

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 8, 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  
Phillip A. Niedzielski-Eichner, Providence District  
Donté Tanner, Sully District  
Mary D. Cortina, Commissioner At-Large

**ABSENT:** Walter C. Clarke, Mount Vernon District

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The meeting was called to order at 7:30 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**

Chairman Murphy announced that there were no public hearings scheduled for this meeting.

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RZ/FDP 2017-DR-028/PCA 79-C-037-08 /PCA C-696-12/FDPA C-696-05– W-MRP LP  
OWNER A VIII, LLC (Public Hearing on November 1, 2018)

There was a discussion between Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning, and Commissioner Ulfelder on the following issues:

- In connection with Proffers Numbers 30 and 31, Affordable Dwelling Units and Workforce Dwelling Units (WDU), it could refer to which series of buildings the units would be located.

The discussion resulted in the following changes:

- During Phase One, the first two WDUs would be installed within Buildings M-7 and/or M-9. In a subsequent phase, additional WDUs would be provided within in M-5, R-10, or R-11.

*(Start Verbatim Transcript)*

Commissioner Ulfelder: Thank you, Mr. Chairman. We held a hearing a week ago in connection with a mixed-use development in the Tysons areas – I mean, excuse me – out in the Dulles area near Innovation Station. In this – this area is in the process of shifting from a suburban office park area to a true, sort of, transit-oriented development. These are one of – this is one of the applications that's going – has been going through the process for some time to do that. The staff sent out today a memo and there were a set of revised proffers earlier today and I hope everyone had a chance to look at those. I think that they addressed many of the issues and questions that were raised at the public hearing by the Commissioners. Although I know some folks may have some – still have some disagreement about the extent of them. And with that, I'd like to ask one question of staff. Ms. Williams, in connection with the – Proffers 30 and 31, which are the affordable dwelling units and workforce dwelling units – do you have a – an exhibit that you can put up? The way that the proffers are written, it talks about which building – a series of buildings the units may go in. And I thought it would be helpful if you could put up an exhibit so we could – you could show us which, under both of those – par for paragraphs – which buildings these units would go in.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning: Absolutely, Commissioner Ulfelder. This is Sharon Williams with the Department of Planning and Zoning. If you call your attention to your screens. On the – on the diagram you have in front of you, in the red portion – that represents Phase 1. And the orange shading of that represents the two WD units that will be coming in Buildings M7 and/or Buildings M9. So those are the two that are highlighted there. And then, in a subsequent phase, they also have provided us two ADUs in Buildings M1 through M5 – also R10 or R11. And those are all highlighted in purple so two ADUs will go in that and then, also, two WDUs will also go in there. Those will be at a later phase. Again, the red portion is highlighted to represent Phase 1, which is what is associated with the FDP.

Commissioner Ulfelder: Yeah, my understanding is that there's an existing building in the area with some of those buildings would – the second phase buildings would go...

Ms. Williams: That's correct.

Commissioner Ulfelder: Plus, the athletic field that is currently leased to a government agency – it's combined office and lab space building. And that means it may be a little bit of time before that part gets developed in the future under this CDP. And at that time, it would be coming back to us as an FDP for – for the design and layout. Okay.

Ms. Williams: Yep.

Commissioner Ulfelder: Does anyone have any questions in relation to the revised set of proffers that were set out today? Then, I – I'll make a statement and I know – and will proceed with a motion. As I said, I think the issues addressed by the Commission in the hearing have been addressed to varying degrees and have, in my opinion, helped improve this application. I think it's important to note that it includes two very significant items – a full-size athletic field site that



will be dedicated to the Park Authority and that will serve not just this proposed development, but the entire area. And that's very important to get at this stage, as we're going forward with more development in this area. Second, in addition to the regular per-student contribution, the applicant has agreed to contribute an additional \$1,250 per dwelling unit for the acquisition's property and for construction of new schools who would be serving this areas and this property. So they're stepping up above the normal school proffer – the contribution, which they have agreed to as well. And this – this whole area – this transition – is going to result in a significant increase in residential property – and residents and students and, therefore, the schools have been a top priority. And we're also happy to be able to get a full-size athletic field. As you recall, last week – development that's south of this one contributed a parcel that is going to be used for a new elementary school. So we're trying to stay on top of this. As you know, it's – it's hard to do that. But we're trying to do as best we can and I appreciate this applicant's contribution to that. With that, I'd first like to ask – before I make my motion, ask the applicant to confirm, for the record, their agreement to the final development plan conditions that are dated October 16<sup>th</sup>, 2018.

