants had expressed concerns regarding the feasibility of including athletic courts, such as basketball or tennis courts;
- The applicants did not object to the \$1.72 per square-foot contribution to off-site athletic fields that had been recommended by staff; and

- The applicants did not object to the \$1,900 per residential unit contribution to on-site recreational facilities, as articulated in Proffer Number 34, Private Recreational Amenities/Facilities, for RZ/FDP 2016-HM-035/PCA 2009-HM-019.

Commissioner Flanagan expressed concern that the applicants had not adequately met the standards for providing urban park facilities within the proposed developments, citing the types of facilities that had been implemented along the Richmond Highway Corridor, which included dog parks. When Commissioner Flanagan asked for additional information regarding the types of urban parks facilities the applicant intended to include, Mr. Looney indicated that final designs for the urban park facilities on the site had not been finalized and the applicants would continue coordinating with staff to ensure the facilities were sufficient. Commissioner Flanagan then expressed support for the applicant's off-site contribution to athletic fields. A discussion ensued between Commissioner Flanagan and Ms. Hooper regarding the method for calculating the recreation requirements for the proposed developments, the need for active recreation throughout the area, the types of active park facilities that could be included with urban parks, the potential to utilize public art features to fulfill the recreation requirements, and the need for such recreation facilities to be at grade wherein Ms. Hooper stated that FCPA had determined that there was a need for such recreation features and the applicants had not provided adequate commitments to such features.

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

Devin Jopp, 11365 Sunset Hills Road, Reston, spoke in opposition to the subject applications because the developments would negatively impact existing businesses in the area. He indicated that he owned a unit within the existing commercial development on the site for RZ/FDP 2016-HM-035/PCA 2009-HM-019, adding that his wife operated a dental office within that development. Mr. Jopp described the process the applicants had utilized to purchase the commercial development, noting that there was an outstanding lawsuit between him and the Sunset Hills Professional Center Association (SHPCA) that owned the development. He then stated that such a process had not offered him appropriate compensation for the purchase of his unit, noting that purchase price had been determined under the existing 2.5 FAR for the site instead of the 3.68 FAR for the proposed development on the site. Mr. Jopp also voiced concern regarding the impact that requiring existing business owners on the site would incur on the viability of those businesses, citing the impact on other business owners. He pointed out that the cost of purchasing commercial space with the proposed developments was significantly greater than the rates on the existing commercial development. Mr. Jopp noted the significant cost he had incurred during the applicants' efforts to purchase his unit, adding that the ongoing litigation for that unit was unresolved. He then recommended that the Commission defer the decision only for the subject applications until such litigation was resolved. In addition, Mr. Jopp described the issues he had encountered in coordinating with the attorneys involved in that litigation. (A copy of Mr. Jopp's statement is in the date file.)

Chairman Murphy called for speakers from the audience, but received no response. There being no more speakers, he called for a rebuttal statement from Mr. Looney, who stated the following:

- The applicants acknowledged the ongoing litigation between Mr. Jopp and the SHPCA;
- The SHPCA was coordinating with the unit owners of the existing commercial development for the subject property for RZ/FDP 2016-HM-035/PCA 2009-HM-019 to finalize the sale to the applicants;
- The redevelopment of the subject properties was consistent with the Comprehensive Plan;
- The applicant acknowledged the challenges associated with acquiring the necessary land to implement the Comprehensive Plan;
- The redevelopment of the subject properties would improve the character of the surrounding area and the overall value of the sites; and
- The SHPCA would incur significant benefits from finalizing a sale that permitted the redevelopment of the subject properties.

Commissioner Ulfelder echoed previous concerns regarding the unresolved issues between staff and the applicants on the adequacy of the publicly accessible open space for the proposed developments. He acknowledged the challenges associated with providing such space around developments located within a transit station area, but recommended that the applicants provide additional information or evaluate various options to address those issues prior to approval. Commissioner Ulfelder also pointed out that the proposed developments would be implemented in phases and such a process provided opportunities to refine the design for the open space.

Chairman Murphy called for closing remarks from Mr. O'Donnell, who declined.

Commissioner Carter commended staff and the applicants for their work on the proposed developments, but echoed remarks from Commissioner Ulfelder regarding the outstanding issues associated with the adequacy of the publicly accessible open space. He then recommended that the applicants continue coordinating with staff to modify the provisions for that open space to address those issues, along with other concerns that had been raised during the joint public hearing.

There were no further comments or questions from the Commission; 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 MOVE THAT THE PLANNING COMMISSION DEFER TO APRIL 5TH THE DECISION ONLY ON BOTH OF THESE CASES, PCA 2009-HM-019-02, CDPA 2009-HM-019, AND FDPA 2009-HM-019, TO A DATE CERTAIN.

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 decision only on PCA 2009-HM-019-02, CDPA 2009-HM-019, and FDPA 2009-HM-019, to a date certain of April 5th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Carter, please.

Commissioner Migliaccio: The second parcel...

Commissioner Carter: Okay, so this is for the second application. Remember, this is two. So let me get out my cheat sheet here. So, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY for PCA 2009-HM-019...

Commissioner Migliaccio: Mr. Carter, it's the rezoning FDP.

Commissioner Carter: Yes, this is the right one. So it's PCA 2009-HM-019 (sic) AND RZ/FDP 2016-HM-035 TO APRIL 5TH.

Commissioner Niedzielski-Eichner: Second.

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

Commissioners: Aye.

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

Each motion carried by a vote of 11-0. Commissioner Hart recused himself from the vote.

(End Verbatim Transcript)

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CLOSING

March 22, 2018

The meeting was adjourned at 11:33 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: June 21, 2018



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