

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 24, 2018**

PRESENT: James T. Migliaccio, Lee District
Timothy J. Sargeant, Commission At-Large
John A. Carter, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large

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The meeting was called to order at 7:32 p.m., by Secretary James T. Migliaccio, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Secretary Migliaccio stated that John W. Cooper, Clark to the Planning Commission, had distributed the minutes for March 2018 to the Commissioners for final revisions. He then requested that Commissioners review the minutes and submit any corrections to Mr. Cooper prior to 4:30 p.m. on June 13, 2018. Secretary Migliaccio announced his intent to move to approve the March 2018 minutes at the Planning Commission's meeting on June 14, 2018.

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ZONING ORDINANCE AMENDMENT – SHORT TERM LODGING

(Decision Only) (Decision Only from May 17, 2018. Public Hearing on this application was held on May 3, 2018)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. Commissioner Hart, who has been shepherding the Short-Term Lodging Zoning Ordinance Amendment for the Planning Commission is not able to be here this evening. And, as he explained in a memo he sent around to the Commissioners a couple of days ago, his intention was to further defer the decision on that proposed amendment. And so he's asked me to take care of that this evening. So I will make a brief motion. I MOVE TO DEFER THE PLANNING COMMISSION'S DECISION ON THE

PROPOSED ZONING ORDINANCE AMENDMENT REGARDING SHORT-TERM LODGING TO JUNE 14TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant: Second.

Secretary Migliaccio: Seconded by Commissioner Sargeant. Is there any discussion? Seeing and hearing none, we move to a vote. All those in favor of deferring the decision only for the Zoning Ordinance Amendment, Short-Term Lodging, to a date certain of June 14th, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: All opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT 2018 WORK PROGRAM

(Start Verbatim Transcript)

Commissioner Hurley: Thank you Mr. Chairman. On May 16th, 2018, the Zoning Administrator presented the 2018 Zoning Ordinance Amendment Work Program to the Planning Commission's Land Use Process Review Committee for review and discussion. The Committee voted to recommend that the 2018 Work Program, as reviewed and modified by the Committee, be brought to the full Planning Commission tonight for endorsement. These minor modifications include such changes as:

- Moving Item 3, under the Zoning Ordinance – the ZMOD – project initiatives to...as a TBD over to a Priority 2 category to be addressed in the near term; and also
- Identify the Laurel Hill Historic Overlay District as a second tier item to be consistent with the timing identified in another attachment.

As I said, these are – were minor modifications and, therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE PROPOSED 2018 ZONING ORDINANCE AMENDMENT WORK PROGRAM, AS PRESENTED BY STAFF WITH THE CHANGES RECOMMEND BY THE LAND USE PROCESS REVIEW COMMITTEE.

Commissioner Niedzielski-Eichner: Second.

Secretary Migliaccio: Seconded by Commissioner Niedzielski-Eichner. Is there any discussion on this motion?

Commissioner Ulfelder: Mr. Chairman?
Secretary Migliaccio: Commissioner Ulfelder.

Commissioner Ulfelder: It...it's the fiscal year 2019 work plan, isn't it? If I can...

Secretary Migliaccio: Ms. Johnson.

Leslie Johnson, Zoning Administration Division, Department of Planning and Zoning: We're going by calendar year, even though it covers a fiscal year. So it is the 2018.

Secretary Migliaccio: Okay, thank you. All in favor?

Commissioners: Aye.

Secretary Migliaccio: All opposed? The motion carries to recommend that we – oh, I'm sorry – that we recommend that the Zoning Ordinance Work Program, as described by Commissioner Hurley, is sent to the Board of Supervisors.

The motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

(End Verbatim Transcript)

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ADMINISTRATIVE REVIEW OF URBAN PLAZA FOR FDPA 2012-MV-007 – CRP BELVOIR, LLC

(Start Verbatim Transcript)

Commissioner Clarke: Thank you, Mr. Chairman. Walter Clarke, I have an administrative review for FDPA 2012-MV-007. On May 22nd, a package was distributed to the Planning Commission regarding the plaza design of Accotink Village. The approved FDPA conditions for this development states that the applicant will submit details of the urban plaza design to the Planning Commission for review and administrative approval. I'd like to ask staff to reaffirm that the Condition Number 2 has been met.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: Yes, William Mayland with Department of Planning and Zoning. Yes, the urban plaza design was actually approved by the Planning Commission back in July of 2015. The applicant has since acquired additional land that was always intended to be acquired from residual right-of-way from VDOT. As part of that additional land what they just acquired, they are expanding the urban plaza from primarily a passive space – landscaping. And what they're showing on what we

distributed to you a few days ago, it matches up what the intent was at that time. So yes, in my opinion, it meets the criteria of what we expected under Condition 2.

Commissioner Clarke: Thank you, Mr. Mayland. With that, I would like to move on a motion, sir.

Secretary Migliaccio: Okay, Mr. Clarke.

Commissioner Clarke: I MOVE THAT THE PLANNING COMMISSION FIND THAT THE PROPOSED PLAZA DESIGN ENTITLED ACCOTINK VILLAGE PLAZA EXHIBIT SATISFIES CONDITION NUMBER 2 OF THE FDPA 2012-MV-007.

Commissioner Sargeant: Second.

Secretary Migliaccio: Seconded by Commissioner Sargeant. Any discussion on that motion? Seeing and hearing none, all in favor of the motion, as articulated by Commissioner Clarke, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: All opposed? Motion carries. Thank you.

The motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. PCA 1999-PR-060 – ROCKS TYSONS TWO, LLC
2. PCA 2010-PR-022-02/CDPA 2010-PR-022/FDPA 2010-PR-022-01/SE 2017-PR-029 – THE BORO, II-C DEVELOPER

This order was accepted without objection.

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PCA 1999-PR-060 – ROCKS TYSONS TWO, LLC – Appl. to amend the proffers for RZ 1999-PR-060 previously approved for mixed-use development with an FAR of 1.20 to permit modifications to proffers with no change to FAR. Located on the S. side of Leesburg Pike, 200 ft. W. of Old Gallows Rd. on approx. 3.77 ac. of land zoned PDC, SC and HC. Comp. Plan Rec: Office.

Tax Map 39-2 ((15)) 9, 11 and 30 and 39-2 ((1)) 7. PROVIDENCE
DISTRICT. PUBLIC HEARING.

David Houston, Applicant's Agent, Blank Rome, LLP, reaffirmed the affidavit dated March 20, 2018

There were no disclosures by Commission members.

Commissioner Niedzielski-Eichner asked that Secretary Migliaccio ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Secretary Migliaccio closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Rock Tysons Two, LLC requested an amendment to approve proffers for a 3.7-acre parcel to permit additional ground-level retail uses for its two adjacent mixed-use buildings, one of which is located on Old Gallows Road and the other on Leesburg Pike. Proffer 11 for RZ 1999-PR-060 currently requires that 5,000 square feet in Building One's first floor and the first floor area of Building Two be limited to restaurant or retail uses. Proffers also specifically prohibit office uses at – that do not include a customer/client component. While efforts have been made by the applicant to activate customer traffic for its retail uses, including signage and construction of a pedestrian plaza, several major restaurant and retail tenants have performed poorly in both buildings. Building One suffers from not being readily visible from either Leesburg Pike or from Old Gallows Road. While Building Two has greater visibility, it has lost several major tenants. Changes in the Tysons retail market, more generally, are making it difficult for either buildings' retail elements to be successful. As such, the applicant seeks to broaden the types of uses beyond retail alone that would be permitted on the ground floors of both buildings. Ample parking is provided to support other uses by a four-level above-grade parking structure attached to building two, two levels of below-grade parking connecting the buildings, and a surface parking area southwest of Building One. Finally, the applicant has adequately demonstrated to the staff's satisfaction that the proffered retail/restaurant location is not viable under the current use limitations. Further, staff believes that the request in additional uses will have a customer component that will contribute to the goal of activating the plaza. For these reasons, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-PR-060, SUBJECT TO THE EXECUTION OF PROFFER CONDITIONS DATED MAY 3RD, 2018.

Commissioner Tanner: Second.