Sara Mariska, Applicant's Agent, Womble Bond Dickenson (US), LLP: Good evening, I'm Sara Mariska with the law firm of Womble Bond Dickenson, here on behalf of the applicant. And I do agree with the conditions for both FDP and FDPA dated October 16<sup>th</sup>.

Commissioner Ulfelder: Thank you. I'll start with this series of motions here. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2017-DR-028 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 7<sup>TH</sup>, 2018.

Commissioners Cortina and Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner and Ms. Cortina. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I was not here for the public hearing, but I did watch the video and I will be voting. Thank you.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2017-DR-028 and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2017-DR-028, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 16<sup>TH</sup>, 2018, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA C-696-12, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 16<sup>TH</sup>, 2018.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA C-696-05, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 16<sup>TH</sup>, 2018, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND ONE WAVIER CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED NOVEMBER 1<sup>ST</sup>, 2018, WHICH WILL BE MADE PART OF THE RECORD.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Ms. Williams: Excuse me. Commissioner Ulfelder?

Commissioner Ulfelder: Yes?

Ms. Williams: We also have an additional PCA at the top – PCA 79-C...did you say that one? Did he? Okay, I miss that. Okay, sorry.

Commissioner Ulfelder: There isn't?

Commissioner Hart: No, there is.

Chairman Murphy: We okay?

Commissioner Ulfelder: Well, I thought we did – oh, you mean PCA 79-C-037-08? Pardon?

Ms. Williams: Yes.

Commissioner Ulfelder: Okay, therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND– RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 79-C-037-08 – is that also – yeah, is that it?

Ms. Williams: Yep, that's it.

Commissioner Tanner: Second.

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

Commissioners: Aye.

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

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

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT – OLDER ADULT ACCOMMODATIONS AND SERVICES – CONTINUING CARE FACILITIES, ADULT DAY HEALTH CARE CENTERS, AND RELATED PROVISIONS (Public Hearing on October 25, 2018)

There was a discussion between Dona Pesto, Planning Division (PD), Department of Planning and Zoning (DPZ); Marianne Gardner, PD, DPZ; and multiple Commissioners on the following issues:

- How to address concerns regarding the proposed change in density to 0.40 Maximum Floor Area Ratio (FAR) for continuing care facilities in Residential Conservation Districts;
- Why staff went with 0.40 FAR. instead of 0.65 FAR for two units per acre; and
- Staff's revised recommendation would permit rezoning to this category in areas that were planned for one to the acre and above, but areas below that amount would not be permitted without a plan amendment.

The discussion resulted in the following changes:

- Modification of the density tiers from one unit or more to two units or less at 0.4 FAR and then the next tier would have to adjust and more than two to five dwelling units equal to or less than five dwelling units would be at a density of 0.65 FAR;
- A site that was two to five acres would utilize a density of 0.65 FAR; and
- The operation of continuing care facilities would not be available for the areas that were planned at 0.1 to 0.2 FAR or 0.2 to 0.5 FAR.

