

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 11, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
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
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Julie M. Strandlie, Mason District

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The meeting was called to order at 7:32 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 Migliaccio announced that the Planning Commission's Land Use Process Review Committee had met on October 9, 2018 to receive a presentation from consultants from Clarion Associates, LLC on the County's zMOD initiative. He commended Commissioner Hurley for chairing the Committee in his absence. Commissioner Migliaccio also stated that the next meeting was scheduled for Wednesday, October 17, 2018 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss historic resources. He added that the public was welcome to attend.

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Commissioner Migliaccio announced that the Planning Commission's Telecommunications Committee would meet at 8:30 p.m. on Wednesday, October 17, 2018 in the Board Conference Room of the Fairfax County Government Center to discuss electric infrastructure. He added that the meeting was open to the public.

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RZ/FDP 2016-HM-024 – JBG/1831 WIEHLE, LLC & EYA DEVELOPMENT LLC

(Start Verbatim Transcript)

Commissioner Carter: All right, RZ/FDP 2016-HM-024, JBG/1831 WIEHLE, LLC AND EYA DEVELOPMENT, LLC – WE'RE GOING TO DEFER THAT TO NOVEMBER 1ST.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer RZ/FDP 2016-HM-024 to a date certain of November 1st, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder...

Commissioner Carter: I'd like to say a couple more things...

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: Chairman Murphy, can I also add – can we also defer the parking reduction that's associated with this rezoning application?

Chairman Murphy: Alright.

Commissioner Carter: That – it's making progress on this.

Chairman Murphy: What about the...

Commissioner Hart: We got to...

Commissioner Migliaccio: Just make a motion for the parking reduction.

Commissioner Carter: Okay, I...

Chairman Murphy: Go ahead.

Commissioner Carter: MOTION TO DEFER THE PARKING REDUCTION TO NOVEMBER 1ST, AS WELL.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Motion carries.

Commissioner Carter: Just a couple seconds. So one of the issues, if you'll remember, were the WDUs and the ADUs. The applicants are making progress. The independent living – we have a scheme where they would move to the adjacent, which is adjoining multi-family. Although some

of the services that would be provided in the independent living – we’re assuming this would be included in the units that would be moved. And then we had a discussion about townhouses – whether they’re required to have ADUs or not – and I think you all got a letter about that and, apparently, there are many, many cases where it’s not required. This applicant is going to meet us halfway and do two in the townhouses and put the other one in the adjacent multi-family. And those will three-bedroom units. So there are a couple of other issues, but I won’t bring all those up – parks and so on. So unless there’s concern, we’re going to go on November 1st.

Each motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2017-DR-028/PCA 79-C-037-08/PCA/FDPA C-696-05 – W-MRP LP OWNER A VIII, LLC

(Start Verbatim Transcript)

Commissioner Ulfelder: I have a public hearing that was scheduled this evening. We are going to defer that public hearing. So I move that RZ/FDP 2017-DR-028 and PCA 79-C-037-08 and PCA/FDPA C-696-05, W-MRP LP OWNER A VIII, LLC, be deferred to a date certain of November 1st.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to defer all the applications, as articulated by Commissioner Ulfelder, to a date certain of November 1st, with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was 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 BD CD

(Start Verbatim Transcript)

Commissioner Clarke: Thank you, Mr. Chairman. I too have a public hearing this evening that we need to defer. Due to the lack of ratified resolution for the application by the Mount Vernon

Council of Citizens Association, I MOVE TO DEFER THE HEARING FOR RZ 2018-MV-012 AND 2232-V18-1 TO A DATE CERTAIN OF NOVEMBER THE 15TH, 2018, AND REQUEST THAT THE BOARD OF SUPERVISORS DEFER THE PUBLIC HEARING SCHEDULED FOR OCTOBER 16TH UNTIL AFTER THE ACTION OF THE PLANNING COMMISSION, SIR.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to concur with the deferral of RZ 2018-MV-012 and 2232-V18-1 to a date certain of November 15th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And also – for the recommendation to move the Board date – after the determination is made on November 15th. Okay.

Commissioner Sargeant: Second.

Chairman Murphy: All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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Commissioner Migliaccio announced his intent to defer the public hearing for PCA 2002-LE-005, ALWADI, LLC, from October 18, 2018 to a date to be determined to address an unresolved issue with the affidavit.

