

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, OCTOBER 18, 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  
Julie M. Strandlie, Mason District  
Walter C. Clarke, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Donté Tanner, Sully District  
Mary D. Cortina, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:33 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 Cortina announced the withdrawal of the Zoning Ordinance Amendment, Wireless Communications Infrastructure on October 16, 2018. She stated that the Board of Supervisors had directed staff to review and revise the amendment in reaction to the Federal Communication Commission's September 26, 2018 meeting for a Declaratory Ruling and Report and Order "that will clarify the scope and meaning of Sections 253 and 332(c)(7) of the Communications Act, establish shot clocks for state and local approvals for the deployment of small wireless facilities, and provide guidance on streamlining state and local requirements on wireless infrastructure deployment."

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**SUBDIVISION ORDINANCE – STREET WAIVER FOR 1016 UNION CHURCH ROAD**  
(Decision Only) (Public Hearing on this application was held on October 11, 2018)

*(Start Verbatim Transcript)*

Commissioner Ulfelder: Thank you, Mr. Chairman. Before I – we have a case tonight involving a decision only on the waiver of public street frontage for a property in McLean. But before I begin a short statement and go to the motion, there were some materials that were submitted since the public hearing last week – a letter from the applicant's attorney and a memorandum from Mr. Friedman, the County engineer, not planner – I guess in connection with this application. And I just wanted to ask if any of the Commissioners have any questions based the



material that was that they received in the intervening time. Okay. With that, Mr. Chairman, we are scheduled this evening to decide whether or not to recommend to the Board of Supervisors that it grant a waiver of the public street frontage requirement in Section 101-2-2(3)(C) of the Fairfax County Subdivision Ordinance for a property at 1016 Union Church Road in McLean. The Subdivision Ordinance allows such waivers if they meet certain ordinance criteria and Board policies. The waiver, if granted, would allow the existing lot at 1016 Union Church Road to be subdivided into two lots. One lot would have – still have public street frontage on Union Church Road and the second lot would have access via an existing private street, Cedrus Lane. Key – a key consideration in such waiver requests is whether the requirements of the Subdivision Ordinance pose an unusual hardship not generally shared by other landowners. The term "unusual hardship" is not defined and, frankly, is difficult to pin down. Rather, it is dependent more on the circumstances of the particular application and the property in question. In this case, the applicant has cited several property and site-specific factors that he argues meet this particular requirement. While I might not agree with all of the factors cited by the applicant, I do think that there are certain circumstances in this case that pose an unusual hardship not generally shared by other landowners. The property to be subdivided is five acres in size and, if subdivided, would result in two two-and-a-half acre lots. The neighboring properties are generally two to three acres in size consistent with the underlying RE zoning. Thus, the current property is well under the maximum permissible density and almost double the size of the neighboring properties. If the waiver is approved and the existing lot is subdivided, it would result in two lots that are consistent in size and harmonious with the neighboring properties. The current five-acre property is bisected by Sharpers Run and a 250-foot-wide Resource Protection Area that makes it extremely difficult, as well as unwise, to attempt to access the rear of the existing lot from Union Church Road. In any event, the new rear lot can be accessed by way of Cedrus Lane. Any extension of the public road portion of Cedrus Lane along the 50-foot-wide private road easement, however, would require the agreement of all the neighboring property owners, including the dedication of their land within the easement in order to meet all public road requirements. In my opinion, such an extension is not reasonable or feasible. Based on these factors, I believe that the requirements of the Subdivision Ordinance pose an unusual hardship for this applicant not generally shared by other landowners. Further, based on the information contained in the September 27, 2018 staff report, the October 11, 2018 public hearing, and the written material submitted for the record since the closure of the public hearing, I believe that the applicable ordinance criteria and Board policies have been met and that the proposed waiver is in conformance with the recommendations of the Comprehensive Plan. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD APPROVE A WAIVER, NUMBER 1131-WPSF-001-1 OF SECTION 101-2-2(3)(C), OF THE SUBDIVISION ORDINANCE TO PERMIT SUBDIVISION OF 1016 UNION CHURCH ROAD INTO 2 LOTS, WITHOUT THE REQUIRED PUBLIC STREET FRONTAGE, SUBJECT TO THE CONDITIONS RECOMMENDED BY STAFF ON PAGES 2 AND 3 OF THE STAFF REPORT DATED SEPTEMBER 27<sup>TH</sup>, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Subdivision Ordinance regarding the waiver for a street on 16 – 1016 Union Church Road, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Abstain.

Chairman Murphy: Ms. Strandlie abstains. Not present – not present for the public hearing.