Secretary Migliaccio: Seconded by Commissioner Tanner. Is there any discussion on this motion? Hearing and seeing none, all those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1999-PR-060, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: All opposed? The motion carries.

The motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

(End Verbatim Transcript)

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PCA 2010-PR-022-02/CDPA 2010-PR-022/FDPA 2010-PR-022-01 – THE BORO, II-C DEVELOPER – Appls. to amend the proffers, conceptual development plan, and second final development plan for RZ 2010-PR-022, previously approved for hotel/residential options, to permit an option for office with accessory retail uses in building C-1 and associated modifications to proffers and at an overall density of 5.33 Floor Area Ratio (FAR). Located in the S.E. quadrant of the intersection of Greensboro Dr. and Silver Hill Dr., on approx. 28,089 sq. ft. of land zoned PTC, SC and HC. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 29-3 ((15)) 7C4 (pt.), 7C5, 7C6, 7K2 (pt.) and 29-3 ((36)) 4A (pt.). (Concurrent with SE 2017-PR-029). PROVIDENCE DISTRICT. PUBLIC HEARING.

SE 2017-PR-029 – THE BORO, II-C DEVELOPER – Appl. under Sects. 6-504, 6-507 and 9-629 of the Zoning Ordinance to permit an increase in Floor Area Ratio (FAR) for office use from 2.50 up to a maximum of 2.93. Located on the southern corner of Greensboro Dr. and Silver Hill Dr. on approx. 28,089 sq. ft. of land zoned PTC, SC and HC. Tax Map 29-3 ((15)) 7C4 (pt.), 7C5, 7C6, 7K2 (pt.) and 29-3 ((36)) 4A (pt.). (Concurrent with PCA 2010-PR-022-02, CDPA 2010-PR-022 and FDPA 2010-PR-022-02-01). PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated May 7, 2018.

There were no disclosures by Commission members.

Katelyn Antonucci, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications PCA 2010-PR-022-02, CDPA 2010-PR-022, FDPA 2010-PR-022-01, and SE 2017-PR-029.

Commissioner Niedzielski-Eichner said that the subject applications would modify the development options for the building identified in the staff report as Building C1 from hotel/residential to office/retail. He then asked whether the proposal included additional modifications to the previously-approved mixed-use development for the subject property. Ms. Antonucci indicated that the applicant had included a minor modification to the access and footprint for Building C1, but noted that there were no other substantial modifications. When Commissioner Niedzielski-Eichner inquired as to whether the previously-approved amenities for the overall development would be modified under the proposal, Ms. Antonucci stated that those amenities would be retained.

When Commissioner Niedzielski-Eichner asked why the previously-approved waivers and modifications for the proposed development required reaffirmation under the subject applications, Ms. Antonucci explained that reaffirmation was necessary because of the inclusion of an amendment to the conceptual development plan. She added that the intent of the reaffirmation was to preserve the waivers and modifications for the applicant at the time of site plan review. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Antonucci regarding the reason for which the reaffirmation of the waivers and modifications had been included wherein Ms. Antonucci said that both staff and the applicant supported the reaffirmation.

Commissioner Sargeant pointed out that staff had commented on page 16 of the staff report under the Environmental Analysis section that the applicant had not provided adequate information regarding a method for identifying and predicting potential demand for electric vehicle charging stations. He then asked for additional information on that issue. Ms. Antonucci explained that staff had conducted efforts to secure commitments from applicants for providing electric vehicle charging stations, but noted that appropriate methods for assessing the demands for such features had not been determined. However, she noted that the applicant had committed to reserving a minimum of two percent of the parking provisions for the proposed development on the site for electric vehicle charging stations. When Commissioner Sargeant asked whether there was flexibility within the proffer to accommodate additional charging stations in the event that such features were needed, Ms. Antonucci indicated that the language was sufficiently flexible because the proffer stated that the two percent commitment was a minimum and the applicant could implement additional charging stations without requiring the approval of a proffered condition amendment.