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FS-P18-27 – SPRINT, 8150 Leesburg Pike Vienna, VA 22182

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Alright. Mr. Chairman, I concur with staff's conclusion that the proposed – the proposal by Sprint to install new panel antennae – antenna telecommunications facility at 8150 Leesburg Pike, Vienna, is substantially in accord with recommendations of the adopted Comprehensive Plan and should be considered a “feature shown,” pursuant to *Virginia Code* section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, FS-

P18-27, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of that motion? All those in favor of the motion to concur with the "feature shown" determination in FS-P18-27, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. SUBDIVISION ORDINANCE – STREET WAIVER FOR 1016 UNION CHURCH ROAD (Dranesville District)
2. RZ 2018-LE-014 – THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
3. SEA 97-Y-050 – ARLINGTON FAIRFAX CHAPTER INC. OF THE IZAAK WALTON LEAGUE OF AMERICA
4. PRC B-846-05/PCA B-846-04/DPA HM-117-03 – WOODFIELD ACQUISITIONS, LLC
5. RZ 2018-MV-007 – LAFAYETTE BUILDING, LLC
6. 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.

This order was accepted without objection.

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SUBDIVISION ORDINANCE – STREET WAIVER FOR 1016 UNION CHURCH ROAD. DRANESVILLE DISTRICT. PUBLIC HEARING.

John Friedman, Site Code Research and Development Branch, Department of Land Development Services, presented the staff report, a copy of which is in the date file. He noted that staff did not oppose or support the proposed street waiver for 1016 Union Church Road.

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

- The criteria for obtaining a street waiver and the frequency with which such waivers were granted;
- The possible precedent that would be established by approving the subject application;
- The zoning, character, shape, acreage, accessibility, road networks, and existing condition of the subject property;
- The similarities and differences of the subject property to neighboring lots;
- The function and maintenance of private roads compared to public roads;
- The topography, environmental features, and stormwater management issues associated with the site;
- The impact that granting a subdivision would incur on environmentally sensitive areas and existing nearby communities;
- The maintenance of the retaining wall, the process for grading the site, the installation of plantings under the proposal;
- The by-right development that would be permitted on the site if the street waiver were granted compared to that permitted in the absence of the waiver;
- The condition of the private street that accessed the site, the accessibility of that street by emergency vehicles, and the operation of emergency vehicles on that street;
- The process for permitting encroachment into environmentally sensitive areas on the site; and
- The County's policy and criteria regarding the subdivision of large lots.

There were no subsequent changes to the subject application.

Zachary Williams, Applicant's Agent, Bean, Kinney & Corman, PC, gave a presentation on the subject application.

Further discussion ensued between Mr. Williams, Mr. Friedman, and multiple Commissioners wherein the following issues were discussed;

- The existing condition, maintenance responsibilities, and accessibility of the private street on the site;
- The topography, lot shape, constraints, and history of the subject property;
- The design and features of the development on the site that would be permitted under the subject application;
- The criteria that the applicant had and had not met for obtaining a street waiver;
- The design of the retaining wall on the site; and
- The possibility that the existing private street could be widened.

There were no subsequent changes to the subject application.

Chairman Murphy called for speakers from the audience.

Nina Schill, 901 N. Nelson Street, Unit 1301, Arlington, spoke in support of the subject application because it would provide a significant benefit to the applicant's family.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Mr. Williams, who declined.

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 Ulfelder for action on this item.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. In light of some of the questions, I think there's a few things we could further address and, therefore, I'm going to move to defer this. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON WAIVER NUMBER 1131-WPSF-001-1 TO A DATE CERTAIN OF OCTOBER 18TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only Waiver 1131-WPSF-001-1 to a date certain of October 18th, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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RZ 2018-LE-014 – THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA – Appl. to rezone from R-1, C-5 and HC to C-5 and HC to permit office use and a waiver of minimum lot size requirements. Located on the S. side of Grovedale Dr., approx. 500 ft. from its intersection with Beulah St. on approx. 43,554 sq. ft. of land. Comp. Plan Rec: Office. Lee District. Tax Map 81-3 ((5)) 10A. LEE DISTRICT. PUBLIC HEARING.

Kevin J. Guinaw, Applicant's Agent, Department of Planning and Zoning, reaffirmed the affidavit dated August 29, 2018.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an attorney/client relationship with the Board of Directors for a condominium complex in Arlington within the past year and William B. Lawson, who was listed as an agent for the applicant on the affidavit, was a member of that Board; however, he noted that the matter had concluded and would not affect his ability to participate in the public hearing.

Commissioner Migliaccio 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 Migliaccio for action on this case.

