

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 19, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John A. Carter, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee 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: None

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The meeting was called to order at 7:40 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant said that the Planning Commission's Schools Committee had met the previous night to continue ongoing discussions with the Fairfax County Public School Board. He then indicated that the date for the next Schools Committee meeting had not been determined, but such meetings were open to the public.

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Commissioner Migliaccio stated that the Planning Commission's Land Use Process Review Committee had met the previous night to discuss the ongoing efforts regarding ZMOD. He commended the Commission and staff for their discussion on the issue. He then announced that the Land Use Process Review Committee would meet again in September 2018 on a date to be determined.

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SE 2017-PR-011 – MARTIN-LEPPERT-SIPES POST 9274, VFW & A/K/A FALLS CHURCH
VFW CLUB & FRAT. ORDER OF POLICE NOVA LODGE 35, INC.

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Due to some outstanding issues that are yet to be resolved, which the applicant and staff are continuing to address, I MOVE TO DEFER THE HEARING FOR SE 2017-PR-011 TO A DATE CERTAIN OF SEPTEMBER 27TH, 2018.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion, 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. SEA 95-P-008 – STARBUCKS COFFEE COMPANY
2. RZ 2006-HM-004 – DANIEL W. MCKINNON
3. PA 2018-IV-MV2 – COMPREHENSIVE PLAN AMENDMENT (8800 RICHMOND HIGHWAY)

This order was accepted without objection.

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SEA 95-P-008 – STARBUCKS COFFEE COMPANY – Appl. under Sects. 4-604, 4-605, 9-014 and 9-501 of the Zoning Ordinance to amend SE 95-P-008 previously approved for a drive-in financial institution to redevelop as a restaurant with a drive-through and associated modifications to site design and development conditions. Located at 3046 Gate House Plaza, Falls Church, 22042 on approx. 8.39 ac. of land zoned C-6. Tax Map 49-3 ((1)) 142A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated June 6, 2018.

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

Commissioner Niedzielski-Eichner 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 Niedzielski-Eichner for action on this case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. This is a straightforward special exception amendment for a building located at Route 50 and Gallows Road. It's to allow the conversion of a financial institution with a – that has a drive-through – to a restaurant with a drive-through, pretty straightforward. And for that reason, I'd like to move to approve and I do ask that the applicant step forward and record your acceptance to the development conditions dated July 3rd, 2018.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Thank you, Commissioner. The applicant has read and does agree to the development conditions dated July 3rd, 2018.

Commissioner Niedzielski-Eichner: Okay, thank you very much. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 95-P-008, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 3RD, 2018.

Commissioners Migliaccio and Tanner: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 95-P-008, say aye.

Commissioners: Aye.

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

Commissioner Niedzielski-Eichner: And Mr. Chairman, I have one more motion related to this.

Chairman Murphy: Okay.

Commissioner Niedzielski-Eichner: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF

THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS, PURSUANT TO SECTION 13-203 IN FAVOR OF THE ORIGINAL REZONING APPROVAL AND AS CONDITIONED.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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RZ 2006-HM-004 – DANIEL W. MCKINNON – Appl. to rezone from R-1 to R-3 to permit residential development with a total density of 2.27 dwelling units per acre (du/ac). Located on the S.W. side of Old Courthouse Rd. and E. side of Beulah Rd. on approx. 1.76 ac. of land. Comp. Plan Rec: 2/3 du/ac. Tax Map 28-3 ((5)) 36 (pt.). HUNTERMILL DISTRICT. PUBLIC HEARING.

Meredith Hartley, Applicant's Agent, Reed Smith, LLP, reaffirmed the affidavit dated June 15, 2018.

Commissioner Hurley disclosed that her family had a personal relationship with the McKinnon family; therefore, she recused herself from the case.

Harold Ellis, 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 application RZ 2006-HM-004.

Ms. Hartley said that the applicant concurred with staff's conclusions. She then waived the applicant presentation and offered to answer questions from the Commission.

Commissioner Carter stated that the applicant intended to construct multiple dwelling units on the subject parent. He added that the parents of the applicant would reside in one of those units.

Commissioner Cortina noted that the Comprehensive Plan recommended the installation of a crosswalk at the intersection of Trap Road, Beulah Road, and Old Courthouse Road. She then indicated that the applicant had not committed to implementing the crosswalk and asked for additional information regarding the applicant's intentions for that feature. Mr. Ellis stated that the applicant had not included the installation of a crosswalk with the proposed residential

development, but noted that the Commission could include a recommendation to include such an improvement. Brittany Nixon, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), also explained that FCDOT had requested that the applicant provide a crosswalk with the proposal because the Public Facilities Manual noted the need for implementing sidewalks on both sides of a street as part of a subdivision. She then indicated that staff supported the installation of sidewalks on Beulah Road and Old Courthouse Road with a connecting crosswalk. A discussion ensued between Commissioner Cortina and Theodore Britt, Applicant's Agent, Tri-Tek Engineering, Inc., with input from Mr. Ellis and Ms. Nixon, regarding the route pedestrians from the site would utilize to access Wolf Trap, the existing condition of the intersection to the north of the site, the safety issues associated with pedestrian traffic throughout the area, and the applicant's reason for not including the crosswalk within the subject application wherein Mr. Britt explained the following:

- The existing residential neighborhood surrounding the subject property did not utilize sidewalks;
- The installation of a sidewalk or crosswalk with the proposal would create paths that did not connect to existing networks;
- The applicant had concluded that a sidewalk and associated crosswalk was not necessary;
- The absence of a sidewalk or crosswalk did not impact the viability of the proposed development;
- The opportunities for redeveloping other sites around the subject property and install additional pedestrian paths were limited; and
- The frontage along the subject property contained significant vegetation that limited the applicant's ability to install sidewalks.

Commissioner Strandlie said that she did not concur with Mr. Britt's conclusion that the installation of sidewalks and crosswalks around the subject property was not necessary. She cited other areas in the Mason District that had been the subject of expansions to pedestrian paths. A discussion ensued between Commissioner Strandlie and Ms. Nixon, with input from Mr. Britt, regarding the opportunities to install sidewalks around the site, the challenges associated with implementing those improvements, and the need for greater connectivity with pedestrian paths throughout the area wherein Ms. Nixon reiterated staff's support for installing sidewalks around the site, adding that such paths were necessary to connect with other developments, and Mr. Britt stated that the applicant supported such improvements as part of a larger comprehensive effort throughout the area.

A discussion ensued between Commissioner Strandlie and Mr. Britt regarding the possibility for addressing staff's concerns on the absence of sidewalks around the area prior to the Board of Supervisors' public hearing for the subject application wherein Mr. Britt stated that the issue would be evaluated prior to that hearing.

Commissioner Carter pointed out that the County had previously evaluated the possibility of installing pedestrian paths on both sides of the streets that surrounded the subject property. He then said that while sidewalks had been constructed around nearby areas, the existing right-of-way along the site contained swales and vegetation that limited the opportunities for installing such features. Commissioner Carter added that the staff would determine whether the applicant was required to construct a sidewalk around the site during the site plan review process. Mr. Ellis concurred with that statement. When Commissioner Strandlie asked whether that process was adequate to address staff's concerns regarding the absence of sidewalks and crosswalks, Kris Abrahamson, ZED, DPZ, indicated that the process was sufficient, provided that a waiver for constructing such an improving was not granted.

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

(Start Verbatim Transcript)

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Commissioner Carter: Okay, I'm ready to move forward. The proposed lot size and shapes are compatible with adjacent neighborhoods. The applicant will contribute to the school fund, park fund, as required. And there are extensive tree save areas and the stormwater management will be located on site. Hunter Mill Land Use Committee unanimously recommended approval of this project, so I'm ready to make a motion. Okay, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2006-HM-004, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE SET FORTH IN APPENDIX 1 OF THE STAFF REPORT AND DATED JUNE 27TH, 2018.

