

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 25, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Timothy J. Sargeant, Commissioner At-Large
Julie M. Strandlie, Mason District

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The meeting was called to order at 7:35 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

RZ 2017-DR-023 – TRADITION HOMES, LLC
(Public Hearing on this application was held on June 28, 2018)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. As you may recall, we had a public hearing on RZ 2017-DR-023 on June 28th. We had voted to move the decision only to this evening. The applicant got in a set of revised proffers to staff beginning of this week and just got in a revised justification statement. And I think we need a little more time to review those changes, trying to be responsive to some of the issues that came up during the hearing. So, that – in that case I'm gonna move to defer the decision only for SE 2017-DR-027 [sic] to a date certain of September 13th, 2018.

Commissioner Migliaccio: Second.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: I'm sorry it's RZ – sorry Commissioner Ulfelder.

Commissioner Ulfelder: I'm sorry, yes.

Ms. Lewis: RZ 2000 – yes.

Commissioner Ulfelder: Yes, it's RZ.

Ms. Lewis: Sorry, sorry.

Commissioner Ulfelder: Excuse me. Correct. It's RZ 2017-DR-027 [sic].

Chairman Murphy: 23.

Commissioner Ulfelder: Yeah, that's 23. I'm gonna read it again. I'm gonna move it again. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION DEFER THE DECISION – FURTHER DEFER THE DECISION ONLY FOR RZ 2017-DR-023, TRADITION HOMES, LLC, TO A DATE CERTAIN OF SEPTEMBER 13, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ 2017-DR-023, to a date certain of September 13th with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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2232-M18-7 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

(Start Verbatim Transcript)

Commissioner Hart: Thank you. Ms. Strandlie couldn't be here tonight. I'm gonna cover the Fire Station. Mr. Chairman, due to a scheduling conflict, I MOVE TO DEFER THE PUBLIC HEARING FOR THE TEMPORARY FACILITY FOR THE EDSALL ROAD FIRE STATION, APPLICATION 2232-M18-7, TO A DATE CERTAIN OF THURSDAY, JULY 26TH, 2018 WHICH IS OUR NEXT AVAILABLE MEETING.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Strandlie and Sargeant 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 and called the case scheduled for the public hearing:

1. PCA 84-D-049-06 – TYSONS GALLERIA ANCHOR ACQUISITION, LLC
2. SE 2017-DR-027 – PETER J. FITZGERALD JR.

The order was accepted without objection.

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PCA 84-D-049-06 – TYSONS GALLERIA ANCHOR ACQUISITION, LLC – to permit an increase in maximum height of an existing building and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.47. Located on the E. side of International Dr. and S. side of Tysons Blvd. on approx. 2.57 ac. of land zoned PDC and SC. Comp. Plan Rec: Retail Mixed-Use. Tax Map 29-4 ((10)) 1A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated June 11, 2018.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had one case in which attorneys in Ms. Baker's firm represented an adverse party or parties. He stated that matter and those parties were unrelated to application and there was no business or financial relationship. Therefore, he indicated that, to his knowledge, it would not affect his ability to participate in the case.

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.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. The applicant seeks approval of a partial proffered condition amendment to permit an increase in the maximum building height for the existing Macy's building in Tysons II development from 67.5 feet to 85 feet. This change would permit a theater to potentially replace Macy's. As a proposed modification of building height will not adversely affect the approved development for proffered improvements or adjacent properties and will facilitate the reuse of an existing regional mall space, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 84-D-049-06, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 14TH, 2018.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 84-D-049-06, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioners Strandlie and Sargeant were absent from the public hearing.

(End Verbatim Transcript)

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SE 2017-DR-027 – PETER J. FITZGERALD JR. – Appl. under Sect. 3-104, 9-011, 9-601, 9-610 and 9-615 of the Zoning Ordinance to permit a cluster subdivision and a waiver of minimum district size. Located at 7327 Georgetown Pike, McLean, 22102 on approx. 5.39 ac. of land zoned R-1. Tax Map 021-3 ((1)) 23 and 23A; 021-3 ((16)) A, 1 and 2. DRANESVILLE DISTRICT. PUBLIC HEARING.

Keith Martin, Applicant's Agent, Tramonte, Yeonas, Roberts & Martin., reaffirmed the affidavit dated March 7, 2018.

There were no disclosures by Commission members.

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of SE 2017-DR-027.

Commissioner Ulfelder asked for the location of the trail modifications. Mr. Katai provided visuals from the Special Exceptions Plat, Sheet Number 3. He stated the trail would be located at the first 100 feet of Saigon Road, from the intersection of Georgetown Pike to a driveway that

served the stormwater pond. Mr. Katai stated the Comprehensive Trails Plan showed the trail continuing along the frontage of Lot 1 and would proceed onto Lot 3 and halfway below Lot 4 before terminating. Commissioner Ulfelder stated there were concerns of inadequate parking along Georgetown Pike. He added Scott's Run Nature Preserve Park had two existing parking lots. Commissioner Ulfelder asked whether it was possible to install no parking signs. Mr. Katai stated there was one no parking sign.

Commissioner Ulfelder inquired about a trail along Georgetown Pike. Mr. Katai stated the Trails Plan showed a minor paved trail. The Special Exceptions Plat noted the trail would be field located due to the presence of an existing ditch and tree preservation area. Commissioner Ulfelder acknowledged an email that expressed concerns regarding the impact of stormwater runoff as a result of a recent storm. He stated there was a culvert that ran east to west under Saigon Road. Commissioner Ulfelder asked how the stormwater facilities would assist with the issue. Mr. Katai stated the stormwater facilities were designed to collect the water and release it at a timed slower rate. He deferred to the applicant's engineer to further address this issue. Commissioner Ulfelder and Mr. Katai discussed the two proposed options, the property's boundaries, and the impact on tree preservation. Mr. Katai stated, based on the tree calculations provided by applicant, the difference between Options 1 and 2 is that Option 1 preserved roughly 5,000 square feet of additional tree area.

Commissioner Hart stated that some of the plat notes were of concern and would weaken the purpose of the development conditions. He stated Development Condition Number 3 would incorporate the plat. Commissioner Hart referenced Note 2 on page 4 of the Special Exception Plat. He stated if the stormwater facilities moved or increased in size, then there would be a potential impact on the tree save area.

Commissioner Hart also made reference to Note 2 on page 11 of the Special Exception Plat. He stated the notes provided too much flexibility. Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning agreed with Commissioner Hart's statement. She added that engineers had indicated that if there were certain notes on a plan, then they permitted flexibility for future interpretations. Ms. Lewis stated notes should be incorporated into development conditions and be negotiated through proffered conditions. Commissioner Hart added that developments sensitive to tree preservation should not be weakened with notes that allowed for greater flexibility. Ms. Lewis agreed and added such case would become problematic for future interpretations.

Commissioner Cortina referenced Sheet Number 7, page 13, that made reference to a variety of stormwater devices and the option of purchasing off-site nutrient credits. She stated her concern with the note and the close proximity to Scott's Run Nature Preserve and Potomac River. Commissioner Cortina suggested that the language be revised.

Commissioner Niedzielski-Eichner asked why the applicant sought a waiver for the district size. Ms. Lewis stated the applicant was seeking a waiver for the minimum district size because the applicant had satisfied the standards for a cluster subdivision. The applicant was not seeking an increase to the cluster subdivision and staff did not object to waiving the minimum district size. Commissioner Niedzielski-Eichner asked why 10 acres was agreed upon in lieu of the 5-acre requirement. Ms. Lewis stated she did not have an answer to the question. Commissioner

Ulfelder followed-up and stated 5 acres versus 10 acres was discussed, noting that multiple citizens were not in favor of cluster subdivisions. In the Great Falls area, there were concerns that the 5-acre parcels would be clustered and preferred to maintain a high minimum acreage.

Commissioner Carter inquired about the fence along the scenic byway. Commissioner Ulfelder stated Georgetown Pike was the first scenic byway in the State of Virginia. The scenic byway stretched from Route 123 to Dolly Madison to Route 7 and through Great Falls. The scenic byway was listed in the National Register of Historic Places Database and Research and also with the Virginia Department of Historic Resources. Commissioner Ulfelder stated that one of the major factors in the determination for the fence was the historic nature of the road, which was the first engineered road and had been utilized as a toll road. In addition, it had been a main road for moving produce and livestock towards Georgetown Pike. Commissioner Ulfelder stated that a proposed development condition requiring a solid wall or fence was not permitted. He deferred to the applicant for further explanation. Commissioner Hart added that Pleasant Valley Road was another scenic byway and half of that road ran through a residential area. Most of those homes had white standardized fences with a small portion being natural unpainted wood. The homes had the same fence design. Commissioner Carter stated his concern was the character of the fencing on the scenic by-way. Commissioner Ulfelder stated the language warranted further discussion.

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

- The two major concerns of the proposed application were tree preservation and the implementation of two retaining walls;
- The applicant had worked hard to address and mitigated those issues;
- Fairfax County Urban Forest Management was satisfied with the applicant's proposal for tree preservation;
- The privacy of the residents was required as a result of the construction of the trail along the frontage of the lots;
- The applicant proposed constructing a four-foot decorative fence along the trail;
- The McLean Citizens Association recommended approval of the proposed application; and
- Smith Engineering had proposed the stormwater management plan, which was intended to reduce drainage flow.

Eric Spencer, Applicant's Engineer, Smith Engineering PLLC, stated Smith Engineering had analyzed the proposed application and, as part of the plan, had met the stormwater management requirements prescribed by the County and the State of Virginia. Per the energy balance method outlined in Fairfax County and *Virginia State Code*, the site would be improved by at least 20 percent from its current condition. The runoff rate from the site would also be reduced. The total

drainage shed going into the culvert was approximately 10 percent. Commissioner Ulfelder asked where the other 90 percent of drainage would originate, and Mr. Spencer stated that runoff originated upstream. The stormwater outfall drainage map depicted the site at 4.33 acres and the majority of the flow would traverse Georgetown Pike and into the culvert.

Chairman Murphy announced that there was an issue with the affidavit. A discussion ensued between Chairman Murphy and Mr. Martin regarding the impact of the affidavit issue raised by Ms. Lewis during the public hearing and the Commission's ability to render a decision in light of such an issue, wherein Chairman Murphy announced that the Commission would go into recess to determine an appropriate response to the issue.

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The Commission went into recess at 8:16 p.m. and reconvened in the Board Auditorium at 8:45 p.m.

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Upon returning from recess, Chairman Murphy announced that after consultation with the Office of the County Attorney, the public hearing for application SE 2017-DR-027 could not proceed. Therefore, the public hearing was null and void, and a new public hearing would be scheduled for the subject application.

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The meeting was adjourned at 8:47 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, VA 22035.

Minutes by: Samantha Lawrence

Approved on: February 6, 2019



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