(Start Verbatim Transcript)

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Commissioner Migliaccio: Thank you, Mr. Chairman. This is a pretty simple application. It's a rezoning in the Lee District on about a one-acre lot to, essentially, rezone the back part of the lot, which is a parking lot, from residential to commercial to allow a repurposing of an existing vacant church to become a dentist office. It has the support of the County staff. Hopefully, on Monday night – when they go to the Lee District Land Use Committee – they'll get the support of the Lee District Land Use Committee, but I'm going to jump the gun and go ahead and move this on because it has a Board date the following Tuesday. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2018-LE-014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Excuse me. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-LE-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: One more, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF MINIMUM LOT WIDTH.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

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

Each motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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SEA 97-Y-050 – ARLINGTON FAIRFAX CHAPTER INC. OF
THE IZAAK WALTON LEAGUE OF AMERICA – Appl. under
Sects. 3-204 and 9-301 of the Zoning Ordinance to amend SE 97-
Y-050 previously approved for a private club and public benefit
associations, to add land area and to modify site design and
development conditions. Located at 14620 and 14708 Mount Olive
Rd., Centerville, 20122 on approx. 110.56 ac. of land zoned R-C,
R-2 and WS. Tax Map 64-2 ((1)) 20 and 65-1 ((1)) 25B. SULLY
DISTRICT. PUBLIC HEARING.

Thomas Ciarula, Applicant's Agent, Arlington-Fairfax Chapter Inc. of the Izaak Walton League of America, reaffirmed the affidavit dated September 4, 2018.

There were no disclosures by Commission members.

Zachary Fountain, 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 SEA 97-Y-050.

There was a discussion between Commissioner Tanner and Mr. Fountain regarding the hours of operation for the indoor and outdoor activities on the site.

There were no subsequent changes to the subject application.

Mr. Ciarula gave a presentation on the subject application. (A copy of Mr. Ciarula's presentation is in the date file.)

There was a discussion between Mr. Ciarula; Mr. Fountain; Kristen Abrahamson, ZED, DPZ; and multiple Commissioners wherein the following issues were discussed:

- The applicant's community service efforts and educational programs;
- The limits on membership prescribed by the development conditions, the impact such limits would have on the various activities that occurred at the site, and the applicant's provisions for managing those limits;

- The applicant's management of the facilities on the site and organizations that would utilize those facilities;
- The amount of parking for the site under the proposal; and
- The limits on how many individuals could occupy the site at a given time, the methods for managing that capacity, and the mechanisms for enforcing those limits;

There were no subsequent changes to the subject application.

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

Ben Crandall, 5732 Wooden Spoon Court, Burke, spoke in support of the subject application because it would improve the operation of the site and generate a positive community impact.

Qiusheng Xu, 14686 John Ewell Court, Centreville, expressed concern that the proposal would intensify the existing noise impact generated by the site from the use of firearms and recommended that applicant implement additional noise mitigation provision.

There was a discussion between Mr. Xu and Commissioner Ulfelder regarding the noise impact generated by firearms and the potential mechanisms for alleviating that impact.

Chairman Murphy called for speakers from the audience.

Sean Gagnon, 11606 Fairfax Meadows Circle, Unit 17208, Fairfax, spoke in support of the subject application because it would improve the quality of services provided by the applicant.

Chairman Murphy called for a rebuttal statement from Mr. Ciarula, who declined.

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 Tanner for action on this case.

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. As I stated earlier, I really do appreciate the effort that the applicant has taken to be a good neighbor. This application seems pretty straightforward to me and, based on the testimony tonight, I think we can go ahead and move forward. So with that, I request the applicant state, on the record, their acceptance of the development conditions dated September 25th, 2018.

Thomas Ciarula, Applicant's Agent, Arlington-Fairfax Chapter Inc. of the Izaak Walton League of America: We accept.

Commissioner Tanner: Thank you. Mr. Chairman, I have two motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-Y-050, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 25TH, 2018.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and I will also second the motion for all the great work you have done out in the Springfield District, to begin with, and now the Sully District for Fairfax County. We appreciate it. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-Y-050, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Tanner.

Commissioner Tanner: Yes, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND/OR MODIFICATIONS DISCUSSED IN THE STAFF REPORT AND DATED SEPTEMBER 25TH, 2018. A SUMMARY LIST OF THESE WAIVERS AND MODIFICATIONS DATED OCTOBER 11TH, 2018, WAS PROVIDED TO YOU TODAY AND WILL BE MADE PART OF THE PUBLIC RECORD.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much.