Commissioner Ulfelder: Thank you.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 11-0-1. Commissioner Strandlie abstained from the vote.

*(End Verbatim Transcript)*

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Commissioner Migliaccio announced the Land Use Process Review Committee would meet on November 28, 2018, at 7:30 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to discuss the Zoning Modernization Project.

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PCA 2002-LE-005 – ALWADI, LLC

*(Start Verbatim Transcript)*

Commissioner Migliaccio: I also have a public hearing this evening that needs to be deferred due to an affidavit issue. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA 2002-LE-005, ALWADI, LLC, TO A DATE CERTAIN OF NOVEMBER 29TH, 2018.

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 PCA 2002-LE-005 to a date certain of November 29th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, I further move – it had a Board date attached to it – so, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE



BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING TO A DATE CERTAIN AFTER THE PLANNING COMMISSION MAKES ITS RECOMMENDATION.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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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  
(Decision Only) (Public Hearing on this application was held on October 4, 2018)

*(Start Verbatim Transcript)*

Commissioner Carter: Give me a hint which one you'd like first.

Chairman Murphy: Any one you'd like.

Commissioner Carter: What's that?

Chairman Murphy: Any one you'd like.

Commissioner Carter: Okay. Well, let's proceed with the RZ/FDP 2018-HM-004, AG-ARC Reston 1. It's shown as decision only. So, the applicant's been working hard over the last few weeks. If you remember Reston – we had the public hearing a couple weeks ago. Reston Corner is located along Sunrise Valley Drive across from the Crescent or Wegmans project and within one half mile of the future Reston Town Center Metro Station. The applicant is proposing to rezone the 4.31-acre property to allow the construction of 145 multi-family housing units. The proposed development will transform the existing office park into a mixed-use area with publicly accessible open space, sidewalks, and streetscaping that will encourage pedestrian activity to enliven the area throughout the day and evening. In response to the testimony at the public hearing of the Planning Commission on September 4<sup>th</sup>, the applicant has – the application has been revised to add the following:

1. Dog Park. Prior to issue – issuance of the first Use and Occupancy Permit, a fenced area for use as an off-leash dog area will be provided, as identified at the time of site plan approval, new Proffer 27.C.

2. Children's Play Area. At least one mountable play structure will be provided within the proposed on-site urban park, Proffer 29.B.
3. Traffic Signal Preemption. Traffic preemption devices will be funded at a cost of \$10,000. A contribution to the traffic preemption devices will be made prior to the approval of the first building-permit for the residential building instead of the occupancy as formally proposed, Proffer 45.
4. WDUs. With a Floor Area Ratio of 0.93, the application – application will include 12 percent or 17 WDUs. In response to the request, the WDUs will be distributed within the residential building. This is a new Proffer 33.A. The applicant will provide half of the WDUs at 70 percent of the Area Median Income for the first five years, with the remaining half at 90 percent of the AMI later – at the same time. After the first five years, the WDUs will be provided in three evenly distributed tiers of 80, 100, and 120 percent of AMI, consistent with the policy guidelines.
5. Parking for WDUs. The applicant has proffered to provide a minimum of one parking space for each WDU. The price of parking for WDU units will be discounted to 70 percent of the cost of the market rate units. For-sale WDUs – in a case of for-sale WDUs, the cost of parking will be included in the overall price.
6. Screening for the parking garage. Three items have been added to improve the screening for the parking garage.
  - First, the loading dock and service area will be located across from the parking garage rather than residential units, at least on the ground floor;
  - Light poles on the top of the garage will be 12 feet high maximum with full cut-off light fixtures on the top floor of the parking garage, new Proffer 9; and
  - Three – evergreen and deciduous trees will be provided before the first Occupancy Permit in the locations shown on CDP to screen the lighting from the parking garage from nearby residences.
7. Six, maintenance of the access road. The adjacent property owner testified about the concern for maintenance of the shared access drive. In response to the concerns, the owners have agreed to the following and I quote from their letter, "Following the initial occupancy of the proposed development, the Applicant will assume responsibility for the portion of the access drive aisle located on the Cascade Building's property that connects the Applicant's property to South Lakes Drive, subject to indemnification and pro-rata reimbursements based on square footage." You can see the lawyer's letter and the lawyer language and all of that. Okay. So, that – that addresses the concerns. The application continues to include the providing – the following:



- Seven story, 145-unit multi-family building with underground parking. A free standing, above grade parking garage with 438 spaces, as also included to replace existing surface parking.
- Consistency with the Comprehensive Plan. The project is located in the Central Valley Drive District of the Comprehensive Plan within one half mile of the Metro – of the Town Center Metro Station. This is important. That allows the development of multi-family units up to 30 units per acre. The proposal has 29.5.
- Contributions. Full Commitment to the Road Fund, Housing Fund, public facilities and athletic fields offsite, full commitment to the on-site public open space and full commitment to the school payment.
- Transportation and mobility. The primary access remains on Sunrise Valley Drive, with the secondary access through the site to South Lakes Drive. Let's see. Short-term parking and drop-off and pick-up and deliveries will occur at the entry plaza. One short-term parking space for service vehicles will be located adjacent to the front entrance and two additional service spaces will be located in the free-standing parking garage. Shared-use trail and sidewalk, street trees 30 feet on-center, and appropriate building setback have been provided to create an attractive and functional streetscape along Sunrise Valley Drive. Additional pedestrian access will be provided throughout the site with five-foot wide sidewalks. And, most importantly, a crosswalk will be provided across Sunrise Valley Drive to connect to the Reston Town Center through the Crescent project.
- On-site recreational facilities. We already talked about the ball – the dog park and the child play area. But the public facilities include a play mound, a grass terrace with seating, a child play area, recreational lawn for active and passive recreation, benches, public art, and a shade structure. Other possible private recreation facilities inside the building could include clubroom, media room, fitness center, bike storage, and game – game tables.
- Finally, environment and energy. The applicant has proffered to provide green building certification for the residential development. The project meets the stormwater management requirements through the underground storage and on-site infiltration facilities, and a 6,000 square-foot green roof. The application meets the 10-year tree canopy recommendations in the Public Facilities Manual.

So, with that I'd to thank again Mary Ann Tsai who's just been barraged with – with these Reston cases and has done a great job for the Fairfax County. The development team including representatives from the Polleo Group, the architects, Urban Limited Landscape Architects, Urban Limited – is also engineer – Cooley legal office, including Ben Wales and Mark Looney, Cascades Building working with the applicant on that access – and finally, the Reston Planning and Zoning Committee for conducting numerous meetings with a lively exchange of comments and recommendations that were incorporated into the development resulting in a recommendation of approval for a vote of 8 to 4. So, with that, I'm going to move to the motion.

Chairman Murphy: Please.

Commissioner Carter: Mr. Chairman, I request that the applicant confirm for the record agreement to the proposed FDP and SA – SE development conditions dated September 20<sup>th</sup>, 2018.

Ben Wales, Applicant's Agent, Cooley LLP: Good evening. My name is Ben Wales. I'm Land Use Planner with the law firm Cooley. I'm here tonight on behalf of the applicant. The applicant is in agreement with the conditions.

Commissioner Carter: Okay. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-HM-004 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 12, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman.

Commissioner Niedzielski-Eichner: Yes, Mr. Chairman.

Chairman Murphy: Mr. Hart then Mr. Niedzielski-Eichner.

Chairman Hart: Yes. I just – I had one slight correction. The new proffers we got in the – in the handout that's dated the 16<sup>th</sup>, on Page 8. It says in the heading "Tree Preservation."

Commissioner Carter: Ah.

Commissioner Hart: I think it's "preservation."

Commissioner Carter: I think you're right.

Commissioner Hart: Maybe that's A FRIENDLY AMENDMENT.

Chairman Murphy: Okay.

Commissioner Hart: That's it.

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Mr. Chairman, I just wanna ask Commissioner Carter if he could – first of all I appreciate the applicant moving toward the concerns that were raised with regard to the garage and the lighting impact on the units that are immediately adjacent to the garage. Do you have insight, Mr. Carter – Commissioner Carter on the implications of the 12-



foot height versus some other height of – for the light poles on the surface of the top – top of the garage?

Commissioner Carter: I'm thinking of an example of this. Street lights that you see that are pedestrian oriented are a maximum of – of 12 feet high. Oftentimes on these parking garages they're – they're up quite a bit higher, say 20 – 28 feet. So, this is a substantial reduction from what they were first proposed. And, there will be cut offs so you shouldn't be able to see the luminaire.

Commissioner Niedzielski-Eichner: Okay, so you're comfortable that the applicant is – has addressed the – at least to some extent, the concern about light going into these...

Commissioner Carter: Yes. And I think because that loading dock is on the first floor, the first units will be up a little bit and so the lights on top of the garage shouldn't – shouldn't be as visible.

Commissioner Niedzielski-Eichner: Again, the only other question that is – again what's in the effort to respond to the concerns about the – the visibility of the garage to the adjacent residential units. This idea of screen by evergreen and deciduous trees – do we have any idea as to the scale of those of those plant – plantings that will – and how long it will take for them to be...

Commissioner Carter: We don't usually or – I haven't seen a size on those at the time of zoning. We could add one probably 10 to 12 feet would be what comes to mind as opposed to the normal 6 or 8 feet that we get. We could add that. But if you remember, the views out the windows aren't directly into the garage. The garage is pulled back and is sort of diagonally across from the building. So...

Commissioner Niedzielski-Eichner: But – but for the record...

Chairman Murphy: Gentlemen we're on verbatim.

Commissioner Niedzielski-Eichner: For the record and since we're on verbatim, I just want to have confidence that the intent of the screening is indeed screening. That these evergreen and deciduous trees will in fact have that – have that impact. Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. All those in favor of the motion to approve – recommend to the Board of Supervisors that it approve RZ 2018-HM-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Okay.

Commissioner Tanner: Abstain.

Chairman Murphy: Abstain?



Commissioner Tanner: Was not present for the public hearing.

Chairman Murphy: Thank you.

Commissioner Carter: So, next, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2018-HM-004, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITION DATED SEPTEMBER 20<sup>TH</sup>, 2018, AND SUBJECT TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-HM-002 [SIC], WITH THE CORRECTION THAT COMMISSIONER HART ADDED ABOUT THE TREE PRESERVATION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion to approve...

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner – Mr. Chairman, I believe the FDP – the rezoning application number is 004.

Commissioner Carter: 004, that's correct.

Ms. Tsai: Okay.

Chairman Murphy: Would you approve our FDP 2018-HM-004 subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: Okay next, I move that the Planning Commission...

Chairman Murphy: Same abstention. Go ahead.

Commissioner Carter: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2018-HM-002, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 20<sup>TH</sup>, 2018.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2018-HM-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Carter: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

1. USE OF OFF STREET PARKING LOCATED AT TAX MAP PARCEL 17-3 ((8)) (4) 2, IN ACCORDANCE WITH PARAGRAPH 1 OF SECTION 11-102 OF THE ZONING ORDINANCE; AND
2. A WAIVER OF SECTION 13-202 OF THE ZONING ORDINANCE AND SECTION 12-0514(3)(D) OF THE PUBLIC FACILITIES MANUAL, TO PROVIDE INTERIOR PARKING LOT LANDSCAPING ON THE TOP LEVEL OF THE FREESTANDING PARKING GARAGE.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

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

The motion carried by a vote of 11-0-1. Commissioner Tanner abstained from the vote.

*(End Verbatim Transcript)*

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2232-H18-14 – AT&T, 10780 Parkridge Boulevard, Reston, VA 21076

*(Start Verbatim Transcript)*

Commissioner Carter: Okay. I have a...

Chairman Murphy: You ain't done yet.

Commissioner Carter: A "feature shown" – let me look at the word here. Okay, this is 2232-H18-14, AT&T at 10780 Parkridge Boulevard Reston. These are panel antennas located on the existing mechanical penthouse of an office building in industrial – in an industrial area of Reston zoned I-3. The office building is located in an existing office park along Sunrise Valley Drive a little ways from Hunter Mill Road.

1. The antennas will be flush mounted and painted to match the existing brick. The equipment cabinets will be located at ground level and concealed within a fenced area. The proposal is consistent with the guidelines for telecommunication facilities in the policy plan to minimize visual impact.



2. The – meets the standards in the Zoning Ordinance; and
3. The proposal is consistent with the recommendations in the Comprehensive Plan.

Therefore, I MOVE APPROVAL OF THIS “FEATURE SHOWN” APPLICATION.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to concur with the feature shown determination in 2232-H18-14, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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FS-H18-18 – T-Mobile, 2301 Pumpkin Ash Court, Herndon, VA 20171

*(Start Verbatim Transcript)*

Commissioner Carter: Okay. This is another “feature shown.” This is FS-H18-18, T-Mobile, 2301 – very appropriate, Pumpkin Ash Court, Herndon. Nine panel antennas and 1 dish antenna. The antennas will be located within an existing electrical transmission tower. So, this is a pole inside a large tower. It’s going to be 123 feet high. The tower is located, again, in an existing utility easement along Sunrise Valley Drive near the intersection of Wood Oak Drive and north of the future Herndon-Monroe Metro Station. The equipment and generated – generator will be located within an 8 feet high board-on-board fenced area. The proposal is consistent with the guidelines for telecommunication facilities in the policy plan to minimize visual impact. It meets the standards in the Zoning Ordinance and the proposal is consistent with the recommendations in the Comprehensive Plan. Therefore, I RECOMMEND APPROVAL OF THIS “FEATURE SHOWN” APPLICATION.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to concur with the feature shown determination FS-H18-18, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman. Abstain.