Referring to Proffer 20B, Energy Sustainability, Energy and Water Data, in Appendix 1 of the staff report, which articulated the applicant's commitment to providing the County aggregated non-proprietary energy and water consumption data, Commissioner Sargeant expressed support for the proffer because it protected customer privacy. He then expressed concern regarding the inclusion of the phrase "to the extent there are master electric, gas and water meters for entire buildings" and requested clarification on that language. Ms. Antonucci deferred to the applicant for additional information on the language of that proffer, but noted that the proffer had been carried over from the previously-approved rezoning application for the site.

Commissioner Ulfelder stated that Building C1 on the subject property had been previously approved with an option that included a hotel/residential development. Ms. Antonucci concurred

with that statement. Commissioner Ulfelder then inquired as to whether such an option would be removed from Building C1 or be retained alongside the proposed option for office/retail development. Ms. Antonucci indicated that while the Conceptual Development Plan Amendment portion of the proposal would retain the hotel/residential option for Building C1, the Final Development Plan Amendment portion would only include the office/retail use. When Commissioner Ulfelder asked if such provisions would preclude hotel/residential use for Building C1, Ms. Antonucci said that the applicant would be required to obtain the approval of a subsequent Final Development Plan Amendment. A discussion ensued between Commissioner Ulfelder and Ms. Antonucci regarding the potential for other buildings within the proposed development to accommodate a hotel use, the number of existing hotels operating throughout the area since the most recent revisions to the Tysons Plan, and the number of hotel uses under constructions in Tysons wherein Ms. Antonucci said that Building B-2 on the site included an option for hotel use.

Commissioner Ulfelder noted the importance of providing sufficient hotel uses in achieving the long-term development goals for Tysons. He then expressed concern that removal of hotel options for developments throughout Tysons would hinder the ability to provide such uses in the event that demand for hotels increased.

Commissioner Cortina pointed out that the applicant had requested a modification of Section 12-0508 of the Public Facilities Manual (PFM) to allow for tree preservation target deviations, as justified by PFM 12-0508.3A(1) and 3A(3). She added that such a modification was warranted when a tree preservation target precluded the development of uses or densities otherwise permitted by the Zoning Ordinance. She then requested additional information regarding the need and impact of that modification. Ms. Antonucci explained that the previous development on the site included a suburban office park that had a significant amount of parking lots that accommodated a limited amount of tree cover. She then stated that since preservation of those trees would have precluded the development of the grid of streets recommended by the Tysons Plan, staff concluded that the modification was warranted, provided that the applicant included the landscaping and streetscape provisions in a manner consistent with the Tysons Urban Design Guidelines. A discussion ensued between Commissioner Cortina and Ms. Antonucci regarding the extent to which the modification reduced the amount of tree coverage on the site and the applicant's commitments to providing green spaces for the overall development wherein Ms. Antonucci reiterated that there had been limited tree cover included in the previous development for the site and the proposed development for the site included additional landscaping and recreational areas.

Referring to the Environmental Analysis conducted by the Environmental and Development Review Branch that had been included in Appendix 14 of the staff report, Commissioner Cortina inquired as to whether the applicant conformed with the appropriate water quality standards pertaining to the removal of phosphorous and nitrogen. Ms. Antonucci indicated that staff had evaluated the applicant's provisions and concluded that those provisions were in compliance with the water quality requirements articulated in the Comprehensive Plan. She added that the applicant had pursued Leadership in Energy and Environmental Design credits in conjunction with those water quality commitments. In addition, Ms. Antonucci said that the issue would be subject to further evaluation at the time of site plan review.

Commissioner Carter pointed out that the building heights for the proposed development on the subject property had been expressed in a range. He then requested additional information regarding the heights of neighboring buildings and how they compared to those planned for the subject property. Ms. Antonucci stated that the heights of the buildings on the adjacent site to the east were approximately 8 to 10 stories and indicated such heights were consistent with the recommendations of the Comprehensive Plan. A discussion ensued between Commissioner Carter and Ms. Antonucci regarding the extent to which the building heights of the proposed development would be consistent with that of neighboring developments wherein Ms. Antonucci stated that the building heights for the proposed development were shorter than what had been previously approved for the area, adding that the maximum permissible building height for the site was 290 feet.

Commissioner Carter commended staff and the applicant for their work on the proposal, highlighting the provisions for landscaping and streetscape as notable features. He then expressed concern regarding the designs for the proposed bioretention facilities, noting that the depth of such facilities could incur safety hazards.