Each motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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PRC B-846-05 – WOODFIELD ACQUISITIONS, LLC – Appl. to amend the PRC plan associated with RZ-B-846 to permit high density residential development on a portion of the site with existing office to remain at a density of 46.9 du/ac. Located on the S. side of Dulles Airport Access and Toll Rd. at the terminus of Roland Clarke Pl. approx. 336 ft. N. of its intersection with Sunrise

Valley Dr. on approx. 6.56 ac. of land zoned PRC. Comp. Plan Rec: Residential Mixed Use. Tax Map 17-4 ((14)) (1A) 2 and 3. (Concurrent with PCA-B-846-04 and DPA-HM-117-03). HUNTER MILL DISTRICT. PUBLIC HEARING.

PCA B-846-04 – WOODFIELD ACQUISITIONS, LLC – Appl. to amend the proffers for RZ-B-846 previously approved for office to permit residential development on a portion of the site with the existing office to remain and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.30. Located on the S. side of Dulles Airport Access and Toll Rd. at the terminus of Roland Clarke Pl. approx. 336 ft. N. of its intersection with Sunrise Valley Dr. on approx. 6.56 ac. of land zoned PRC. Comp. Plan Rec: Residential Mixed Use. Tax Map 17-4 ((14)) (1A) 2 and 3. (Concurrent with DPA-HM-117-03 and PRC-B-846-05). HUNTER MILL DISTRICT. PUBLIC HEARING.

DPA HM-117-03 – WOODFIELD ACQUISITIONS, LLC – Appl. to permit the third amendment of the Development Plan for DP-117 to permit residential development on a portion of the site and office to remain with an overall Floor Area Ratio (FAR) of 1.30 and associated modifications to site design. Located on the S. side of Dulles Airport Access and Toll Rd. at the terminus of Roland Clarke Pl. approx. 336 ft. N. of its intersection with Sunrise Valley Dr. on approx. 6.56 ac. of land zoned PRC. Comp. Plan Rec: Residential Mixed Use. Tax Map 17-4 ((14)) (1A) 2 and 3. (Concurrent with PCA-B-846-04 and PRC-B-846-05). HUNTER MILL DISTRICT. PUBLIC HEARING.

Mark C. Looney, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated September 10, 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 noted that staff recommended approval of applications PRC B-846-05, PCA B-846-04, and DPA HM-117-03.

There was a discussion between Ms. Tsai; Mark Dreyfuss, Fairfax County Department of Transportation; and multiple Commissioners wherein the following issues were discussed:

- The applicant's justification for the requested waivers and modifications, as listed in the staff report;
- The transportation and pedestrian path improvements that were included in the proposed development;

- The maintenance responsibilities of the proposed development;
- The ingress/egress provisions for the proposed development and the possible impact on the neighboring office development to the east;
- The design for the garage facility on the site;
- The pricing for parking for the affordable dwelling units (ADU) and workforce dwelling units (WDU);
- The usage of rental units for the proposed development compared to for-sale units;
- The timeframe for implementing the various improvements of the proposed development;
- The mix of uses for the proposed development on the subject property and the planned developments on the neighboring sites;
- The extent to which the proposed development reflected the density and mixed-use recommendations of the Comprehensive Plan for the area; and
- The process for determining appropriate development for Parcel B, which was located to the west of the site.

There were no subsequent changes to the subject applications, but Commissioner Carter suggested that Proffer Number 17, Streetscapes, in the set dated September 12, 2018 and listed in Appendix 1 of the staff report be revised to clearly articulate the maintenance responsibilities of the private streets in the revised development.

Mr. Looney gave a presentation on the subject applications.

There was a discussion between Mr. Looney, Ms. Tsai, and multiple Commissioners wherein the following issues were discussed:

- The phases of construction that the applicant would utilize for the proposed development and the extent to which the proffers delineated the features included with those phases;
- The timeframe for when the various amenities and improvements would be implemented;
- The process for determining the cost of parking for WDUs and ADUs;
- The stormwater management features of the proposed development;
- The applicant's commitments for streetscaping, street lights, and preserving tree canopy;
- The design of the curbs within the proposed development;
- The provisions for mitigating the impact of the proposed development on the neighboring commercial development to the east and the frontage along the Dulles Toll Road;
- The density of the proposed development compared to the overall Reston area and the importance of maintaining the density prescribed by the Comprehensive Plan;
- The noise mitigation features for the residential units within the proposed development;
- The challenges associated with development of the subject property in conjunction with other sites in a manner consistent with the Comprehensive Plan;
- The process for finalizing the overall mix of uses for the development throughout the area and the impact of future residents on that process; and
- The design, architecture, visual impact, safety features, and wayfinding provisions of the parking garage.