Commissioner Tanner: Second.

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

Commissioner Hart: It's Donté.

Chairman Murphy: Was that you?

Commissioner Tanner: Yeah, that was me.

Chairman Murphy: I'm sorry. Mr. Tanner seconded the motion. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Hurley recused herself from the vote.

(End Verbatim Transcript)

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PA 2018-IV-MV2 – COMPREHENSIVE PLAN AMENDMENT (8800 RICHMOND HIGHWAY) – 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 2018-IV-MV2 concerns approx. eight ac. generally located at 8800 Richmond Highway (Tax map parcels 109-2 ((1)) 18C, 19 and 20) in the Mount Vernon Supervisor District. The area is planned for private open space. The amendment will consider residential use at a density up to 8 dwelling units per acre and the ability to achieve parcel consolidation and demonstrate that circumstances merit disturbance to the Environmental Quality Corridor (EQC); and that mitigation/compensation measures are provided to result in a net environmental benefit to the parcels and net benefits to most, if not all, the purposes of the EQC policy that are applicable to the proposed disturbances. Recommendations relating to the transportation network may also be modified. PA 2018-IV-MV2 is concurrently under review with Rezoning and Final Development Plan application RZ/FDP 2016-MV-018 and Special Exception application SE 2016-MV-016. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Jennifer Garcia, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of PA 2018-IV-MV2 because it was not consistent with the existing policies of the Comprehensive Plan that discouraged residential development within floodplains and approval of the amendment would establish a precedent for permitting such development within other floodplains throughout the County.

Commissioner Clarke commended staff for their work and thanked the citizens of the Mount Vernon community for attending the public hearing.

Commissioner Cortina requested information regarding the “ecological spine” concept that had been included in the Embark Richmond Highway program and the extent to which the subject property was impacted by that feature. Ms. Garcia explained that the ecological spine concept was located within the Woodlawn Community Business Center (CBC) and involved efforts to implement ecologically beneficial features throughout the area. She then indicated that a portion of the subject property was located within the Woodlawn CBC. Commissioner Cortina noted the ideas included within ecological spine concept were intended to highlight the environmental qualities of the surrounding area and noted the benefits of such provisions on the character of a property. She also added that the surrounding community had expressed support for such an

effort as part of Embark Richmond Highway. Commissioner Cortina expressed concern that the revised Plan text articulated in the proposed amendment was not consistent with that effort. Ms. Garcia concurred with that statement, adding that staff favored revitalization efforts on the site that enhanced the visual impact of the environmental features of the surrounding area. In addition, she said that Embark Richmond Highway established standards for revitalizing efforts, such as the inclusion of amenities like buffers, passive recreation opportunities, and the daylighting of stream.

Commissioner Cortina acknowledged the cost of complying with the standards and associated ecological spine concepts articulated in the Embark Richmond Highway program. She then asked for additional information on the type of by-right development permitted on the subject property. Ms. Garcia indicated that Parcel 20 on the site was zoned C-8 and Parcels 19 and 18C were zoned R-2. In addition, Marianne Gardner, PD, DPZ, noted that those parcels were encumbered by a resource protection area (RPA) and development on those area was subject to a special review. She added that there were provisions within that process that permitted development on areas that had been previously disturbed. A discussion ensued between Commissioner Cortina and Ms. Gardner regarding the potential developments that could be implemented on the subject property by-right, the presence of impervious surface on the site, and the impact those impervious surfaces incurred on potential development wherein Ms. Gardner noted that features from previous development on the site were still present, but reiterated that additional review was required to determine the appropriate extent of development.

Addressing Commissioner Cortina's question regarding the possible by-right development options for the subject property under the existing zoning, Noel Kaplan, PD, DPZ, explained that the Zoning Ordinance permitted redevelopment within RPAs, provided that the development did not increase the amount of impervious surface on the site or further encroach into the RPA. However, he noted that an applicant would be required to provide a water quality impact assessment and demonstrate that the development's impact on water quality was minimized. Mr. Kaplan pointed out that portions of the site were located within a floodplain, which incurred significant constraints on redevelopment efforts at the site due to the associated regulations pertaining to fill. He also noted that the existing condition of the site included a significant amount of impervious surface from previous uses and indicated that staff had concluded that such condition did not impede by-right development.

Commissioner Cortina echoed concerns from staff regarding the potential to establish a precedent for permitting residential development within a floodplain at similar sites throughout the County. When she asked staff to elaborate on the issue, Mr. Kaplan indicated that staff shared those concerns, noting the presence of similar sites in the County within environmental quality corridors that had become blighted. In addition, he stated that the Policy Plan had established standards for developing within a floodplain that would permit development in extraordinary circumstances, noting that the determination as to whether a site met that standard would be considered on a case-by-case basis. He then said that staff had concluded that there had been no proposed redevelopment efforts on the site that had met that standard.

When Commissioner Cortina requested additional information regarding past efforts to re-route the stream that traversed the site, Mr. Kaplan described the previous routes of streams on the site

that fed into Dogue Creek, which had been modified on multiple occasions in conjunction with previous uses at the site. He noted that there had been significant modifications in the 1970s that diverted Dogue Creek to the western part of the site, which had generated significant erosion and instability. Mr. Kaplan added that the Virginia Department of Transportation (VDOT) did not support development that intensified that condition and staff would continue coordinating with VDOT and prospective applicants to address the issue. He indicated that a resolution to the issue had not been finalized. Charles Smith, Stormwater Planning Division, Department of Public Works and Environmental Services, added that staff had evaluated the stream in June 2018 and concluded that there was significant base flow of the stream through older ponds and such conditions were not reflected in the proposed amendment. He also indicated that the existing alignment of the stream was unstable and generated significant erosion on the existing VDOT right-of-way. In addition, he said that the stream did not align with other stream systems in the area in a stable manner. Mr. Smith stated that staff's concerns regarding the condition of the streams on the site had not been addressed by prospective applicants and indicated that resolving those issues required subsequent coordination with VDOT as part of a redevelopment of the roads near the site.

Commissioner Hart stated that the subject property had been subject to multiple application reviews by the Board of Zoning Appeals. He then noted that while the site had been cleaned since the previous use had ceased, the existing condition was subject to significant blight. He added that the past usage of the site had incurred negative environmental impacts. Commissioner Hart then requested additional information regarding the existing condition of the subject property and the extent to which it had been modified. Mr. Kaplan concurred with Commissioner Hart's description of the existing condition on the site. He added that staff had expressed concern about the impact that previous uses on the site had incurred on groundwater, but that issue had been reviewed by the Virginia Department of Environmental Quality (DEQ), which subsequently concluded that there were no health or environmental hazards present on the site. Mr. Kaplan stated that staff supported DEQ's conclusion, but reiterated that there was a significant amount of impervious surface on the site that had remained after the cession of the previous use.

Commissioner Hart pointed out that the Commission had received multiple letters of support for the proposed amendment and a pending rezoning application for the subject property. He added that alternative language for the proposed amendment had been submitted prior to the public hearing and asked whether staff had reviewed that language. Ms. Garcia said that staff had not reviewed that alternative language. When Commissioner Hart asked whether staff had reviewed or submitted other drafts of alternative language for the amendment, Ms. Gardner indicated that staff had considered such language that included appropriate conditions that reflected the need to improve the environmental conditions of the site. However, she noted that no language by staff had been finalized.

Commissioner Hart stated that the County had existing policies that prohibited residential redevelopment within a floodplain and those policies did not include exceptions for revitalization areas, such as those located along Richmond Highway. He noted that there had been instances where there was existing residential development on lots located near a floodplain, which were subject the approval of a special permit application. A discussion ensued between Commissioner Hart and Ms. Gardner regarding the previous instances of permitting residential development

within an existing floodplain and the instances that permitted development at the density proposed by a prospective applicant wherein Ms. Gardner indicated that there had been no previous case in which staff permitted a residential development within an existing floodplain.

Commissioner Hart pointed out that the County had discouraged the installation of roads in environmentally sensitive areas, but had permitted them in certain instances, such as a development that involved a government facility that required special access provisions and extensive environmental preservation commitments. He then asked whether there was specific guidance or standards for permitting residential development on the subject property and inquired as to whether staff had considered including such criteria in the proposed amendment. Mr. Kaplan acknowledged that there had been previous instances where the County had permitted roads and development through environmentally sensitive areas, but noted that the case Commissioner Hart had cited pre-dated the existing policies for development within such areas. He also confirmed that the case had included significant environmental preservation provisions, such as comprehensive downstream restoration efforts. Mr. Kaplan added that staff had recommended denial of that application because there were no existing standards at the time for evaluating development in those environmentally sensitive areas, but the County's policy on such development had been revised after coordination with the Commission's Environment Committee. He then reiterated that the County's policy articulated that development within a floodplain was permitted in the event that the proposal complied with the extraordinary circumstances policy articulated in the Policy Plan. He added that determining whether a proposal complied with that standard would be rendered on a case-by-case basis. Mr. Kaplan said that there had been two previous cases where staff had permitted development within environmentally sensitive areas, but noted that one case required encroachment into an EQC to provide access and the other involved a quarry that was repurposed as a water reservoir. He indicated that both cases had been subject to significant review and the applicants had been required to include significant environmental preservation commitments. Mr. Kaplan stated that there was a pending rezoning application for a residential development on the subject property and staff did not support approval of that application because the applicant had not met the extraordinary circumstances criteria. He added that the applicant's inability to comply with those standards was a factor in staff's recommendation to deny the proposed amendment.

Commissioner Hart said that the Commission had reviewed the possible designs of the pending rezoning application for a residential development on the site and inquired as to whether there were standards for permitting certain amounts of encroachment into an RPA. He also requested additional information on the boundaries of the floodplain in the area, noting that a general depiction of that floodplain had been included in Figure 2 in the staff report. Mr. Kaplan stated that Figure 2 was a generalization, but there had been significant study of the floodplain by the prospective applicant and staff. A discussion ensued between Commissioner Hart and Mr. Kaplan regarding the size of the floodplain compared to the depiction in figure 2 and the possibility that those boundaries would change after modifications to the existing bridge located along Richmond Highway to the southwest of the site wherein Mr. Kaplan indicated that further coordination with VDOT was necessary to determine the current and future boundaries of the flood plain.

Commissioner Hart stated that the Board of Supervisors had tasked the Commission with evaluating the feasibility of a single-family attached residential development on the subject property at a density of eight dwelling units per acre. He then asked whether staff had evaluated other potential residential development options for the site that. Ms. Gardner explained that other residential development, such as two-over-two dwelling units, had been considered for the site in conjunction with commitments to environmental improvements, but indicated that further evaluation of such a development was beyond the scope of the proposed amendment. A discussion ensued between Commissioner Hart and Ms. Garcia regarding the extent to which a townhouse development at eight dwelling units per acre would encroach into the floodplain wherein Ms. Garcia described the boundaries of the existing floodplain and noted that the majority of such a development would be located within those boundaries.

A discussion ensued between Commissioner Hart and Ms. Gardner regarding the possible modifications of the County's policy on building within a floodplain and the criteria for permitting exceptions to the existing policy for the purpose of improving blighted sites wherein Ms. Gardner indicated that there had been no considerations to modifying the floodplain policy, but noted that a portion of the site was within the boundaries of a revitalization district and while that issue was considered, staff concluded that permitting a residential development was not warranted and doing so would establish a precedent for similar development other sites that had become blighted.

Commissioner Ulfelder stated that he had evaluated the existing watershed management plans for the areas located around Dogue Creek, which included areas along Richmond Highway. He then requested additional information regarding the absence of other projects within and around the subject property. Mr. Smith noted that evaluation of potential projects throughout the area was ongoing, adding that there were other efforts between the County VDOT to implement improvements downstream from Dogue Creek. However, he pointed out that the areas to the north of the site contained a significant amount of wetlands and staff supported maintaining those wetlands to ensure sufficient flood mitigation. When Commissioner Ulfelder asked about the possibility of conducting additional flood mitigation efforts to facilitate development on the subject property, Mr. Smith said that there were other pending restoration projects for both the Dogue Creek area and the bridge that traversed that creek from Richmond Highway. He then indicated that staff favored further consideration of the impact of those projects prior to permitting redevelopment on the site.

Commissioner Ulfelder pointed out that the Comprehensive Plan identified the subject property as private open space and staff had supported retaining the current condition of the site until ongoing restoration efforts were completed. When he inquired as to the final condition of such efforts, Mr. Kaplan described the ultimate condition of the RPA and Dogue Creek upon completion of those efforts, stating that the intent of the projects was to realign the creek and planned VDOT road improvements in a manner that allowed for more efficient stormwater flow. He added that staff supported efforts to increase buffering throughout the area to mitigate flooding issues and preserve environmentally sensitive areas. A discussion ensued between Commissioner Ulfelder and Mr. Kaplan, with input from Mr. Smith, regarding the function of increased buffering throughout the floodplain, the visual impact of such buffering, and the impact of such provisions on a possible redevelopment of the subject property wherein Mr.

Smith reiterated that staff favored efforts to preserve the ecological function of the floodplain, noting the location and extent of environmentally sensitive areas throughout the site.

Commissioner Sargeant asked for additional information regarding the location of a possible residential development on the subject property and the features such development might include. Mr. Kaplan stated that the residential development that permitted by the proposed amendment would be located within the existing floodplain, which required the implementation of significant fill to mitigate flooding concerns. He added that such a development would require a buffer and while a prospective applicant for a residential development on the site had included such a feature, the size was inadequate.

When Commissioner Sargeant requested additional information on the timeframe for VDOT's planned widening of the portion of Richmond Highway that contained the bridge that traversed the site, William Dunn, VDOT, stated that the construction for the widening of that portion of the road would commence in 2023. He then said that the completion of the widening was scheduled for late 2025 or early 2026. Mr. Dunn added that the effort included the bridge and issues relating to water flow would be evaluated at that time.

Commissioner Sargeant asked for additional information regarding the issues the Board of Supervisors had authorized the Commission to evaluate when considering revisions articulated in the proposed amendment. Ms. Gardner stated that the Board had requested that staff evaluate the feasibility of a residential development on the site in conjunction with the planned widening of Richmond Highway. However, she noted that staff had concluded that there was insufficient information on the planned widening to render an appropriate conclusion. Ms. Gardner added that staff had not provided alternative text because the pending redevelopment application for the site had not met the extraordinary circumstance standard for permitting development within a floodplain.

A discussion ensued between Commissioner Sargeant and Ms. Gardner regarding the standards associated with extraordinary circumstances for permitting development within a floodplain, the possible precedent that approving the proposed amendment would incur for permitting development in such areas, and the process staff utilized to evaluate whether the extraordinary circumstance criteria had been met wherein Ms. Gardner indicated that redevelopment efforts would be evaluated on a case-by-case basis along the Richmond Highway corridor and noted the unique conditions of the site compared to others located throughout that corridor, adding that the subject property was located outside the Community Business Center and was mostly undeveloped.

Commissioner Tanner requested additional information regarding the type of development staff supported for the subject property. Ms. Gardner reiterated that the Comprehensive Plan discouraged permitting residential development within an existing floodplain. She then explained staff did not support residential development on the site because such development required significant fill, which would establish a precedent for development at similar sites. When Commissioner Tanner asked for additional information on potential development on the site from the Office of Community Revitalizations (OCR), Joanne Fiebe, Revitalization Program Manager, OCR, indicated that OCR supported redevelopment on the subject property because such

development would incur significant benefits for the surrounding community and the existing condition was not consistent with the goals articulated by Embark Richmond Highway.