When Commissioner Carter asked for additional information on the design of the street lights, Ms. Antonucci indicated that the designs would be finalized at the time of site plan review.

Commissioner Hurley described the ongoing development trends throughout Tysons, pointing out that there had been significant efforts to increase the amount of residential development in the area to reduce trip generation and traffic congestion. Ms. Antonucci concurred with that statement. Commissioner Hurley then requested that staff provide the Commission with a comprehensive list of existing and planned developments in Tysons that specified the amount of residential and commercial development.

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

- The subject applications would modify the development options for a single building for a previously-approved redevelopment on the subject property;
- The site was subject to ongoing construction activity that included three residential buildings, a retail grocery store, a theater complex, an office building, and a retail building;
- The applicant had intended that the proposed development for the site create a sense of place during the early phases of construction;
- The revised development option for Building C1 had been requested because demand for office/retail space in the area had been greater than anticipated;
- The subject area had been planned for transit mixed use, which accommodated commercial development in conjunction with residential development;

- The proposed development for the site included a hotel option for Building B2 and there were multiple hotel uses planned for other developments in the surrounding area, but most of those uses had not been constructed;
- The design for the street lights at the proposed development would be finalized at the time of site plan review and those designs would be consistent with the Tysons Urban Design Guidelines;
- The Office of Community Revitalization provided an annual report documenting the planned and existing development throughout Tysons;
- The subject applications would reduce the building height for Building C1; and
- The buildings throughout the proposed development would be taller than those within the neighboring development to the east, but such building heights would be consistent with the recommendations of the Comprehensive Plan.

Commissioner Cortina reiterated her concern regarding the applicant's compliance with the stormwater quality standards with respect to phosphorous and nitrogen removal. Ms. Baker stated that the applicant intended to comply with the appropriate standards, adding that the standards for Tysons were more stringent than other areas for the first inch of rainfall. When Commissioner Cortina asked whether the applicant would pursue mitigation credits, Ms. Baker said that the applicant did not intend to obtain such credits.

Commissioner Cortina echoed Commissioner Carter's remarks regarding the design and recreational features that had been included with the proposed development for the site.

Commissioner Carter noted that the subject applications would permit additional floor area ratio (FAR) in Building C1 with a quarter of a mile from the structure to 2.93. He then asked for additional information on how that would impact the FAR for the overall development. Ms. Baker said that the overall FAR for the site was 5.33 and indicated that the Comprehensive Plan permitted greater flexibility for developments located in close proximity to a Metrorail station. She then stated that the special exception portion of the proposal permitted that additional FAR in Building C1, adding that a maximum FAR of 2.5 was permitted for Building C1 without a special exception. A discussion ensued between Commissioner Carter and Ms. Baker regarding the impact that permitting that additional FAR for Building C1 incurred on the intensity of the overall development for the site wherein Ms. Baker indicated that the subject applications would not modify the overall FAR for the proposed development and would remain 5.33.

Commissioner Sargeant reiterated his concern regarding the applicant's commitment to providing electric vehicle charging stations with the proposed development and the ability to provide additional stations in the event that demand for such features increased. Ms. Baker said that the applicant had committed to reserving approximately two percent of the parking provisions for electric vehicle charging stations. She noted the difficulty of determining the

demand for such features, adding that developers frequently utilized market researchers in finalizing such provisions. In addition Ms. Baker stated that the applicant had coordinated with electric vehicle manufacturers to determine appropriate locations for electric vehicle charging stations.

When Commissioner Sargeant reiterated his concern regarding the language in Proffer 20B on the terminology utilized for providing energy data to the County, Ms. Baker explained that the language for that proffer had been retained from the previously-approved rezoning for the site. She then said that the intent of the language was intended to ensure that residents utilizing individual electric meters were not required to provide their energy data to the County. She added that the provision would apply to office buildings or multi-family residential development that utilized a centralized energy system.