There were no subsequent changes to the subject applications, but Commissioner Carter recommended that the applicant revise the proffers in the following manner:

- Delineate the timeframe for the installation of the various improvements;
- Articulate the price of parking for WDUs and ADUs; and
- Clarify the language for the streetscape and tree canopy commitments.

Mr. Looney did not object to such revisions.

Chairman Murphy called the first listed speaker.

Andrew Axelrad, 1939 Roland Clarke Place, Suite 200, Reston, spoke in opposition to the subject applications because the proposed development would generate safety hazards, increased traffic, overflow parking, and a negative visual impact on the existing commercial development to the east of the site. He recommended that the decision only for the subject applications be deferred to provide additional time to address the outstanding concerns of neighboring property owners. (A copy of Mr. Axelrad's testimony is in the date file.)

There was a discussion between Commissioner Ulfelder and Mr. Axelrad regarding the impact of other nearby developments on the existing office building to the west of the site and the staging of the proposed development.

Rosemary Laur, 1939 Roland Clarke Place, Suite 110, Reston, representing The Pond Building, LLC, spoke in opposition to the subject applications due to concerns about the architecture, traffic impact, visual impact, environmental impact, safety hazards, and character compatibility with the surrounding development. She concurred with Mr. Axelrad's suggestion that the decision only for the subject applications be deferred to permit additional time to resolve the neighboring property owners' concerns. (A copy of Ms. Laur's testimony is in the date file.)

William B. Lawson, Jr., 6045 Wilson Boulevard, Suite 100, Arlington, representing The Pond Building, LLC, spoke in opposition to the subject applications because of concerns regarding the architecture and visual impact of the proposed development on the neighboring commercial site to the east. (A copy of Mr. Lawson's testimony is in the date file.)

Dennis Hays, 1398 Old Quincy Lane, Reston, representing the Reston Citizens Association, spoke in opposition to the subject applications because of concerns regarding building architecture, visual impact, traffic impact, ingress/egress to the site, inadequate commitments to recreation facilities, insufficient screening, character compatibility, setback provisions, the design of the garage, the phasing of construction, and the effectiveness of noise mitigation provisions on the proposed development. Mr. Hayes echoed the request from previous speakers to defer the decision only of the subject applications to permit additional time to address the neighboring property owners' concerns.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Looney, who responded to the concerns raised by speakers wherein he stated the following:

- The character, density, and architecture of the proposed development was consistent with the recommendations of the Comprehensive Plan;
- The applicant would provide signage and wayfinding to mitigate the proposal's impact on the neighboring commercial site; and
- The applicant's provisions for mitigating the visual impact and traffic of the proposed development on neighboring sites were consistent with County policies.

There were no subsequent changes to the subject applications.

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 these cases.

(Start Verbatim Transcript)

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Commissioner Carter: Okay, I'm going to recommend we defer this application. We've heard a lot about targets. We've heard a lot about density – too high, too low. We've heard about The Pond building. But we are where we are. This is the setting that we live in and so I think there's time to address some of these issues. So, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR PCA B-846-04, DPA HM-117-03, AND PRC B-846-05 TO A DATE CERTAIN – I was going to do this for next week, but I think we need more time – we'll try NOVEMBER 1ST FOR NOW. I understand – does this have a Board of Supervisors...okay.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: Yes.

Commissioner Carter: Is that the 30th?

Ms. Tsai: Yes.

Commissioner Carter: Okay. So we'll – AS PART OF THE MOTION, WE'LL HAVE TO ASK THEM TO MOVE THAT. So that's my motion.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend – all those in favor of the motion to defer decision only on the applications articulated by Mr. Carter to a date certain of November 1st, with the record remaining open, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And also, the motion to recommend to the Board of Supervisors that it defer its public hearing until this application is resolved and moved on.

Commissioner Sargeant: Second.

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

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

Each motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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The Commission went into recess at 10:49 p.m. and reconvened at 11:04 p.m.

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RZ 2018-MV-007 – LAFAYETTE BUILDING, LLC – Appl. to rezone from C-2 to C-5 to permit commercial uses, waiver of minimum lot size, width, setback and increase in office percentage in accordance with Sects. 9-515 and 9-610 of the Zoning Ordinance with an overall Floor Area Ratio (FAR) of 0.27. Located on the N.W. corner of the intersection of Lafayette Dr. and Fort Hunt Rd. on approx. 20,322 sq. ft. of land. Comp. Plan Rec: Office. Tax Map 102-2 ((2)) (1) 605 and 606. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Frank W. Stearns, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated March 12, 2018.

There were no disclosures by Commission members.

Jay Rodenbeck, 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 2018-MV-007.

There was a discussion between Mr. Rodenbeck; William O'Donnell, ZED, DPZ; and Commissioners Clarke and Ulfelder on the following topics:

- The concerns that had been raised by residents of the neighboring Hollin Hall Village community on the subject application;
- The applicant's justification for the requested waivers and modifications listed in the staff report;

- The history of development in the surrounding area and the changes that had been made to the Zoning Ordinance over the course of that history;
- The type of development that would be permitted on the site by the subject application under the C-5 Zoning;
- The types of uses on the site that would be prohibited under the proffers dated June 14, 2018, as listed in Appendix 1 of the staff report;
- The extent to which the existing building on the site would be modified under the subject application; and
- The extent to which the existing building on the site complied with the County's standards for a C-2 Zoning.

There were no subsequent changes to the subject applications.

Mr. Stearns gave a presentation for the subject application.

There was a discussion between Mr. Stearns; Mr. Rodenbeck; William O'Donnell, ZED, DPZ; and Commissioners Sargeant and Ulfelder on the following topics:

- The hours of operation the commercial development on the site would operate under the subject application;
- The types of businesses the site would accommodate and the traffic patterns generated by such businesses;
- The applicant's efforts to mitigate the impact of the lighting fixtures on the neighboring residential community;
- The extent to which the site would be modified if the subject application were approved;
- The existing features on the site that provided buffer between the existing commercial development and the neighboring residential community;
- The qualities associated with transitional development between residential and commercial development; and
- The extent to which the existing development on the site complied with C-2 zoning requirements and the floor-area ratio of the development under the requested C-5 zoning.

There were no subsequent changes to the subject applications.

Chairman Murphy called the first listed speaker.

Leo Milanowski, 8017 Washington Road, Alexandria, representing the Hollin Hall Village Citizens Association, spoke in opposition to the subject application due to the following concerns:

- Incompatibility with the character of the surrounding area;
- Insufficient justification of the requested waivers and modifications;
- Permitting businesses that the community could not accommodate;
- Increased traffic at and around the site;
- Creating additional safety hazards in the area;
- Increased criminal activity;

- Creating a negative visual impact on the surrounding community;
- Inadequate buffer provisions;
- Inadequate parking provisions;
- Inadequate access provisions; and
- Increased instances of littering.

There was a discussion between Mr. Milanowski and Commissioner Clarke regarding the frequency of traffic accidents and the presence of safety hazards along Lafayette Boulevard.

Gary Drane, 8007 Yorktown Drive, Alexandria, spoke in opposition to the subject application, aligning himself with the concerns expressed by Mr. Milanowski regarding character incompatibility, insufficient screening, inadequate landscaping, justification for waivers/modifications, unfeasible ingress/egress, traffic impact, and safety hazards. (A copy of Mr. Drane's statement is in the date file.)

John Dillon, 8004 Yorktown Drive, Alexandria, spoke in opposition to the subject application, echoing concerns raised by previous speakers regarding character incompatibility, safety hazards, traffic impact, inadequate buffering, and justification for the requested waivers/modifications.

Josh Toth, 7686 Richmond Highway, Suite 203A, Alexandria, representing the Mount Vernon Lee Chamber of Commerce, spoke in support of the subject application because it would incur a positive economic impact for the area and generate greater tax revenue without significantly modifying the exterior features of the existing building on the site.

Brian O'Connor, 1305 LaFayette Drive, Alexandria, also representing Joellen Simonds, spoke in opposition to the subject applications, echoing concerns raised by previous speakers regarding character incompatibility, safety hazards, traffic impact, visual impact on neighboring communities, and justification for the requested waivers/modifications. (A copy of Mr. O'Connor's statement is in the date file.)

Susan O'Connor, 1305 LaFayette Drive, Alexandria, spoke in opposition to the subject property, echoing concerns raised by previous speakers regarding increased criminal activity and character incompatibility. (A copy of Ms. O'Connor's statement is in the date file.)

Queenie Cox, 2920 Douglas Street, Alexandria, spoke in support of the subject application because it would incur a positive economic impact on the surrounding area, promoted greater business opportunities, was consistent with the character of the surrounding development, and had sufficiently mitigated the concerns raised by residents of the surrounding community. (A copy of Ms. Cox's statement is in the date file.)

Jack Dobbyn, 9105 Patton Boulevard, Alexandria, spoke in support of the subject application because it would incur a positive economic impact on the surrounding area and improve the operation of the site.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Stearns, who addressed the concerns raised by speakers wherein he stated the following:

- The traffic impact of the subject application was minimal;
- The existing ingress/egress provisions on the site were adequate;
- The operation, maintenance, and safety features of the site would continue under the existing conditions; and
- The additional uses permitted under a C-5 zoning would incur a positive economic impact on the surrounding community.

There was a discussion between Mr. Stearns and Commissioners Hurley and Niedzielski-Eichner regarding the reason the applicant was pursuing the subject application, the constraints under the existing zoning of the site, and the feasibility of installing additional interparcel access with the neighboring commercial development to the north.

There were no subsequent changes to the subject application.

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 case.

(Start Verbatim Transcript)

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Commissioner Clarke: Thank you, Mr. Chairman. And I want to thank Mr. Rodenbeck for all of his work and working with the community. I know we've had countless meetings. And the applicant and Hollin Hall Village – they have met several times and agreed to not come to an agreement – or not so much. But what I would like to do tonight, Mr. Chairman – we would defer this – this application. And before I move on a motion, I would like to have the applicant confirm the proffers that are offered, especially Number 3.

Chairman Murphy: Well, you want to do that before you make your final motion to recommend whatever you're going to recommend. This is just to defer decision so there's no – you don't do that now.

Commissioner Clarke: Okay. So – so we're ready for the motion?

Chairman Murphy: Yeah.

Commissioner Clarke: So Mr. Chairman, due to the pending ratification of the solution from the application – from the application by the general body of the Mount Vernon Council of Citizens Association, I MOVE TO DEFER THIS DECISION ONLY FOR RZ 2018-MV-007 TO A DATE CERTAIN OF OCTOBER THE 25TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY. AND I ALSO REQUEST THAT THE BOARD OF SUPERVISORS DEFER THEIR PUBLIC HEARING SCHEDULED FOR OCTOBER 16TH UNTIL AFTER THE ACTIONS OF THE PLANNING COMMISSION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision on RZ 2018-MV-007 to a date certain of October 25th, with the record remaining open for written, and also recommend to the Board of Supervisors to defer its application until the final resolution of this application – all those in favor of the motion, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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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. – Appl. under Sects. 3-404, 4-304 and 9-301 of the Zoning Ordinance to permit a private club/public benefit association. Located at 7118 Shreve Rd. and 2343 Chestnut St., Falls Church, 22043 on approx. 1.03 ac. of land zoned R-4, C-3 and HC. Tax Map 40-3 ((1)) 107A and 114. PROVIDENCE DISTRICT. PUBLIC HEARING.

William M. Baskin, Jr., Applicant's Agent, Baskin, Jackson & Lasso, PC, reaffirmed the affidavit dated June 25, 2018.

There were no disclosures by Commission members.

Jay Rodenbeck, 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 SE 2017-PR-011.

There was a discussion between Mr. Rodenbeck; William O'Donnell, ZED, DPZ; and Commissioner Niedzielski-Eichner wherein the following issues were discussed:

- The existing stormwater conditions on the subject property, the stormwater management features included with the proposal, and the extent to which staff supported those provisions;
- The County policies for non-member events at the existing facilities on the site and the number of such events that would be permitted annually under the subject application;
- The number of complaints that residents of the neighboring community had voiced due to activities conducted at the facility on the subject property; and

- The condition of the existing buildings on the site.

There were no subsequent changes to the subject application.

Mr. Baskin gave a presentation on the subject application wherein he noted the applicant's opposition to Development Condition Number 9 in the set dated September 13, 2018, and included in Appendix 1 of the staff report, which identified the facilities on the site as private clubs.

There was a discussion between Mr. Baskin, Mr. Rodenbeck, Mr. O'Donnell, and multiple Commissioners wherein the following issues were discussed:

- The applicant's preferred language for Development Condition Number 9 and the number of non-member events that would be permitted under the proposal;
- The manner in which the applicant managed non-member events that occurred at the site;
- The complaints from neighboring residents that had been voiced due to activity at the facilities on the subject property;
- The applicant's efforts to alleviate the impact of events that occurred at the site and other possible mechanisms for mitigating such impacts;
- The coordination between the applicant and staff to address the outstanding issues associated with Development Condition Number 9; and
- The noise generated by various events at the site.

There were no subsequent changes to the subject application, but Mr. Baskin recommended that the language in Development Condition Number 9 be revised to reflect the status of the facilities on the site as public benefit associations and delineate the standards for non-member events that occurred at the site. Mr. Rodenbeck and Mr. O'Donnell did not object to such a revision.

Chairman Murphy called the first listed speaker.

Louis Kauffman, 2427 Falls Place Court, Falls Church, representing the Falls Place Homeowners Association, spoke in opposition to the subject application because the applicant had not adequately addressed issues regarding the mitigation of stormwater runoff, the noise generated by events at the site, and the visual impact of the facilities on the surrounding neighborhood. However, he noted that he supported the continued operation of the facility and the services provided by the applicant. (A copy of Mr. Kauffman's statement is in the date file.)

James Hensley, 2343 Chestnut Road, Fairfax, representing Fraternal Order of Police Lodge 35, spoke in support of the subject application because it would permit the continued use of the facilities on the site and improve the overall operation.

There was a discussion between Mr. Hensley and Commissioner Niedzielski-Eichner regarding the existing condition of the facilities on the subject property and the applicant's efforts to improve the condition of those facilities.

Nathan Portnoy, 19 Carousel Court, Sterling, spoke in opposition to the subject application because the restrictions articulated in Development Condition Number 9 would hinder the operation of the existing facilities.

John Ruoff, 6620 Gordon Avenue, Falls Church, representing VFW Post 9274, spoke in opposition to the subject application because the existing language in Development Condition Number 9 would hinder the continued operation of the existing facilities on the site.

Gerald Miller, 7118 Shreve Road Rear, Falls Church, representing the Fraternal Order of Police NOVA 35, spoke in support of the subject application because it would permit the continued use of the facilities on the site, improve the overall operation, and permit structural improvements.

Carl Davis, 8 Palmer Court, Sterling, representing the VFW, spoke in support of the subject application because it would permit improvements to the existing facilities and the quality of the services provided on the site, but recommended revisions to Development Conditions Number 9 and 12 because the existing language limited the operation of the facilities and imposed unnecessary requirements on the applicant.

There was a discussion between Mr. Davis, Mr. Rodenbeck, and multiple Commissioners on the following issues:

- The possibility that the provisions in Development Condition Number 12 could be waived by the Director of the Department of Public Works and Environmental Services;
- The reason for including Development Condition Number 12;
- The number of events necessary to ensure the economic feasibility of the facilities on the site;
- The safety issues associated with the operation of the facilities; and
- The existing emergency exit provisions for the facilities.

There were no subsequent modifications to the subject application, but Mr. Davis stated that he supported the removal of Development Condition Number 9 in favor of a condition that emphasized noise mitigation.

Chairman Murphy called for speakers from the audience.

James Robertson, 7710 Glenister Drive, Springfield, addressed concerns raised by previous speakers regarding the existing condition of the facilities on the subject property.

Sheldon Munson, 11006 Candlelight Lane, Potomac, MD, expressed support for the continued operation of the facilities on the site.

St. Clair Williams, Zoning Administration Division, DPZ, stated the requirements for non-member events and religious activities on a site operated by a private club or a public benefit association, as determined by the Zoning Administrator.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Baskin, who addressed the concerns raised by speakers wherein he reiterated his preference for identifying the facilities on the site as public benefit associations in Development Condition Number 9.

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 Niedzielski-Eichner for action on this case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I also wanted to thank everyone who came out this evening and stayed the long hours to make your points known to us or to support those who made those points. There is not a one of us that doesn't share Commissioner – or Chairman Murphy's perspective about the support for the service that you provided. We have an interesting responsibility in the Planning Commission in that we have – we have to – we work to ensure that everyone can get along with each other. And my – my understanding of this circumstance is that there has been a trough in the relationship that the VFW has had in its relationship with the neighbors. And it sounds to me as if the – that is being overcome. But I just want to reinforce the importance of having that relationship. We can't regulate everything. We can't get – we will do the special – these conditions, but we can't get down to regulating how people interact with each other – how people take care of each other. And this facility is situated in a neighborhood and the neighbors do matter. We have to take good care of them, as well as take care of you. My belief is that we will find a solution to this that will make you be able to be successful in what you want to do, both with the VFW, as well as the FOP. And I think we can find a solution that will keep you having good neighbors – happy with your presence in the neighborhood. And I'm going to offer a motion to defer so that you have time to work this through. And Mr. Chairman, I'M GOING TO MOVE TO DEFER THE DECISION ONLY FOR SE 2017-PR-011 TO A DATE CERTAIN OF NOVEMBER 1ST, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by – yes, Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to defer decision on SE 2017-PR-011 – what was the date, I'm sorry?

Commissioner Hart: November 1st.

Chairman Murphy: November 1st – to November 1st – with the record remaining open for written comment, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 1:32 a.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: April 24, 2019



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