Commissioner Niedzielski-Eichner asked for additional information regarding the existing conditions of the subject property and the extent that previous development had impacted those conditions, noting the presence of impervious surface on the site and the associated impact on the nearby RPA. Ms. Gardner acknowledged the challenges of developing on the site, pointing out that the majority of the site was located within a floodplain. She then indicated that staff favored developing the site with commercial use within the areas located outside the floodplain, but indicated there was limited demand for such use in that area. In addition, she said that the existing condition of the site was subject to significant blight. Ms. Gardner said that staff supported efforts to develop the site, but did not endorse a residential development. A discussion ensued between Commissioner Niedzielski-Eichner and Ms. Gardner regarding the standards for permitting a residential development on a floodplain, the reasons why staff concluded that such development had not complied with those standards, and the impact of residential development on the environmentally sensitive areas around the site wherein Ms. Gardner indicated that permitting residential development on the site required the implementation of fill and the type of development proposed by the perspective applicant required significant amounts of fill to mitigate the impact.

When Commissioner Niedzielski-Eichner requested additional information regarding the existing conditions of the site and the conditions generated by a residential development, Mr. Kaplan said the following:

- The site was subject to significant stormwater flow in the existing condition and that flow had been significantly impacted by the current development on the site;
- The majority of the site was located within the floodplain and had been subject to significant fill from past development;
- The implementation of additional fill to accommodate a residential development would significantly hinder stormwater flow during 100-year storm events; and
- The footprint for a residential development on the subject property was significant and would preclude further efforts to restore portions of site to an ecologically beneficial condition.

Commissioner Niedzielski-Eichner stated that he supported considering the historic circumstances of a site when evaluating the feasibility of redevelopment. He also favored informing private property owners of potential mitigation strategies to enhance the value of the property while providing redevelopment opportunities consistent with the County's environmental preservation policies. In addition, he noted the impact that the widening of the bridge on Richmond Highway to the southwest of the site would incur on redevelopment efforts on the site and recommended that such impacts be considered in determining appropriate flood mitigation strategies for such development.

Mark Viani, Bean, Kinney, and Korman, PC, representing a prospective applicant for redevelopment of the subject property, gave a presentation wherein he explained the following:

- The efforts to redevelop the site were subject to significant challenges due to the location, the previous uses that had been permitted, and the previous efforts to update the County's environmental policies;
- The site was located within the Richmond Highway corridor, which contained multiple developments that were within an existing floodplain;
- The prospective applicant had attempted to incorporate the subject property into Embark Richmond Highway, but that effort had not been successful and remained subject to the standards of the Woodlawn Community Business Center;
- The subject property was located near an existing commercial development that included multiple tenants utilizing long-term leases;
- The site was also located near Pole Road Park, which had been donated by the existing property owner;
- The site was subject to a pending rezoning and special exception application that would address the concerns raised by the Commissioners;
- The scope of the proposed amendment was to consider an alternative development option for the subject property and those options would be subject to further review by the Commission;
- The subject property was located to the north and east of an existing commercial and office development;
- The existing condition of the site had been subject to clean-up efforts and was not consistent with the depictions in the staff report;
- The site had remained vacant since the recent clean-up efforts;
- The route and condition of Dogue Creek had been subject to significant modifications since the 1950s to accommodate a park facility;
- The proposed amendment provided greater flexibility to permit a residential development on the site at a density that would incur a positive economic impact for the surrounding area;
- The existing condition of the site included significant areas of impervious pavement that had been implemented under previous uses;

- The subject property had been incorporated into an EQC after recreational and commercial activity was implemented;
- The prospective applicant's proposal would redevelop the site in a manner that preserved the conditions and standards of an EQC;
- The prospective applicant's proposal would include provisions that addressed issues relating to environmental concerns and the impact of the planned widening of Richmond Highway by VDOT;
- The existing development of the site was already located within an EQC and the prospective applicant's proposal would not occur on areas that had not been previously disturbed;
- The portions of the site that had been reserved for right-of-way for the planned Richmond Highway widening would not be modified under the prospective applicant's proposal;
- The previous uses on the site included an amusement park and various public use;
- The subject property contained fill from previous uses on the site;
- The existing impervious surfaces on the site covered approximately 3.9 acres of the 8.14 acre site and consisted of pavement and compacted gravel, which had been installed under previous uses;
- The existing condition of the site did not include a buffer around Dogue Creek;
- The subject property was subject to flooding during heavy rain and the existing floodplain had adequately contained the runoff from recent storms;
- The planned widening of Richmond Highway by VDOT in the area included a modification of the bridge located to the southwest of the site, which would remove the existing culvert;
- The area around the bridge would be subject to a study by VDOT to determine an appropriate design to facilitate the flow of stormwater runoff from Dogue Creek;
- The prospective applicant's proposal was not dependent on the completion of the planned widening of Richmond Highway, but the impact of that project would alleviate flooding concerns throughout the area;
- The design of the modified bridge under the planned Richmond Highway widening would provide more space to ensure the flow of stormwater runoff during heavy rain;

- The prospective applicant's proposal consisted of 43 single-family attached dwelling units that included significant provisions for environmental preservation;
- The prospective applicant had evaluated other potential designs for a residential development on the site, but determined that single-family attached dwelling units were the most feasible;
- The prospective applicant's proposal would reduce the amount of impervious surface on the site, implement a buffer along Dogue Creek, and install stormwater management provisions consistent with the standards prescribed by the County;
- The prospective applicant's proposal included a commitment to donate a portion of the subject property to the Fairfax County Park Authority (FCPA);
- The prospective applicant's proposal included fill that would replace the previous fill that had been implemented on the site, which would raise the elevation of the development above the floodplain;
- The prospective applicant's designs for the proposed residential development would not negatively impact the floodplain and the dwelling units would be constructed at least 4 feet above the flood station, which was greater than the 1.5 feet required by the County;
- The prospective applicant's proposal included commitments to reduce the amount of phosphorous generated on the site, provide a minimum 50-foot buffer near the existing water features, remove invasive species, and installation of stormwater management controls;
- The prospective applicant's proposal would preserve approximately 63 percent of the site as open space;
- The prospective applicant's proposal would reduce the amount of impervious surface on the site from 3.9 acres to 2.1 acres, which was an approximate reduction of 46 percent, and incorporate stormwater management features;
- The Richmond Highway Corridor plan contained recommendations to reserve most of the subject property as open space and incorporate portions of the site with neighboring commercial development, provided the existing state of the floodplain was retained;
- The existing recommendations for the subject property had not generated significant interest from developers and the proposed amendment would provide an additional option that was more economically feasible;
- The subject property did not function as an EQC due to the existing condition of the site and the EQC permitted modifications of the boundaries of environmentally sensitive areas that did not comply with the necessary criteria;

- The prospective applicant's efforts to redevelop the site would improve the overall condition and the proposed amendment would provide an option for such an effort; and
- The subject property met the County standards for extraordinary circumstances for developing within a floodplain due to the unique history of uses on site and would not require disturbances on an EQC at levels similar to those utilized at other developments.

When Commissioner Sargeant requested additional information regarding previous instances at sites that had been subject to extraordinary circumstances to permit redevelopment, Mr. Viani cited a previous residential development that had been located near environmentally sensitive areas and was approved in 2000, provided that the location and number of dwelling units was reduced to mitigate the impact on the floodplain. He added that the development had also included a dedication to the FCPA. In addition, he pointed out that the provisions for addressing those concerns regarding the floodplain had been finalized during the rezoning process. Mr. Viani also noted that previous developments that had impacted EQC areas had included intrusions into environmentally sensitive areas whereas the prospective applicant's development was limited to areas on the site that had been previously disturbed by past uses.

A discussion ensued between Commissioner Sargeant and Mr. Viani regarding the extent to which the prospective applicant's development accounted for VDOT's plans to widen Richmond Highway, the timeframe for when those plans would be implemented, the impact of the widening on other nearby sites, and the possibility of retaining the site as private open space wherein Mr. Viani indicated the following:

- The proposed residential development was feasible in the event that the widening did not occur;
- The applicant would coordinate with VDOT to mitigate potential impacts of the widening on the nearby floodplain;
- The existing property owners had no outstanding offers by prospective applicants to preserve the site as private open space; and
- The existing condition of the site would incur negative environmental impacts of redevelopment did not occur and significant improvements were required in the event that it remained private open space.

A discussion ensued between Commissioner Clarke and Mr. Viani regarding the previous instances in which development had occurred on environmentally sensitive areas and the extent to which that development had generated significant environmental impacts wherein Mr. Viani indicated that there had been no concerns expressed after the completion of that development.

A discussion ensued between Commissioner Hart and Mr. Viani regarding the manner in which the prospective applicant's proposed development would be constructed on the site, the extent to

which that method complied with the County's policy discouraging residential development within a flood plain, the previous instances where those methods had been utilized at similar sites, and the precedent such methods would establish for future development within floodplains wherein Mr. Viani stated that there had been previous instances where development occurred at other sites utilizing similar techniques and Commissioner Hart indicated that the circumstances of those instances were considerably different compared to those on the subject property.

Commissioner Hart echoed staff's concerns regarding the precedent that permitting the prospective applicant's proposal for redeveloping the site on the basis that the existing condition was subject to considerable blight. Mr. Viani acknowledged those concerns, but noted the unique circumstances of the subject property and the difficulty of permitting redevelopment on sites where the existing recommendations articulated in the Comprehensive Plan were not feasible. A discussion ensued between Commissioner Hart and Mr. Viani regarding the criteria for determining that a proposal was subject to extraordinary circumstances and the application of that criteria at other sites wherein Mr. Viani pointed out that the residents of the surrounding community had expressed significant support for redeveloping the site.

Commissioner Cortina noted the difficulty of permitting development in environmentally sensitive areas because evaluating the possible impact required various studies, adding that there were criteria for demonstrating that a proposal provided sufficient efforts to mitigate those impacts. She then said that she did not support the proposed amendment because the subject property could not accommodate the density that would be permitted under the revised Plan text and hindered the Commission's ability to determine that such a development was not appropriate for the site. In addition, Commissioner Cortina stated that the pending proposal that had been submitted by a prospective applicant did not meet the standard for extraordinary circumstances that had been prescribed by the County. She also pointed out that there were existing development options for the site and permitting an option for a higher-density development would undermine efforts to finalize an appropriate development for the site. Mr. Viani explained that the scope of the proposed amendment was limited to including another development option for the site and a development that exercised that option would be subject to further evaluation and approval by the Commission. He acknowledged the possibility that the Commission could recommend denial of such an application if the proposed amendment were approved, but noted that there would be opportunities to coordinate with staff to determine appropriate mitigation measures to accommodate the proposed development.

A discussion ensued between Commissioner Hurley and Mr. Viani regarding the existing conditions of the subject property during a heavy rain event that had occurred in June 2018 wherein Mr. Viani indicated that the site had not been subject to significant flooding and noted that there were other outlets for stormwater runoff that flowed into Dogue Creek.

A discussion ensued between Commissioner Ulfelder and Mr. Viani regarding the reason the prospective applicant that had submitted a rezoning application for the site had pursued a residential development prior to the resolution of the outstanding environmental issues and the extent of the unresolved issues associated with the subject property wherein Mr. Viani acknowledged the constraints of the site and the impact of the planned widening of Richmond Highway, but indicated that the prospective applicant had coordinated with staff in considering

an appropriate development for the site and subsequently concluded that a residential development was the most feasible.

A discussion ensued between Commissioner Ulfelder and Mr. Kaplan regarding the possibility that the subject property could be utilized for mitigation efforts for development at other sites.

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The Commission went into recess at 9:48 p.m. and reconvened in the Board Auditorium at 10:02 p.m.

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

Judith Harbeck, 4106 Robertson Boulevard, Alexandria, representing the Mount Vernon Council of Citizens Association (MVCCA), voiced support for the proposed amendment, stating that the MVCCA did not concur with staff's conclusion and had submitted a resolution to the Commission prior to the public hearing. She pointed out the need for revising the Comprehensive Plan recommendations for the subject property, noting the significant changes to the surrounding areas that had been incurred by Embark Richmond Highway and the planned widening of Richmond Highway. Ms. Harbeck said that the standards that staff had utilized to evaluate the subject were not sufficiently flexible and the existing recommendations to preserve the site as private open space was not feasible. She then indicated that there was a growing need for mid-level residential development along the Richmond Highway corridor and the current Plan text did not provide adequate flexibility. Ms. Harbeck described the history of uses that had occurred on the site, pointing out that it had become blighted after the previous commercial use on the site had ceased. She added that the existing condition of the site was subject to various environmental impacts. In addition, Ms. Harbeck concurred with comments from Mr. Viani regarding the extent to which the previous development on the site had encroached into the RPA. She also noted the amount of existing impervious surface on the site, which had remained from previous uses on the site. She added that the environmental impact of the existing conditions on the site had generated significant erosion along Dogue Creek, which negatively impact the flow of stormwater runoff from the site. Ms. Harbeck indicated that the planned widening of Richmond Highway and the removal of the existing culvert under the existing bridge would improve the flow of stormwater runoff from the site. She stated that the MVCCA had evaluated the potential environmental impacts and flooding concerns on the site, but determined that the impact of the Richmond Highway widening and bridge improvements ensured that a residential development was feasible. She added that such a development would not negatively impact the existing RPA, which had been subject to significant disturbances by previous uses on the site. Ms. Harbeck said that the prospective applicant that had submitted a rezoning application for a residential development on the site included significant environmental commitments that would improve the environmental features of the site and enhance the function of the EQC. She also indicated that such a development would support ongoing efforts to revitalize the Richmond Highway Corridor and improve the overall character of the area. Ms. Harbeck indicated that the site had not generated significant interest from other prospective applicants and the County had

declined to purchase it. She then stated that preserving the site as private open space was not viable and the existing owner had indicated that there were limited opportunities for a by-right development on the site because of the impact of the planned Richmond Highway widening. Ms. Harbeck also pointed out that a by-right development would not require additional environmental improvements to the site. She addressed staff and the Commission's concern regarding the precedent that the proposed amendment would establish for constructing residential development in a floodplain, noting the unique circumstances of the site and the need for flexibility in determining a viable redevelopment effort. Ms. Harbeck then said that the site was subject to extraordinary circumstances because of the development history on the site and the existing condition that had previously incurred significant impacts on the nearby floodplain. In addition, she stated that permitting a residential development on the site would improve environmental features, stormwater management, and the overall aesthetics. She added that such a development would improve the character of the surrounding communities and promote similar revitalization efforts in the area by permitting greater flexibility. (A copy of the MVCCA's resolution is in the date file.)

When Commissioner Hart asked whether the MVCCA's resolution was still operative, Ms. Harbeck indicated that it was.

Commissioner Hart pointed out that the MVCCA had supported greater flexibility for the design of a residential development located near, but not within the floodplain. He added that the resolution also supported a larger buffer. He then requested additional information on the MVCCA's recommendations for the design of such a development on the site. Ms. Harbeck explained that the MVCCA supported various improvements on the site and would coordinate with prospective applicants on those improvements. A discussion ensued between Commissioner Hart and Ms. Harbeck regarding the extent to which the surrounding community supported the proposed amendment, the community's support of the proposed residential development that had been submitted by a prospective applicant, the scope of the proposed amendment, and the possible consideration of alternative text wherein Ms. Harbeck stated that the MVCCA had voted in favor of the proposed amendment and supported a residential development on the site in conjunction with various environment improvements, but had not reviewed the alternative text that had been submitted to the Commission prior to the public hearing.

Commissioner Migliaccio echoed comments from Commissioner Hart regarding the alternative language that had been distributed to the Commission prior to the public hearing, stating that such language had not been provided to the MVCCA. A discussion ensued between Commissioner Migliaccio and Ms. Harbeck regarding the development the MVCCA supported for the site, the associated improvements that would be included with such a development, and the review process for evaluating a residential development on the site wherein Ms. Harbeck reiterated that the MVCCA supported a residential development on the site and would coordinate with prospective applicants on other improvements.

Commissioner Sargeant informed Ms. Harbeck that Mr. Viani had provided the Commission with alternative language to the proposed amendment, which had not been included in the staff report. He added that the MVCCA's resolution included other recommendations for both the proposed amendment and the pending rezoning application for the site. Ms. Harbeck clarified

that the MVCCA had concluded that preserving the subject property as private open space, as recommended by the existing Comprehensive Plan language, was not feasible and a residential development was appropriate, provided that such a development addressed the environmental impact on the floodplain and EQC. She added that the MVCCA would submit a separate resolution for the pending rezoning application for the site.

John Thillmann, 2700 South Nelson Street, Arlington, spoke in support of the proposed amendment and for permitting residential development on the site at a maximum density of eight units per acre. He described his previous efforts to promote development and revitalization efforts along the Richmond Highway Corridor and provided a history of his experience addressing environmental issues. He then said that he did not concur with staff's conclusion. He acknowledged the importance of preserving the environmental features on the subject property, but noted that the existing condition of the site was not consistent with that of an RPA. Mr. Thillmann pointed out that the site had been subject to various uses and supported evaluating a development within the context of that past use. He echoed remarks from Mr. Viani, stating that the subject property had been previously developed within the existing floodplain and favored including remediation efforts in conjunction with a redevelopment of the site. He added that the existing property owner had indicated that there were no outstanding plans to utilize the site as private open space and the County had not expressed interest in purchasing the property. Mr. Thillmann noted that the existing condition of the site would remain in the absence of a purchase by a private developer, which would incur a significant tax burden on the existing owner and continued environmental impacts throughout area. He added that denial of the proposed amendment would not provide sufficient incentive to redevelop the site and a by-right commercial use was unfeasible. Mr. Thillmann pointed out the benefits of a residential development on the site, which included various environmental improvements, improved stormwater management features. And reduced impervious surfaces. He added that a residential development on the subject property would improve the overall character of the Richmond Highway corridor. He also aligned himself with the recommendations articulated by the MVCCA's resolution.

Karen Pohorylo, 8523 Highland Lane, Alexandria, representing the Engleside Civic Association (ECA), voiced support for the proposed amendment. She noted her history of involvement with various civic organizations throughout the area and described the existing residential development around the subject property. She then echoed remarks from previous speakers regarding the blighted condition of the subject property and supported revitalization efforts on the site. Ms. Pohorylo pointed out that the MVCCA had supported a residential development option for the site since 2014, adding that there had been multiple land studies on the site that had supported such uses. She noted that the proposed amendment had significant community support and while staff had coordinated with the community during the review of the proposed amendment, the ECA did not concur with staff's recommendation of denial. Ms. Pohorylo echoed remarks from previous speakers regarding the need for environmental improvements on the site, stating that the prospective applicant's proposal contained commitments that included enhancements to the wetlands, improved stormwater management features, installation of a vegetative buffer, and the planting of water features that would remove invasive species. She added that the proposal also contained a dedication to the FCPA. In addition, Ms. Pohorylo said that a residential development on the site was consistent with revitalization efforts along the

Richmond Highway corridor. She noted that OCR supported such efforts, adding that quality residential development was an outstanding need for the area.

Peter Sitnik, 4909 Godfrey Avenue, Alexandria, spoke in support of the proposed amendment. He noted that he and his siblings were the current owner of the subject property. He then described the history of development on the site, which included various commercial and recreational uses. Mr. Sitnik stated that previous efforts to dedicate the site to the FCPA had not been successful and subsequently attempted to sell it to a private developer. He echoed remarks from previous speakers regarding the blighted condition of the site, adding that there were no existing stormwater management provisions. Mr. Sitnik echoed remarks from Ms. Pohorylo regarding the community support for redeveloping the site and strongly opposed retaining the existing condition. He stated that existing development options articulated in the Comprehensive Plan were not feasible and there were few developers that had expressed an interest in purchasing the site. He then indicated that the prospective applicant that had submitted a proposal for a residential development on the site included significant commitments to environmental improvements. In addition, Mr. Sitnik said that the existing Plan text that recommended the subject property be utilized as private open space was not feasible and the County had not expressed interest in purchasing it. He also pointed out that the residential development proposed by the prospective applicant would improve the environmental conditions on the site. (A copy of Mr. Sitnik's statement is in the date file.)

A discussion ensued between Commissioner Migliaccio and Mr. Sitnik regarding the efforts of the current owners of the subject property to improve the existing conditions and the surrounding community's consensus that the site was blighted wherein Mr. Sitnik concurred with the community's consensus on the blighted state of the property and noted that efforts to improve the condition of the site had been limited due to financial constraints, reiterating that both he and the community supported redevelopment efforts on the property.

Commissioner Clarke acknowledged the blighted condition of the subject property. He then requested additional information regarding the previous efforts to donate the site to the FCPA. Mr. Sitnik indicated that approximately 17 acres of land around the subject property had been donated. A discussion ensued between Commissioner Clarke and Mr. Sitnik regarding the condition of the land that had been donated to the FCPA and the existing features within that area wherein Mr. Sitnik pointed out that the prospective applicant for developing the site had expressed an intent to donate additional acreage to the FCPA.

When Commissioner Hurley inquired as to the FCPA's interest in accepting a dedication from the prospective applicant attempting to redevelop the site, Ms. Gardner indicated that such a provision had not been evaluated by staff.

Elizabeth Martin, 8707 Stockton Parkway, Alexandria, representing the Friends of Little Hunting Creek, spoke in opposition to the proposed amendment because it was inconsistent with the policy guidance articulated in Embark Richmond Highway and established a precedent for permitting development within environmentally sensitive areas. Ms. Martin pointed out that the Policy Plan stated that development in EQC was not permitted absent extraordinary circumstances and the prospective applicant for pursuing a residential development on the site

had not demonstrated compliance with those circumstances. She acknowledged the support the existing property owners and the surrounding community had expressed for redeveloping the site, but favored evaluating prospective development under the extraordinary circumstance standards, citing two previous instances where such standards had been met. Ms. Martin said that the prospective applicant had not complied with the efforts demonstrated at those other sites, adding that the environmental commitments included in the pending application was inadequate. In addition, she indicated that there had not been a survey on the presence of endangered or protective wildlife on the site and a residential development would negatively impact that condition. Ms. Martin also noted the extent to which that the proposed residential development would encroach into the RPA and staff concluded that the prospective applicant's environment commitments would not adequately improve the concision of the existing stream or enhance the water quality of stormwater runoff. She acknowledged the blighted condition of the site, but stated that utilizing the site as open space had not been sufficiently evaluated, adding that Embark Richmond Highway included recommendations to provide additional recreation areas throughout the corridor. In addition, Ms. Martin said that a residential development on the site generated additional flooding concerns throughout the area, noting the existing condition of the streams in the area and the impact of planned improvements. She added that the fill required for such a development would generate additional stormwater runoff that would negatively impact areas along Richmond Highway. Ms. Martin pointed out that a residential development on the subject property would hinder access to park facilities located to the northwest. She then stated that such a development would not sufficiently restore the site to a condition consistent with that of an EQC and preclude other restoration efforts throughout the site. In addition, she indicated that approval of a residential development on the site would establish a precedent for permitting such development at similar sites throughout the County, which would subsequently undermine other environmental protection efforts. She then cited other areas in the County that had previously operated as industrial sites, but were subsequently converted to park facilities. Ms. Martin stated that she supported preserving the site as open space, as recommended by the Comprehensive Plan. She also recommended that the existing property owners continue efforts to finalize a sale to the County, which would create a recreation area that included sufficient provisions for preserving environmental features.

Becky Todd, 9024 Patton Boulevard, Alexandria, read a statement on behalf of Earl Flanagan, 3117 Waterside Lane, Alexandria, in support of the proposed amendment wherein he stated the following:

- The amendment would facilitate improvement on a site that had been subject to significant blight;
- The approval of the proposed amendment would not preclude utilizing the site as open space;
- The current property owners had been unable to secure a purchaser of the subject property and the existing Comprehensive Plan recommendations for the site hindered redevelopment efforts;

- The amendment was consistent with the objectives of the Policy Plan to encourage redevelopment at sites that had been subject to economic or infrastructure decline;
- The amendment was consistent with the objectives of the Policy Plan to encourage private sector investments for blighted sites by providing addition flexibility for redevelopment within revitalization districts;
- The granting of such flexibility for developing blighted sites had been implemented at other areas throughout the County; and
- The installation of a residential development on the site was supported by the surrounding community and multiple civic associations, including the MVCCA.

(A copy of Mr. Flanagan's statement is in the date file.)

Ms. Todd read a statement on behalf of Gerry Hyland, 2511 Parkers Lane, Alexandria, in support of the proposed amendment wherein he stated the following:

- The inclusion of an option to permit a residential development on the subject property had garnered significant support from residents of the surrounding community, associated civic organizations, and Mount Vernon District Supervisor Daniel Storck;
- The site was subject to significant environmental constraints, but the provisions for mitigating the impact of a residential development could be addressed during the review of the pending rezoning application for the site; and
- The redevelopment of the subject property would improve the character of the surrounding Richmond Highway Corridor.

(A copy of Mr. Hyland's statement is in the date file.)

Katherine Ward, 1029 Gladstone Place, Alexandria, representing the Wellington Civic Association (WCA), spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the blighted condition of the site, the need for residential development in the area, and the associated environmental benefits that such a development would incur. She added that a residential development would improve the character and visual impact of the site. In addition, she said that a proposed development would incur a positive economic impact on the surrounding area. Ms. Ward described the history of the WCA's involvement with the subject property, stating that there was significant support throughout the community to permit a residential development on the site. She then noted the importance of implementing quality residential development along the Richmond Highway corridor, adding that such development facilitated the growth of commercial activity in the area. Ms. Ward said that the WCA had coordinated with the MVCCA during the area plan review process for the area that had occurred in 2009 in which the recommendations for redevelopment the site prioritized improvements to environmental features and stormwater management provisions. She pointed

out that such improvements could not occur without permitting redevelopment. In addition, Ms. Ward noted the importance of redeveloping sites along the Richmond Highway corridor to improve the character and visual appearance of the area. She then described the existing development around the subject property along Richmond Highway and noted the poor condition of certain sites. Ms. Ward added that there was greater need for residential development in the area compared to commercial development. She also cited a previous instance in which a residential development had been permitted. She stated that denial of the proposed amendment would hinder redevelopment efforts at the site, echoing remarks from Mr. Sitnik regarding the limited ability of the existing property to implement improvements.

Allen Rowsome, 4022 Hummer Road, Annandale, representing the Northern Virginia Conservation Trust (NVCA), spoke in opposition to the proposed amendment because permitting a residential development on the subject property would incur a negative environmental impact. He described the NVCA's previous efforts to preserve environmentally sensitive sites throughout the Mount Vernon area, noting that many of those sites included RPAs, wildlife habitat, mature tree canopy, and park areas. He then noted the importance of such areas and the positive impact that such areas incurred. Mr. Rowsome pointed out that the subject property contained environmentally sensitive areas, such as wetland habitats and features that contributed to the health of the Chesapeake Bay watershed. He also noted the absence of parks and recreation facilities around the site. He then said that he favored utilizing the extraordinary circumstance criteria that the County had articulated for permitting residential development within an EQC. Mr. Rowsome stated that the residential development proposed by the prospective applicant had not met that standard and would negatively impact existing environmental features around the EQC. In addition, he aligned himself with the concerns articulated by staff regarding the precedent that permitting residential development within an EQC would establish for similar sites throughout the County. Mr. Rowsome acknowledged the various environmental and recreation commitments that the prospective applicant had included in the pending rezoning application for the site, but indicated that such provisions were not sufficient. He noted that the prospective applicant's proposal would not comply with the appropriate standards for buffer and preservation efforts for the RPA. In addition, he said that the prospective applicant's commitment to dedicate a portion of the site as open space was not adequate and would incur a negative environmental impact to the overall area. Mr. Rowsome also expressed concern that the amount of fill required to construct a residential development on the site would negatively impact the water quality throughout the area, which would subsequently hinder efforts to improve the stormwater management provisions for the site. He recommended that the existing owners of the site and prospective applicants coordinate with the NVCA to determine appropriate provisions to preserve and improve the environmental conditions in the area, adding that such efforts would improve the economic viability of future development. Mr. Rowsome added that alternative options for redeveloping the subject application had not been sufficiently evaluated and favored further review of such options prior to rendering a decision on the proposed amendment. In addition, he stated that he did not support a residential development for the site.

A discussion ensued between Commissioner Migliaccio and Mr. Rowsome regarding the NVCA's efforts to coordinate with the existing property owner wherein Mr. Rowsome noted that the NVCA's limited resources hindered their ability to pursue such efforts.

Commissioner Niedzielski-Eichner commended NVCA for previous efforts to preserve environmental features throughout the County. He then noted the challenges associated with the subject property due to the significant amount of blighted development. He also pointed out that the prospective applicant had included significant commitments to reduce the amount of impervious surfaces on the site and the amount of phosphorous within the stream. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Rowsome regarding the NVCA's experience in coordinating with developers to determine appropriate environmental preservation provisions, the possible provisions for addressing the environmental concerns on the site, and the mechanisms for revitalization the site in a manner that preserved environmentally sensitive features wherein Mr. Rowsome indicated that the NVCA favored donating the site to the FCPA or preserving it as a conservation easement, noting the benefits of providing open space to the overall area while acknowledging the challenges associated with such efforts.

Commissioner Hart encouraged Mr. Rowsome and the NVCA to coordinate with the existing property owners to evaluate possible resolutions to the outstanding issues associated with the site. He also noted the importance of revitalizing blighted properties while preserving environmentally sensitive areas.

Paul Siegel, 8707 Stockton Parkway, Alexandria, voiced opposition to the proposed amendment because a residential development on the subject property would not meet the criteria for extraordinary circumstances to warrant such development. He supported the existing standards articulated in the Policy Plan that discouraged residential development within EQCs. Mr. Siegel pointed out that the site was located within a floodplain and an RPA. He acknowledged the blighted condition of the development on the site, but noted the importance of preserving and improving environmental features on the site. Mr. Siegel then expressed concern regarding the impact that the fill required to construct a residential development on the site would incur on Dogue Creek, pointing out that such fill would also reduce the ability of the floodplain to accommodate large volumes of runoff during heavy weather events. He added that permitting a residential development on the site would increase the flood hazard for sites located downstream. In addition, Mr. Siegel voiced concern that the effects on the floodplain incurred by a residential development would negatively impact Richmond Highway, noting that the poor condition of existing culverts at the nearby bridge. He acknowledged that plans to remove the culverts in conjunction with the widening of Richmond Highway would improve the flow of stormwater runoff in the area, but a residential development on the site would negatively impact the path of Dogue Creek. In addition, he pointed out that the timeframe for widening of Richmond Highway had not been finalized. Mr. Siegel also aligned himself with concerns from staff regarding the precedent that approving the proposed amendment would establish for permitting residential development within a floodplain or EQC.

Ms. Todd spoke in support of the proposed amendment because permitting a residential development on the subject property would improve the character and environmental conditions throughout the area. She described the existing condition of the site and noted the extent to which it had become blighted. Ms. Todd said that a residential development on the subject property was consistent with the goals of Embark Richmond Highway and other efforts to improve the Richmond Highway corridor. She then noted the importance of facilitating revitalization efforts along the corridor. In addition, she acknowledged the environmental

constraints of the site and the outstanding flooding issues throughout the area. However, Ms. Todd indicated that the prospective applicant for development the site had included various provisions to improve the environmental conditions on the site. She added that the prospective applicant would donate a portion of the site to the FCPA. Ms. Todd stated that a residential development on the site would improve the character of the surrounding area. (A copy of Ms. Todd's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Philip Lotasa, 5589 Cavalier Woods Lane, Clifton, spoke in opposition to the proposed amendment. He said that he concurred with staff's conclusion that approval of a residential development on the subject property would establish a precedent for permitting such development at similar sites. He added that he supported efforts to preserve sites with environmentally sensitive features.

C. Flint Webb, 8308 Westchester Drive, Vienna, voiced opposition to the proposed amendment, aligning himself with staff's concerns. He pointed out that the majority of the subject property was located within a 100-year floodplain and expressed concern that there would be more frequent incidents of heavy flooding at the site due to climate change. He added that increased flooding risks would negatively impact the economic viability area. Mr. Webb also expressed concern that the use of fill in the construction of a residential development on the site was not sufficient to alleviate flooding issues for the development, citing incidents of significant flood damage at other areas that utilized similar methods. However, he acknowledged that the planned modifications to the bridge located along Richmond Highway could modify the boundaries of the floodplain.

A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Webb, with input from Commissioner Clarke, regarding the use of fill to accommodate a residential development, the extent to which the use of fill had impacted flooding at other sites, and the similarities of those sites to the subject property wherein Commissioner Niedzielski-Eichner stated that the conditions at other sites were not sufficiently similar to those at the subject property.

Ellen Young, 1409 Bellevue Boulevard, spoke in support of the subject property, echoing remarks from previous speakers regarding the blighted condition of the subject property, the need for redevelopment at the site, and the various benefits that the prospective applicant's proposed development would incur. She then said that a residential development would generate a positive economic impact on the Richmond Highway corridor and was consistent with the goals articulated by Embark Richmond Highway. In addition, Ms. Young stated that the prospective applicant's proposal would implement significant stormwater management features, noting that there were no such features on the site. She also indicated that a significant portion of the site would remain as open space. Ms. Young acknowledged the existing environmental issues on the site regarding flooding and stormwater runoff, but pointed out that the planned modifications to the bridge included with the widening of Richmond Highway would further mitigate flooding issues on the subject property. In addition, she expressed concern that reserving the subject property as parkland was not feasible.

Robert Brant, 2200 Clarendon Boulevard, representing Walsh, Colucci, Lubeley & Walsh, PC, said that he represented the owner, Steve Bannister, of the existing shopping center located to the east of the subject property. He then expressed support for the proposed amendment, adding that a letter in support from the property owner had been submitted to the Commission prior to the public hearing. Mr. Brant then read Mr. Bannister's statement wherein he stated the following:

- The utilization of the subject property with a residential development would generate various benefits, including environmental remediation efforts;
- The goals of Embark Richmond Highway were consistent with a residential development on the site;
- The existing condition of the site was subject to significant blight, which incurred a negative impact on surrounding properties; and
- The proposed amendment would permit a development that would improve the character, environmental conditions, and economic viability of the surrounding Richmond Highway corridor.

(A copy of Mr. Bannister's statement is in the date file.)

A discussion ensued between Commissioner Cortina and Mr. Brant regarding the status of the leases for the tenants of the existing shopping center to the west of the subject property and the possibility that the neighboring site would redevelop wherein Mr. Brant indicated that the tenants of the neighboring site utilized long-term leases, which would require renegotiations in the event that redevelopment occurred.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Garcia, who declined.

Commissioner Migliaccio pointed out that there was significant support in the Mount Vernon community for redeveloping the subject property. He then encouraged members of the community to coordinate with staff and environmental groups that had expressed opposition to determine a feasible redevelopment that adequately preserved the environmentally sensitive features on the site.

Commissioner Ulfelder stated that staff had recommended denial of the proposed amendment and did not submit alternative language. He then said that staff had indicated that subsequent modifications to that language was required to address outstanding concerns regarding the environmental impacts of a residential development to warrant a recommendation for approval. He also noted the scope of the proposed amendment, which was limited to the language included in the staff report that did not include text regarding a residential development on the site. In addition, Commissioner Ulfelder stated that other measures for addressing environmental concerns had not been adequately evaluated and additional time was required to consider such measures.

Commissioner Hart concurred with Commissioner Ulfelder's concerns regarding the scope of the proposed amendment and the absence of alternative language that included an option for residential development on the site. He then requested that staff evaluate the alternative text that had been provided to the Commission by Mr. Viani during the deferral period, adding that such a review could also consider the recommendations articulated in the MVCCA resolution. In addition, Commissioner Hart noted the significant process the Commission had utilized to determine the standards for permitting residential development in an EQC and supported further review of possible development options for the site. He then suggested that staff provide input on Mr. Viani's alternative language during the deferral period and determine the appropriate standards for permitting a residential development on the subject property without establishing a precedent for other sites. Commissioner Hart also acknowledged the blighted condition of the subject property and the surrounding community's support for redeveloping the site, but noted the importance of pursuing a development that was consistent with the appropriate standards.

Commissioner Carter commended staff's evaluation of the proposed amendment, but requested additional information on possible mechanisms for improving the condition of Dogue Creek and the surrounding stream network. He also asked that staff provide additional information on the ultimate condition of the site after the completion of the planned widening of Richmond Highway and the associated modifications to the bridge. Commissioner Carter stated that he did not support residential development on the site at density of eight dwelling units per acre due to the spatial requirements of such a development and the associated environmental impacts. He also requested that staff provide additional information on the ultimate condition of the portion of the site that would be dedicated to the FCPA.

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

(Start Verbatim Transcript)

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Commissioner Clarke: Thank you, Mr. Chairman and my fellow Commissioners. And I want to thank the community and everyone that has come out and spoken tonight. We've heard some great testimony and in hearing my fellow Commissioners – you know, we're missing the proposed text language that we would like to see and have time to review it a little bit more. And with the coordination of staff, I'd like to work with them more to come up with a plan and to – a way to move forward on this. So my motion, Mr. Chairman, would be TO MOVE THAT THE PLANNING COMMISSION CLOSE THE PUBLIC HEARING FOR PLAN AMENDMENT 2018-IV-MV2, WITH THE RECORD REMAINING OPEN UNTIL DECISION DATE OF SEPTEMBER THE 13TH.

Chairman Murphy: So you're DEFERRING DECISION ONLY?

Commissioner Clarke: YES, SIR.

Chairman Murphy: Okay. Is there a second?

Commissioner Hart: Second.

Chairman Murphy: Mr. Hart seconds the motion. Is there a discussion? All those in favor of the motion to defer decision only on PA 2018-IV-MV2, with the record remaining open for written comment to a date of...

Commissioner Clarke: September 13th.

Commissioner Hart: September 13th.

Chairman Murphy: September 13th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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The meeting was adjourned at 11:57 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, 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: February 6, 2019

Jacob Caporaletti

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