Chairman Murphy: Mr. Sargeant abstains. Thank you very much.

The motion carried by a vote of 11-0-1. Commissioner Sargeant abstained from the vote.

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. PCA 84-P-007-04/FDPA 84-P-007-05 – CENTERPOINTE (FAIRFAX) HOLDINGS, LLC
2. CSPA 2010-PR-021 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION
3. PFM AMENDMENT – FLEX PROJECT UPDATES RELATED TO THE FAIRFAX FIRST INITIATIVE
4. PA 2017-III-P1 – COMPREHENSIVE PLAN AMENDMENT (NOVA TRAINING CENTER SITE AND STATE POLICE SITE)

The order was accepted without objection.

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The public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Hart. Vice Chairman Hart called the first case.

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PCA 84-P-007-04/FDPA 84-P-007-05 – CENTERPOINTE (FAIRFAX) HOLDINGS, LLC – Appls. to amend the proffers, conceptual and final development plan for RZ 84-P-007 previously approved for office use to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.54. Located on the N. and W. side of Legato Rd. and E. side of West Ox Rd. on approx. 6.55 ac. of land zoned PDC, WS and HC. Comp. Plan Rec: Office. Tax Map 46-3 ((1)) 41B and 41C SPRINGFIELD DISTRICT. PUBLIC HEARING.

Matthew Roberts, Applicant's Agent, Bean, Kinney and Korman, P.C., reaffirmed the affidavit dated September 17, 2018.

There were no disclosures by Commission members.



Commissioner Murphy asked that Vice Chairman Hart ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived.

There was a discussion between Jay Rodenbeck, Zoning Evaluation Division, Department of Planning and Zoning, and multiple Commissioners regarding resolution of the bicycle racks issue wherein staff incorporated a development condition that required the applicant to explore feasible locations for such features.

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

*(Start Verbatim Transcript)*

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Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward application by the applicant who is requesting to amend Proffer 3 of the proffers of PCA 84-P-007 [sic], which creates a minimum parking ratio for the office of commercial uses and is above the level currently required by the Zoning Ordinance. This will allow the applicant to restripe a portion of the surface parking and to widen onsite drive aisles, which the applicant asserts will provide a safer driving experience for the applicant's office tenants. The restriping will reduce the number of parking spaces on the application property to 24 spaces and the FDPA addresses the restriping of the lot. Therefore, Mr. Chairman, before I make a motion I did receive, today, a letter - yesterday, I guess it was from Bruce Wright, who is the Chairman of our bicycle organization who asked for us to - for consideration for bicycle parking. And as the staff member just said in Development Condition Number 2, the applicant must explore feasible location for bike racks at the ground level with the Fairfax County Department of Transportation. This has a positive recommendation from the staff. It also received a unanimous approval from the Springfield District Land Use Committee. So, therefore Mr. Chairman, I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 84-P-007-04, SUBJECT TO THE EXECUTION OF DRAFT PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Sargeant and Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioners Sargeant and Migliaccio. Any discussion of that motion? Seeing none, we'll move to a vote. All those in favor of the motion as articulated by Commissioner Murphy, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Mr. Chairman, I ALSO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE A VACATION OF THE PARKING REDUCTION FOR CENTERPOINTE FAIRFAX HOLDINGS, LLC APPROVED ON JUNE 29<sup>TH</sup>, 1987.

Commissioners Sargeant and Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioners Sargeant and Migliaccio. Any discussion of that motion? Seeing none, we will move to a vote. All those in favor of the motion as articulated by Commissioner Murphy, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Murphy: Mr. Chairman I MOVE THE PLANNING COMMISSION APPROVE FDPA 87-P-007-05, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 3<sup>RD</sup>, 2018 AND THE BOARD OF SUPERVISORS' APPROVAL OF THE PCA 84-P-007-04.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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Chairman Murphy resumed duties of the Chair.

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CSPA 2010-PR-021 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with CSP 2010-PR-021 to permit sign modifications. Located on the E. side of Capital Beltway, N. side of Dolley Madison Blvd. and S.W. side of Scotts Crossing Rd. on approx. 24.56 ac. of land zoned PTC and HC. Tax Map 29-4 ((5)) A2. PROVIDENCE DISTRICT. PUBLIC HEARING.



There were no disclosures by Commission members.

Stephen Gardner, 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 CSPA 2010-PR-021.

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

- The staff's recommendation of one video screen versus two for the proposed site;
- The visibility of Skypark and the types of associated signage; and
- The role of the Capital One Design Review Board and disclosure of its members.

The discussion resulted in no changes to the subject application.

Shane Murphy, Applicant's Agent, Reed Smith, LLP, gave a presentation on the subject application.

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

- Mounted video screen that overlooked the elevated terrace center of the Performing Arts Center, the types of advertising on the screen and opportunities for sponsorship;
- Regulations associated with signage;
- Consultation with the Office of the County Attorney for restrictions on sign content;
- Explanation of the wind activated façade system;
- Additional wayfinding signage to the Skypark; and
- Fields of vision for the video screen from Route 123 and noise generation levels from video screen.

The discussion resulted in no changes to the subject application.

There being no listed speakers, Chairman Murphy called for speakers in the audience and recited rules for testimony.

Ragvi Rastogi, 9655 Sherman Oaks Court, Fairfax, opposed the video screen option because it was a traffic hazard.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Mr. Murphy who stated that the screen would not be visible from major roadways.

Chairman Murphy called for closing remarks from staff, who declined.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this application.

*(Start Verbatim Transcript)*

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Commissioner Niedzielski-Eichner: Yeah, thank you...

Chairman Murphy: How's it's a tough act to follow...

Commissioner Niedzielski-Eichner: And I'm not even gonna try. I will – do want to offer a motion of deferral, just so we have an opportunity to work through some of these issues. I do think we'll get there and I'm gonna depend on the applicant to work with us closely to get there. This is – is a sign plan amendment. It's our decision as a Commission. It doesn't go any further than this so in that respect I take this addition seriously. So, with that, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR CSPA 2010-PR-021, CAPITAL ONE COMPREHENSIVE PLAN SIGN AMENDMENT, TO A DATE CERTAIN OF 10/25/2018 WITH THE PUBLIC RECORD REMINING OPEN FOR WRITTEN COMMENTS.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to defer decision only, CSPA 2010-PR-021 to a date certain of October 25<sup>th</sup> with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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PFM AMENDMENT – FLEX PROJECT UPDATES RELATED TO THE FAIRFAX FIRST INITIATIVE – Proposed amendments to Chapter 101 (Subdivision Provisions) and Chapter 122 (Tree Conservation Ordinance) of The Code of the County of Fairfax, Virginia (Code) and to the Public Facilities Manual (PFM) related to the PFM "Flex Project". These amendments are part of the



## FLEX PROJECT UPDATES RELATED TO THE FAIRFAX FIRST INITIATIVE

Fairfax First Initiative to improve the speed, consistency and predictability of the County's land development review process.

**Technical amendments are being proposed to** simplify the data collection process for as-built drawings; revise the rating tools used to determine the viability of financial institutions; remove the outdated cut sheet requirements and the code reference table; add a streamlined certification process for in-ground pools, in lieu of a soils report; update the exploration requirements for buildings less than 5,000 square feet; revise the factor of safety for slope stability in problem soil areas; eliminate curvilinear pipe design requirements; revise outfall requirements in floodplains; update requirements for stabilizing ground cover; remove the "Street Functional Classification" section; clarify clear zone requirements throughout the street lights section; update and relocate tot lot requirements; define aerial access requirements for high rise buildings; clarify hydrant requirements for fee simple townhouses; accommodate emergency access for rooftop, indoor and courtyard pools; introduce soil volume guidelines; add guidance on tree condition assessments; and increase flexibility for counting tree canopy.

**Non-technical amendments are being proposed to** replace the term "shall," throughout the PFM, based on terms in the updated Interpretations section of Chapter 1; increase interactivity by revising the formatting of the PFM with an indented alphanumeric outline, leveling, and hyperlinks to internal and external references; increase adaptability by amending the Interpretations section of Chapter 1 to include the term "should" and allowing the Director of LDS to maintain the PFM; and increase clarity by removing outdated and extraneous text, updating administrative items in the plates and tables, updating acronyms, and relocating the entire Chapter 13 into Chapter 1. The proposed amendments to the Code will align with the PFM amendments and update referenced PFM sections. COUNTYWIDE. PUBLIC HEARING.

Don Lacquement, Site Code Research and Development Branch, Land Development Services (LDS), presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of PFM Amendment, Flex Project Updated related to the Fairfax First Initiative.

There was a discussion between Mr. Lacquement; Bill Hicks, Director, LDS; Keith Cline, Director, Urban Forest Management Division, Stormwater Management; and multiple Commissioners on the following issues:

- The amount of outreach conducted to industry, citizens, and various associations;
- The number of committees formed and the groups involved in the amendment process;

- The research and vetting process conducted for bicycle lanes and parking;
- The LDS Director's ability to implement changes to administrative items that resulted in "inconsistencies and conflicts with County policies" and processes for incorporating those changes;
- The inclusion of hyperlinks for underlying codes;
- The removal of language from the proposed PFM Amendment that referenced tree box filters; and
- The research and feedback from urban streetscape designs based on previously-approved rules and guidelines.

The discussion resulted in no changes to the subject amendment.

Chairman Murphy called for speakers from the audience, but received no response. 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 Hart for action on the amendment.

*(Start Verbatim Transcript)*

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Commissioner Hart: Thank you, Mr. Chairman. First, let me thank the staff team that has participated so far in this project. I think it's a compliment to their skills and ability with outreach so far that something as complicated as this, we don't seem to have a whole lot of objection to what's been proposed so far. And I hope that the Commission appreciates the level of effort that's gone into this project. I also want to thank the folks that submitted emails or correspondence to us and I assure you that we are considering those. I think we're very close on this, but I'd like everyone to read the memo before we finalize this. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL IN CHAPTERS 101 AND 122 OF THE COUNTY CODE TO DATE CERTAIN OF OCTOBER 25, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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 this amendment to a date certain of October 25<sup>th</sup> with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.



The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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The Commission went into recess at 9:28 p.m. and reconvened in the Board Auditorium at 9:45 p.m.

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PA 2017-III-P1 – COMPREHENSIVE PLAN AMENDMENT  
(NOVA TRAINING CENTER SITE AND STATE POLICE SITE)

– To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. PA 2017-III-P1 concerns approx. 95 acres located at 9911 and 9801 Braddock Road (Tax Map # 69-1 ((1)) 34 and 69-1((1))34A), located in the Braddock Supervisor District. The area is planned for public facilities, governmental and institutional use with a portion of the western edge of the subject property planned for public parks. From a broad range of potential land uses authorized by the Board of Supervisors for consideration, the

Plan amendment was narrowed to consider residential uses up to 2-3 dwelling units per acre, public park uses and a continuing care facility at an intensity up to 0.60 FAR with a mix of independent and assisted accommodation units. Recommendations relating to the transportation network may also be modified. BRADDOCK DISTRICT. PUBLIC HEARING.

Commissioner Hurley made preliminary comments regarding PA 2017-III-P1. She cautioned the Commission, staff, and the public of the implications under the *Code of Virginia*, Section 15.2-2303.4, regarding provisions applicable to certain conditional rezoning proffers. Noting that the statute restricted local authority on proffers and certain residential rezoning, Commissioner Hurley said the testimony and comments from the public represented only the views of the individuals and not the views of the locality, the Planning Commission, or individual Commissioners.

Roger Dindyal, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended adoption of PA 2017-III-P1.

There was a discussion between Mr. Dindyal; Clara Johnson, Planning Division, Department of Planning and Zoning; Thomas Burke, Transportation Planning Division, Department of Transportation; and multiple Commissioners on the following issues:

- The Braddock District Task Force recommendation of one dwelling unit per acre versus staff's recommendation of two to three dwelling units;
- The general residential recommendations and the associated impacts to schools and transportation networks;
- List and locations of fire and rescue stations that served the proposed area;
- The location and size of the Environmental Quality Corridor (EQC) and Resource Protection Area (RPA) around the proposed site;
- The preservation and restoration of the Pohick Creek Stream Valley Park due to the supporting habitat;
- Distance from the southern line of proposed development to the ring road and stream;
- Preservation of mature tree canopy around the perimeter of the proposed development;
- Potential trip generation increases and existing plans that would alleviate traffic increase during peak hours; and
- Discussions conducted regarding ingress and egress from the proposed site to main roads.

The discussion resulted in no changes to the subject amendment.

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

Mark O'Meara, 10659 Braddock Road, Fairfax, a member the Braddock District Task Force, spoke in support of the subject amendment because of staff's response to requested data regarding tree lines, stormwater treatment, traffic analysis, parking, and nature trails.

Mike Doherty, 9900 Braddock Road, Fairfax, spoke in support of the subject amendment because it was necessary for the aging population in Fairfax County and would favor more intensive development options.

KC Hoffman-Blaylock, 9712 Commonwealth Blvd, Fairfax, addressed concerns with the proposed amendment because of the ongoing issue with the vehicular speeds on Commonwealth Boulevard and the impacts to the Kings Park West residential community.

Douglas Vigen, 9718 Banting Drive, Fairfax, addressed concerns of the proposed amendment because the specific of the two access points to the site was not referenced in staff's recommendation. He requested that all entrances to the proposed site remain on Braddock Road. In addition, he requested language that referenced the tree canopy area be revised to address preservation of a larger section of the tree line. Mr. Vigen also supported the recommendation for one dwelling unit per acre versus staff's base recommendation for two to three units.



There was a discussion between Ms. Johnson, Mr. Burke, Marianne Gardner, Director, Planning Department, Department of Planning and Zoning, and multiple Commissioners on the following issues:

- Revisions to the language that addressed the tree canopy area;
- Reasons for residential use versus a continuing care facility, density research, and similarities of the proposed development to the surrounding area;
- Clarification of a stub-street and pipeline easement to the property; and
- Federal regulations that addressed developments and development densities with gas transmission pipelines.

The discussion resulted in no changes to the subject amendment.

Ragvi Rastogi, 9655 Sherman Oaks Court, Fairfax, spoke in support of the subject application because it permitted accommodations for the aging population. He suggested permitting higher density for single family dwelling units. Mr. Rastogi also addressed his concerns regarding transportation impacts.

Lynne Strobel, Property Owner's Agent, Walsh Colucci Lubeley & Walsh, PC, gave a presentation on the subject application.

There was a discussion between Ms. Strobel and Commissioner Hurley regarding revised language for the intensity of the floor area ratio. The discussion resulted in language in the amendment would change from "inclusive bonus density" to "exclusive of bonus density".

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on the amendment.

*(Start Verbatim Transcript)*

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Commissioner Hurley: Thank you, Mr. Chairman. I'm going to recommend deferral of this case for one week to come up with the clarification of the wording at the top of Page 14 and to see if we can come up with some sort of height limit in feet instead of – at least a maximum. I don't remember any other particular concerns that were still remaining. But let me know if you do. The – but I do want to mention although I'm going to defer – while we're on the record – to paraphrase from Winston Churchill, this is not the end of this product – this is not even the beginning of the end of this process, but is the end of the beginning. I've been on the Planning Commission for almost 7 years and in Braddock District we've been concerned about the future of this large property. Ninety-one acres is a lot of property anywhere in this County. And last night, by the way – last night was the one year anniversary of the first community information

meeting convened by Supervisor John Cook at Robinson. There have been couple other community information meetings since then. They had a Saturday workshop – thank you to the staff. There were like a dozen staff members there for that. And, as mentioned, the task force had something like 11 meetings. Thank you for the task force and please pass my thanks to Nancy Mercer, who is the Chairman. She's not available to be here tonight for medical reasons. I'd also like to thank Clara Johnson who has been to just about every meeting and has – some of them had run very long. Marianne Gardner, who has spent many hours – sometimes tense minutes with me on the phone trying to explain to me these little details about what's the difference between this and that. They – well, particularly, I need to thank Marcia – Marcia Pape out there in the audience, John Cook's Land Use Aide, who has been at every one of those meetings I just talked to. And as I said, some of those have run very long and she has spent many hours on the phone and in one-on-one meetings with the community and all that. We have almost 79 acres for the training site, another almost 10 for the state police station, which is not being – it's not going away, we love the state police. It's just as long as we're doing this project, we don't have want to do spot zoning so it's not being – nobody is talking about closing that. And another 4 – almost 4 acres for the Department of Motor Vehicles. We don't know if and when the State is going to actually activate that. The recommendation does reflect the task force recommendations with the – provide so that they're saying 2 to 3 acres instead of – I'm sorry 2-3 houses per acre instead of one. But both the task force and the Land Use Committee strongly endorse the idea of a continuing care facility at this site. However, we do need to work out those couple of details and are there any other concerns from?

Commissioner Hart: Yeah. Mr. Chairman, just...

Chairman Murphy: Go ahead.

Commissioner Hart: The third thing I would add in – Mr. Burke may have said he was gonna look at this. While we were moving on I went to the Tax Map and it does look like there's a public street coming into the property from the south. And just if we could reflect on that – should we say something or not. If it is too steep and inappropriate, maybe that's one thing. Maybe it isn't. But – could we just check that please. It's called – it's on the Tax Map it says Aspen Hollow Way. It looks like a dedicated right-of-way right up into the site.

Chairman Murphy: Yeah. Ms. Hurley.

Commissioner Hurley: With that Mr. Chairman, I MOVE TO DEFER THE DECISION ONLY ON THIS CASE WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT UNTIL NEXT THURSDAY, THE 25<sup>TH</sup> OF OCTOBER.

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 PA 2017-III-P1 to a date certain of October 25<sup>th</sup> with the record remaining open for written comments, say aye.

Commissioners: Aye.



Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

*(End Verbatim Transcript)*

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The meeting was adjourned at 10:41 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



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