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

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Well, thank you Mr. Chairman. This application seeks approval of amendments to the Boro's conceptual and final development plans and approval of a related proffered condition amendment. The net effect of approving these amendments will be to permit a change in uses for the Boro's Building C1 from hotel/residential use to office/retail use. Further, the applicant seeks approval of a special exception to permit an increase in the maximum office floor area ratio from 2.5 to 2.93, as we've just discussed, for the overall Boro development in order to implement the office option for Building C1. If approved, Building C1 will be between 14 and 23 stories in height and up to 350,000 gross square feet of office and retail uses will be allowed. The Boro property is designated in the Comprehensive Plan – the Tysons Comprehensive Plan for transit mixed use. The Plan envisions a development mix for the site of 65 percent office use and 20 percent residential use. As the approved rezoning of the overall Boro Development currently allows for a 44 percent to 41 percent office and residential mix, approval of the application will bring the development into greater alignment with the Plan's recommended land use mix for the Greensboro Metro Station. It is also worth noting that approval of the proposed special exception, which allows for an increase in maximum office-related floor area ratio, will not increase, as we just discussed, the Boro's overall density, since the maximum FAR for the entire development will remain 5.33. Finally Mr. Chairman, the Boro represents the prototypical Transit Oriented Development we wish to see in Tysons and along the other nodes of the Metro Silver Line. Approval of these amendments to the CDP, FDP, and Proffered Conditions, as well as approval of the Special Exception application, will not only meet the developer's needs, but further the vision of the Tysons Comprehensive Plan. For these reasons Mr. Chairman, I will be moving to approve a set of related recommendations. But before doing so, I request that the applicant confirm for the record its agreement to the proposed FDPA

development conditions dated May 9th, 2018 and the proposed Special Exception development conditions dated May 9th, 2018.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, we've read them and we will abide by those conditions.

Commissioner Niedzielski-Eichner: Okay, thank you, Ms. Baker. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2010-PR-022-02 AND CDPA 2010-PR-022, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 23, 2018.

Commissioner Tanner: Second.

Secretary Migliaccio: Seconded by Commissioner Tanner. Any discussion? Hearing and seeing – yes, Commissioner Cortina? Excuse me?

Commissioner Cortina: My microphone wasn't working. Are they the waivers and modifications dated...

Secretary Migliaccio: No, I think he's speaking to the proffers.

Commissioner Cortina: Oh, I...

Commissioner Niedzielski-Eichner: These are the – to the proffers.

Commissioner Cortina: I apologize. Thank you, sorry.

Commissioner Niedzielski-Eichner: Waivers are coming up.

Secretary Migliaccio: Okay. Any other discussion? Okay, all those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2010-PR-022-02 and CDPA 2010-PR-022, subject to the execution of – execution of proffers dated March 23rd, please say aye.

Commissioners: Aye.

Secretary Migliaccio: Opposed? The motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2017-PR-029, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 9TH, 2018.

Commissioner Tanner: Second.

Secretary Migliaccio: Seconded by Commissioner Tanner. Any discussion? Hearing and seeing none, all those in favor of the motion to recommend to the Board of Supervisors that it approve

SE 2017-PR-029, subject to the proposed development conditions dated May 9th, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2010-PR-022-02-01, SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 9, 2018, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 2010-PR-022-02 AND CDPA 2010-PR-022.

Commissioner Tanner: Second.

Secretary Migliaccio: Seconded by Commissioner Tanner. Any discussion? Hearing and seeing none, all those in favor of the motion, as articulated by Commissioner Niedzielski-Eichner, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: Opposed? The motion carries.

Commissioner Niedzielski-Eichner: And now finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS LISTED IN THE HANDOUT DATED MAY 24, 2018, THAT WAS PROVIDED TO THE COMMISSION TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Tanner: Second.

Secretary Migliaccio: Seconded by Commissioner Tanner. Any discussion on that? Hearing and seeing none, all those in favor of the motion to recommend to the Board of Supervisors that it approve a reaffirmation of the requested waivers and modifications, please indicate by saying aye.

Commissioners: Aye.

Secretary Migliaccio: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Hart and Murphy were absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 8:18 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: September 13, 2018

Toni Michele Denson
NOTARY PUBLIC
Howard County, Maryland
My Commission Expires 6/14/2022



Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission