

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 4, 2018**

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

ABSENT: Peter F. Murphy, Chairman, Springfield District
Donté Tanner, Sully District

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The meeting was called to order at 7:30 p.m., by Vice Chairman James R. Hart, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

SE 2018-MV-004 - GOBI GOPINATH

(Start Verbatim Transcript)

Commissioner Clarke: [Inaudible] For this evening we have application SE 2018-MV-004...

Vice Chairman Hart: Is your mic on? Can't hear anything. Here we go.

Commissioner Clarke: Sorry about that. Good evening everyone. Good evening Commissioner. So the motion to defer, Mr. Chairman, due to the deferral on a vote on a resolution for SE 2018-MV-004 by the Mount Vernon Council Citizens Association. I MOVE TO DEFER THE HEARING FOR THE APPLICATION TO A DATE CERTAIN OF NOVEMBER 1ST, 2018.

Commissioner Sargeant: Second.

Vice Chairman Hart: Seconded by Commissioner Sargeant. All those in favor of the motion to defer SE 2018-MV-004 to November 1st? Is that the...please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed. That motion carries.

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

(End Verbatim Transcript)

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RZ 2018-MV-012/2232-V18-1 – FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL SERVICES, CAP BDCD

(Start Verbatim Transcript)

Commissioner Clarke: So, the Fairfax County WPW...

Vice Chairman Hart: I think we lost the mic again. Sorry.

Commissioner Clarke: There it is...Okay.

Vice Chairman Hart: We can't get anything done...

Commissioner Clarke: WPW – DPWES CAP BDCD public hearing, WE'D LIKE TO DEFER THAT UNTIL OCTOBER THE 11TH, 2018.

Commissioner Sargeant: Second.

Vice Chairman Hart: Seconded by Commissioner Sargeant. All those in favor – any discussion on that motion? All those in favor of the motion to defer the RZ 2018-MV-012 Fairfax County DPWES to a date certain of October 11, please say aye.

Commissioners: Aye.

Commissioner Sargeant: November 11th?

Vice Chairman Hart: No, I'm sorry. It says October 11 on here.

Commissioner Sargeant: Oh, excuse me, I'm sorry.

Vice Chairman Hart: October 11th?

Commissioner Clarke: October the 11th. Sorry.

Vice Chairman Hart: All those in favor...oh, any other discussion? All those in favor of the motion please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

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

(End Verbatim Transcript)

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Commissioner Migliaccio announced the Land Use Process Review Committee will meet on Tuesday, October 9, 2018, at 7:30 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. The topics of discussion are the Zoning Modernization Project, formatting of the new proposed Zoning Ordinance Code structure and Industrial Uses.

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Vice Chairman Hart announced the Telecommunications Committee will meet on Wednesday, October 17, 2018, at 7:30 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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2232-H18-8 – SPRINT, 11921 Freedom Drive, Reston VA 20190

(Start Verbatim Transcript)

Commissioner Carter: You want me to do my item?

Vice Chairman Hart: I do because it's gonna...you turn into a pumpkin in four and a half hours. Less than four and a half hours if we don't approve that case tonight, this is – this is right at the deadline.

Commissioner Carter: I'm not good at a pumpkin, so. So, this is 2232-H18-8, Sprint 11921 Freedom Drive. These are panel antennas that are gonna be located on existing mechanical penthouse on 115-foot-high office building in the Reston Town Center. They'll be flush mounted and painted to match the existing brick. The proposal is consistent with the guidelines for telecommunications facility and the policy plan and meets the standards in the Zoning Ordinance and the proposal is consistent with the recommendations in the Comprehensive Plan. THEREFORE, I MOVE APPROVAL OF "FEATURES SHOWN" APPLICATION.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Any discussion on that motion? All those in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

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

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. RZ/FDP 2018-HM-004/SE 2018-HM-002 – AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER, LLC
2. PCA-A-502-03/DPA-A-502-09/PRC-A-502-05 – NEW LAKE ANNE HOUSE, LP
3. RZ/FDP 2017-DR-026 – BENCHMARK ASSOCIATES, LP

The order was accepted without objection.

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RZ/FDP 2018-HM-004 – AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER, LLC
– Appls. to rezone from I-4 to PRM to permit residential development with an overall intensity of 0.93 Floor Area Ratio (FAR) and approval of the conceptual and final development plan. Located on the S.W. corner of Reston Pkwy. and Sunrise Valley Dr. on approx. 4.31 ac. of land. Comp. Plan Rec: Office. Tax Map 17-3 ((8)) (4) 1, (pt.) 2 (pt.), 3 (pt.) and 17-3 ((1)) 26 (pt.). (Concurrent with SE 2018-HM-002).
HUNTER MILL DISTRICT. PUBLIC HEARING.

SE 2018-HM-002 – AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER, LLC –
Appl. under Sect. 9-618 of the Zoning Ordinance to permit an increase in Floor Area Ratio (FAR) from 0.5 up to a maximum of 0.7. Located on the S.W. corner of Reston Pkwy. and Sunrise Valley Dr. on approx. 9.90 ac. of land zoned I-4. Tax Map 17-3 ((8)) (4) 1 (pt.), 2 (pt.), 3 (pt.) and 17-3 ((1)) 26 (pt.). (Concurrent with RZ/FDP 2018-HM-004).
HUNTER MILL DISTRICT. PUBLIC HEARING.

Mark Looney, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated September 24, 2018.

There were no disclosures by Commission members.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of RZ 2018-HM-004, FDP 2018-HM-004 and SE 2018-HM-002.

There was a discussion between Ms. Tsai; David Goodman, Office Community Revitalization and Reinvestment Committee, Office of the County Executive; and multiple Commissioners on the following issues:

- Clarification of provisions pertaining to preemption devices and disbursement timeframe;
- Architectural features on future developments within R-1 Districts and the impacts on residential uses adjacent to parking garages;
- Pedestrian access and accommodations to the Metrorail station;
- Desegregation of Workforce Dwelling Units (WDU); and
- Clarification of language for Proffer Number 23 and references to driveway aprons.

The discussions resulted in revisions to Proffer Number 23.

Mr. Looney gave a presentation on the subject applications.

There was a discussion between Mr. Looney and multiple Commissioners on the following issues:

- The relocation of the children's play area, existing and additional open space use, and noise mitigation options;
- The location of recreation amenities associated with the residential building;
- The visibility of residential units from the garage area, garage lighting, airflow, pedestrian connections, and vehicular entryways to the residential development;
- Provisions for a traffic preemption device contribution, equity and construction fund reimbursement, cash proffers for schools, parks, roads, and requirements for those funds at the time of site plan;
- The need for a proffered condition that addressed a dog park or dog walking area;
- Parking spaces and monthly discounts for workforce dwelling units;
- Policy provisions for installation of preemption devices within the district of development;

- The effects of lighting in parking garages across from residential uses;
- Distribution of WDUs throughout the building;
- Reston Association membership requirements for new residential developments within the Reston transit station areas; and
- Modifications in the disbursement timeframe for installation of preemption devices from site plan review to start of construction.

The discussions resulted in new proffer language for a dog park or dog walking area and a change in language for installation of preemption devices from “at site plan” to “start of construction.”

Vice Chairman Hart called the first listed speaker.

David Gill, 1750 Tysons Blvd, Tysons, representing the Cascades South Condominium Owners Association, spoke in support of the subject applications. Mr. Gill addressed concerns regarding the easements and access to the three office buildings included in original development. He also addressed issues regarding access to the drive aisle on South Lakes Drive, the association’s operational concerns with the proposed development, and the number of vehicles added to the drive aisle.

There was a discussion between Mr. Gill and Vice Chairman Hart regarding the operational concerns and whether there was a conflict with the existing proffers. There was further discussion regarding the easements, connectivity through Reston Corner, and maintenance of the shared driveway.

The discussion resulted in no changes to the proposed applications.

There being no further speakers, Vice Chairman Hart called for a rebuttal statement from Mr. Looney who addressed the following concerns:

- The applicant met with one of the condominium owners to provide an overview of the residential proposal and discussed long term plans and redevelopment;
- Easements were in place that allowed for cross access north of Sunrise Valley Drive and south of South Lakes Drive; and
- the applicant and the condominium owners had conversations regarding the cost of maintenance of the shared access drive, which resulted in a resolution being drafted that would be in place before the Board of Supervisors hearing date.

There was further discussion between Mr. Looney and multiple Commissioners on the following issues:

AG-ARC RESTON 1 OWNER LLC, AG-ARC RESTON 2 OWNER LLC, AG-ARC RESTON 3 OWNER, LLC

- Allotted parking and discounted cost for WDUs on rental units versus for sale units and parking rate percentage cap;
- The location and primary view of the garage from the residential development and garage lighting; and
- The disbursement timeframe of funds for preemption devices for new developments.

The discussion resulted in a resolution for better lighting in the garage area, clarification on the responsible party for maintenance of the shared access drive, and a report from staff to be submitted to the Planning Commission regarding past practices for timeframe and installation of preemption devices.

There were no further comments or questions from the Commission; therefore, Vice Chairman Hart closed the public hearing and recognized Commissioner Carter for action on these applications.

(Start Verbatim Transcript)

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Commissioner Carter: Okay. My understanding is the Board of Supervisors is scheduled for the end of this month and as much as I hate to – because we've got several Hunter Mill cases backing up on this. As much as I hate to do this maybe we should get another week.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner Carter, we don't have a Board date scheduled for this application.

Commissioner Carter: Is that correct? Okay, all the better.

Vice Chairman Hart: There's a couple night that are really piled up already.

Commissioner Carter: Yes, there are. Well I think if we go back two weeks then. I'm gonna suggest deferral. I MOVE THAT THE PLANNING COMMISSION DEFER THIS APPLICATION TO A DATE CERTAIN OF THAT WOULD BE OCTOBER 18TH? OKAY.

Commissioner Niedzielski-Eichner: Second.

Commissioner Sargeant: With the record remaining...

Vice Chairman Hart: With the record remaining open for written and electronic comments.

Commissioner Carter: Right.

Vice Chairman Hart: Alright. It's been seconded by Commissioner Niedzielski-Eichner. Any discussion on the motion to defer to October the 18th?

Commissioner Carter: Yes, I'm particularly interested in the business owners and see if we can resolve that issue. I guess we can't resolve the RA – joining the RA or not. But maybe this garage issue, maybe the lighting we could look at that. And I guess your final notion on the WDUs and the parking. So, that's what I'm interested in.

Vice Chairman Hart: Any...

Commissioner Carter: So, those should be pretty easy to work out.

Vice Chairman Hart: Famous last words. Any further discussion on the motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

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

(End Verbatim Transcript)

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PCA-A-502-03/DPA-A-502-09 – NEW LAKE ANNE HOUSE, LP
– Appls. to amend the proffers, conceptual and development plans for RZ -A-502 previously approved for senior housing to permit an independent living facility and single family attached units and associated modifications to proffers and site design at a density of 46.3 dwelling units per acre (du/ac). Located in the S.W. quadrant of the intersection of Baron Cameron Ave. and Village Rd. on approx. 5.96 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-2 ((1)) 2 and 3. (Concurrent with PRC-A-502-05). HUNTER MILL DISTRICT. PUBLIC HEARING.

PRC-A-502-05 – NEW LAKE ANNE HOUSE, LP – Appl. to approve the PRC plan associated with RZ-A-502 to permit residential development. Located in the S.W. quadrant of the intersection of Baron Cameron Ave. and Village Rd. on approx. 5.96 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 17-2 ((1)) 2 and 3. (Concurrent with PCA-A-502-03 and DPA-A-502-09). HUNTER MILL DISTRICT. PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated September 20, 2018.

Vice Chairman Hart disclosed the law firm of Hart & Horan, P.C. had two cases where the attorneys in Ms. Strobel's firm represented an adverse party or adverse parties, but noted that matter and those parties were unrelated to these applications. Commissioner Hart then indicated that there were no business or financial relationship to his knowledge and did not believe this matter before the Planning Commission would affect his ability to participate in the case.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of PCA-A-502-03, DPA-A-502-09 and PRC-A-502-05.

There was a discussion between Ms. Tsai and multiple Commissioners regarding the removal and replacement of 240 senior independent living facilities with 240 affordable dwelling units for seniors and construction of 36 market rate townhomes. Current parking code, rate and vehicle count to include the new development was also discussed.

The discussion resulted in no changes to the subject applications.

Ms. Strobel gave a presentation on the subject applications.

There was a discussion between Ms. Tsai; Suzanne Welch, Community Preservation and Development Corporation; and multiple Commissioners on the following issues:

- Existing pet restrictions for Fellowship House at Lake Anne Village Center and possible relocation of dog park area;
- Allotted parking spaces for proposed development;
- Design and configuration of the townhomes;
- Allotted parking and access for seniors to proposed development, access to temporary sidewalks along entire frontage, and the location of current and possible future pedestrian crosswalks;
- Contribution of \$5,000 to the Reston Association for a design study to determine an accessible route south of North Shore Drive to Lake Anne Village Center;
- Tree preservation, inventory of existing trees, and provisions for the possible removal of trees;
- Walk-throughs, fencing, and the reconfiguration of retaining wall;
- Analysis conducted by Fairfax County Public Schools on future projections, school capacity balances, and student membership;
- Electric vehicle charging stations on levels 1 and 2 electric, dedicated fuse boxes, direct plugin outlets, and the number of charge hours; and

- Noise study, impacts of highway noise for area, and noise mitigation options.

The discussion resulted in no changes to the subject applications.

Michael Scheurer, 2231 Colts Neck Road, Reston, representing the Fellowship Square Foundation, spoke in support of the subject applications because of the proposed services provided to low income seniors. He said the development plan benefited the Lake Anne community and the programs and partners in place assured that affordable housing would remain intact for the foreseeable future.

Alfredo M. Diaz, 11450 N. Shore Drive, Reston, spoke in support of the subject applications because it helped alleviate the shortage of residence for senior citizens in Fairfax County.

Vice Chairman Hart called for closing remarks from Ms. Strobel who declined.

There were no further comments or questions from the Commission; therefore, Vice Chairman Hart closed the public hearing and recognized Commissioner Carter for action on these applications.

(Start Verbatim Transcript)

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Commissioner Carter: Okay. The application includes the following. I wanna highlight a few other things in this application and maybe address the issues in this project which are all minor. The development is consistent with the recommendations and Site E of the Comprehensive Plan that propose 240 units and 36 townhouses are within the maximum of 320 units recommended in the Plan. The proposed 240 units of independent living facilities replace the existing units as recommended in the Plan. And the gross floor area of is less than the maximum by a small amount in the – in the Comprehensive Plan. Affordable independent living for seniors and the market rate townhouses. The proposed independent living will replace the existing units where senior living has been provided as you already heard since 1971. Phasing of development will allow the existing residents to remain in existing buildings while new development is constructed and the proceeds from the development of the 36 market rate units are intended to at least partially offset the cost of construction and operation of independent living.

- Contributions. They're offering the full commitment to the road fund, offsite public facilities and athletic fields, the fund for onsite open space and the full commitment for the school payment.
- Onsite recreation. As you heard there are eight publicly accessible open spaces that include passive open spaces, dog park, seating areas, lending library which wasn't mentioned, multipurpose court and a child play areas. After revision, the open space meets the urban park standards which I think is a small change to the Plan which is good. Terrace located on second floor will also provide a private recreation with a view of the Lake Anne Village Center.

- Transportation and mobility. The access road will be slightly revised, provided from North Shore Drive for joint access to the independent living and the townhouses. Continued sidewalk will be provided on North Shore Drive and Village Road. Access to the parking garage will be – I'm recommending 22 feet. Whether we can get that through the Fire Marshal, I'm not sure. But 22 feet as your standard residential street should be adequate. Give us a slight bit more room along North Shore Drive.
- The access to Lake Anne. There's a traffic signal there that we've already been mentioned. There is a crosswalk there. There are two ways to get down to Lake Anne from there. Both pretty protected. One is by Reston Association that comes down a series of stairs. It's a good but it's decaying a bit. They have railroad ties, so that needs to be fixed up and maybe the additional money would help that. The other way is through the office townhouses which has a little more direct stairway down to the Lake Anne Plaza itself. On street parking and bike way are presently located along North Shore Drive. Bus loop and a crosswalk will provide access to Lake Anne's. Parking will be located onsite. Underground for the independent living and for the townhouses two spaces will be provided for each unit as well as visitor spaces. Two loading facilities will be provided as well as short term spaces located near the building entrance for service vehicles. And I don't think we need to add this condition about the 70% price since this is all affordable. Except for the townhouses.
- Environment and energy. The tree save area particularly along the western area adjacent to Hickory cluster and along North Shore along Baron Cameron where the noise would be from has – have been completed. Although those spaces are tight I think the tree save proffer that you have would adequately address that. My street tree requirement again as usual, 2 ½ to 3-inch caliper, 30 feet on center along North Shore. Application meets the tree canopy recommendations and the public facilities. Applicant also meets the stormwater management requirements with both underground storage and onsite infiltration and it has a commitment to green building features such as the electronically recharging stations.

So, recognize that the applicant is gonna work a little bit more on the driveway and the compatible sidewalks on North Shore. Change the Plan slightly to show that the – it actually meets the public open space. Work on the dog park along Village. And my last comment is maybe more to staff. I did see that school recommendation and maybe I've missed it but I didn't see it in the other ones. But I do point out that that's only for the elementary school. It didn't do the middle and the high school. That would be useful. Particularly from this point forward, so that we can see the accumulation of all these projects and their impact on schools. So with that, I'm ready to recommend approval. Okay. Mr. Chairman, I request that the applicant confirm for the record to the proposed PRC condition dated September – conditions dated September 20th 2018.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes. The applicant agrees with that condition. Thank you.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA A-502-03 AND DPA-A-502-09, SUBJECT TO THE EXECUTED PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 17TH, 2018.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Motion's seconded by Commissioner Niedzielski-Eichner. Any discussion on the motion? Seeing none we'll move to a vote. All those in favor of the motion as articulated by Commissioner Carter, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Mr. Carter.

Commissioner Carter: Okay. Next, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC A-502-05, SUBJECT TO THE PROPOSED PRC CONDITION DATED SEPTEMBER 20TH, 2018.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Any discussion on that motion? Seeing none we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Carter: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REQUESTED WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DATED OCTOBER 4TH, 2018 AND DISTRIBUTED TO YOU AT – AT THE HEARING THIS EVENING.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Any discussion on that motion? Seeing none, we'll move to a vote. All those in favor, please say aye. Those opposed? That motion carries.

Commissioner Carter: Okay some more points. One, I'd like to thank Mary Ann Tsai who has just been through a lot of applications. So, great work Mary Ann. Particularly the development team including representatives from Grimm and Parker, the architects, CPJ Engineers, Wells and Associates Transportation and Walsh, Colucci, Lubeley and Walsh, particularly, Lynne Strobel. Also, I would like to recognize the Reston Planning and Zoning Committee, the provided their comments and – that were incorporated in the development and resulted in a extremely rare unanimous recommendation of approval. Fourth, Reston Design Review we'd like to thank them for conducting numerous meetings with a lively exchange of comments that were incorporated in the development, resulting in also rare unanimous vote of approval with a provision that the applicant return to the Design Review Committee to review the design of the ends of the

townhouses and the color of the materials on the building. I also finally would like to thank all the residents for coming this evening. I know you all didn't speak but certainly we want to recognize all of you. Thank you.

Each motion carried by a vote of 10-0. Commissioners Murphy and Tanner were absent from the public hearing.

(End Verbatim Transcript)

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The Commission went into recess at 9:37 p.m. and reconvened in the Board Auditorium at 9:52 p.m.

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RZ/FDP 2017-DR-026 – BENCHMARK ASSOCIATES, LP –
Appls. to rezone from C-8, CRD, SC and HC to PRM, CRD, SC and HC to permit mixed use development with an overall Floor Area Ratio (FAR) of 1.99, waiver of minimum district size requirement and approval of the conceptual and final development plan. Located in the W. quadrant of Old Dominion Dr. and Lowell Ave. on approx. 1.43 ac. of land. Comp. Plan Rec: Retail with an option for mixed-use. Tax Map 30-2 ((9)) 73. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGuire Woods LLP, reaffirmed the affidavit dated September 25, 2018.

Commissioner Sargeant disclosed that as an employee of Dominion Energy, and due to the specific references to Dominion in this application, he recused himself from the public hearing.

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 applications RZ 2017-DR-026 and FDP 2017-DR-026.

There was a discussion between Mr. Katai and multiple Commissioners on the following issues:

- The proposed building's height, elevator shaft, parapet height limit and the exclusion of certain structures under the Zoning Ordinance's maximum height regulations;
- The applicant's contribution allotted for undergrounding of utilities;
- The stormwater retention system, water quality issues, and water quantity requirements for new system;
- Removal and replanting of trees associated with the existing parking lot;

- The proposed provisions for WDU parking; and
- The exemption from affordable dwelling unit provisions for the proposed development.

The discussion resulted in no changes to the subject application.

Ms. Greenlief gave a presentation on the subject application.

There was a discussion between Ms. Greenlief and Commissioner Ulfelder regarding contributions for WDUs, the deciding factors for those options, and provisions parking spaces.

The discussion resulted in no changes to the subject application.

Ronald Bleeker, 8017 Greenwich Woods Drive, McLean, representing the McLean Citizens Association (MCA), spoke in support of the subject application because it provided adequate parking for residents, neighbors, and tenants of the existing commercial building during construction. He said the applicant's revised proffers addressed parking issues for truck routing during construction and a detailed parking plan would be submitted by the applicant to the Department of Land Development Services and the Board of Supervisors. Mr. Bleeker also noted proffers and contributions were included that addressed impacts on services to parks, schools and undergrounding of utilities. (MCA submitted a resolution; a copy is in the date file). There was a discussion between Mr. Bleeker and multiple Commissioners regarding members of MCA's Board and other representatives, the association's background, and its representing body. Impacts on traffic, transportation and the Community Business Center were also discussed.

Maya Huber yielded her time to Winnie Pizzano. Winnie Pizzano, 1540 Bruton Court, McLean, representing the McLean Planning Committee, spoke in support of the subject application because it revitalized the central business district in McLean, added undergrounding of utilities, fulfilled County requirements for workforce housing, open space and installation of new sidewalks. (Combined statement of Ms. Pizzano and Ms. Huber is in the date file.)

There was a discussion between Ms. Pizzano and multiple Commissioners regarding the deficiency of financial reinvestment and revitalization in the downtown McLean CBC area and methods in place to attract new investments. There were also discussions regarding transportation impacts.

Camille White-Partain, 1450 Emerson Avenue, McLean, representing Palladium Home Owners Association, requested the subject applications be deferred to allow additional time for the applicant to mitigate concerns from residents and business community. (A copy of Ms. White-Partain statement is in the date file.)

There was a discussion between Mr. Katai, Ms. White-Partain and multiple Commissioners regarding congregate living facilities and list of secondary uses allowed under Proffer Number 2.

David Fiske, 1537 Forest Villa Lane, McLean, representing the Brookhaven-Forest Villa Civic Association, spoke in opposition of the subject applications because felt the Comprehensive Plan

phase mixed the planning and zoning phases, which was contrary to State law. (A copy of Mr. Fiske's statement is in the date file.)

There was a discussion between William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, Mr. Fiske, and multiple Commissioners regarding waiver of the minimum district size and the public's concerns to the proposed application.

Paul Kohlenberger, 640 Live Oak Drive, McLean, representing the Greater McLean Chamber of Commerce, spoke in support of the subject applications because of the focus on residential use within historic downtown McLean district, the positive impact to the area's vitality, the development's conformance to the Comprehensive Plan, the required amount of open space provided, and the street scape improvements. He said the proposed application also addressed parking during and after construction and increased the residential population within the CBC. He added that current market trends supported the need for increased diverse housing options within the community.

There being no further speakers, Vice Chairman Hart called for a rebuttal statement from Ms. Greenlief, who declined.

There was further discussion between Ms. Greenlief and Commissioner Carter regarding electrical infrastructure for the area and the presence of underground utilities.

The discussion resulted in no changes to the subject application.

Vice Chairman Hart called for closing remarks from staff, who declined.

There were no further comments or questions from the Commission; therefore, Vice Chairman Hart closed the public hearing and recognized Commissioner Ulfelder for action on this application.

(Start Verbatim Transcript)

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Commissioner Ulfelder: We still need to come up with some language for the WDU parking. However, I'm confident that we could do – the Board – this is scheduled for a Board hearing on October 16th, a week from next Tuesday. Therefore, I'm reluctant to defer this. And, I would like to move – proceed with it with the understanding that we'll come up with some acceptable language on the WDU parking between now and the Board. And is – Ms. Greenlief are you – you all are ready to work and to come up with that for a revised proffer?

Lori Greenlief, Applicant's Agent, McGuire Woods LLP: Absolutely.

Commissioner Ulfelder: And the correction also that Commissioner Hart noted...

Ms. Greenlief: Proffer 17. Yes.

Commissioner Ulfelder: Proffer 17. Okay. Thank you. Well let me make a couple of brief remarks because I am gonna proceed. Actually, we've got a lot going on next week and so on,

and I'd to take care of this. I think that the CDP FDP in this case demonstrates that the proposed development conforms to all applicable conditions that were – it came along with the plan amendment as well the applicable McLean CBC open space design standards. That's what staff concluded and I think it's clear on the face. And I that think this proposed multi-family building by adding residents would help support some of the surrounding retail and service and restaurant uses. And will also add some residential housing to the mix – and mix of uses to create a more vibrant environment throughout the day, as well as the evening which is an appropriate goal for this CBC. The site does include some existing retail and office space and we would be adding residential to that. And I think it in – I think it's been well spoken to tonight by all of the speakers and therefore Mr. Chairman, I'm gonna request that the applicant confirm for the record their agreement to the proposed development conditions – what development – dated September 19th, 2018 in connection with – I guess that's in connection with the – the FDP?

Bob Katai, Zoning Evaluation Division, Department of Planning and Zoning: Yes.

Commissioner Ulfelder: Right.

Ms. Greenlief: Yes. On behalf of the applicant, we do agree with the FDP conditions.

Commissioner Ulfelder: Okay. Alright. Therefore Mr. Chairman, I move that the Planning Commission recommend to the Board of Supervisors, approval of RZ 2011 – what am I reading – this is DR 026, isn't it?

Vice Chairman Hart: Yes. Well.

Mr. Katai: Okay...

Vice Chairman Hart: Mine says RZ/FDP 2017...

Commissioner Ulfelder: Yeah, I've got...

Mr. Katai: Yeah, the application number should be RZ – for the rezoning is RZ 2017-DR-026.

Commissioner Ulfelder: Right.

Vice Chairman Hart: But the development conditions go with the FDP.

Commissioner Ulfelder: But the development conditions go with the FDP which we – you agreed to on the record. Okay let's – let's MOVE THAT THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2017-DR-026.

Mr. Katai: Okay.

Commissioner Ulfelder: BASED ON THE PROPOSED PROFFERS NOW DATED SEPTEMBER – OCTOBER 3RD, 2018.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: With the changes that...

Commissioner Ulfelder: WITH THE CHANGES THAT WE DISCUSSED THIS EVENING TO PROFFER 17 AND THE ADDITION OF THE LANGUAGE CONCERNING THE WDU PARKING.

Vice Chairman Hart: Right. Motion's been seconded by Commissioner Niedzielski-Eichner. Is there discussion on the motion? Seeing none we'll move to a vote. All those in favor of the motion to approve the rezoning as articulated by Commissioner Ulfelder, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed. That motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED OCTOBER 4TH, 2018, THAT WAS PROVIDED TO YOU TONIGHT AND WHICH SHALL BE MADE A PART OF THE RECORD OF THESE APPLICATIONS.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Discussion on that motion. Seeing none we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Ulfelder: One more. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-DR-026, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 19TH, 2018 AS PROVIDED IN APPENDIX 2 OF THE STAFF REPORT AND SUBJECT TO THE APPROVAL OF RZ 2017-DR-026 BY THE BOARD OF SUPERVISORS.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Is there any discussion of that motion? Seeing none we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Each motion carried by a vote of 8-0. Commissioners Murphy and Tanner were absent from the public hearing. Commissioners Sargeant and Cortina were not present for the vote.

(End Verbatim Transcript)

CLOSING

October 4, 2018

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The meeting was adjourned at 11:27 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: April 24, 2019



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