*(Start Verbatim Transcript)*

Commissioner Sargeant: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED "CONTINUING CARE FACILITIES ADULT DAY CARE CENTERS, AND RELATED PROVISIONS," INCLUDING ALL OF THE STAFF RECOMMENDED OPTIONS, AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 25<sup>TH</sup>, 2018, EXCEPT FOR THE FOLLOWING:

- AS SET FORTH IN THE REVISED TABLE I HAVE DISTRIBUTED TONIGHT IN THE FLOOR AREA RATIO CONVERSION TABLE SET FORTH IN PARAGRAPH 3 OF SECTION 6-608 FOR THE NEW PLANNED CONTINUING CARE DISTRICT, I MOVE THAT THE COMPREHENSIVE PLAN DENSITY INTENSITY RECOMMENDATION CORRESPONDING TO 0.4 FAR BE CHANGED FROM LESS THAN ONE DWELLING UNIT PER ACRE TO A RANGE OF GREATER THAN OR EQUAL TO ONE DWELLING UNIT PER ACRE TO LESS THAN OR EQUAL TO TWO DWELLING UNITS PER ACRE. AS A RESULT, I MOVE THAT STAFF ADVERTISE AN OPTION TO DELETE THE DENSITY INTENSITY RECOMMENDATION OF LESS THAN ONE DWELLING UNIT PER ACRE FROM THE TABLE FOR THE BOARD'S CONSIDERATION.

- I FURTHER MOVE THAT THE COMPREHENSIVE PLAN DENSITY INTENSITY RECOMMENDATION CORRESPONDING TO THE 0.65 FAR BE CHANGED FROM A RANGE GREATER THAN OR EQUAL TO ONE DWELLING UNIT PER ACRE TO LESS THAN OR EQUAL TO 5 DWELLING UNITS PER ACRE TO A RANGE OF GREATER THAN 2 DWELLING UNITS PER ACRE TO LESS THAN OR EQUAL TO 5 DWELLING UNITS PER ACRE.

Commissioner Cortina: Second.

Chairman Murphy: Second by Mrs. Cortina. Is there a discussion of the motion?

Commissioner Tanner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Tanner: I was not present for the public hearing, but did view it later on so I will be voting on this.

Chairman Murphy: Okay. Thank you very much. Any further discussion? All of those in favor of the motion to recommend to the Board of Supervisors that – adopt the Zoning Ordinance Amendment, as articulated by Commissioner – Commissioner Sargeant with the modifications, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion Carries.

Commissioner Sargeant: Mr. Chairman I have one more motion for this. LASTLY, I MOVE THAT PARAGRAPH 4.B SECTION 6-608 BE REVISED TO CLARIFY THAT A COMMERCIAL KITCHEN, LAUNDRY FACILITIES, AND OTHER SIMILAR ACCESSORY USES ARE EXEMPT FROM THE FLOOR-AREA RATION CALCULATIONS FOR CELLAR SPACE.

Commissioner Cortina: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman. That concludes the Zoning Ordinance Amendment motions.



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

*(End Verbatim Transcript)*

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PA 2018-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (CONTINUING CARE FACILITIES) (Public Hearing on November 1, 2018)

There was a discussion between Marianne Gardner, Planning Division (PD); Department of Planning and Zoning (DPZ); Donna Pesto, PD, DPZ; and multiple Commissioners on the following issues:

- To clarify language on line number 38, Transportation section, in the revised Plan text;
- To change the Plan text on line numbers 60 and 61, regarding applicant contributions towards development intensity;
- To add language which specified the contributions that would be used for affordable accommodations for adults, persons with disabilities, and persons with low to moderate income;
- To modify the language on line number 65, which provided greater flexibility in regards to payment procedures;
- To add flexibility to line number 67, so that a developer can offer an equivalent contribution wherever appropriate;
- To add flexibility to line number 96, regarding parks and recreation contributions;
- To add a phrase to line number 102, to ensure that the facilities were accessible to people of all abilities;
- To prioritize funding for older persons or persons with disabilities over persons with low to moderate income;
- To incorporate language on funding priorities into the Plan text on line number 70; and
- To modify the contribution rate based on the facility location in the County.

The discussion resulted in the following changes:

- The modification of line number 64 to read, “The amount should be adjusted annually based on the consumer price index and contributed to the housing trust fund for the provision of affordable accommodations prioritized for older persons or persons with disabilities.”; and
- The modification of line number 70 to read, “not feasible, off-site land for affordable accommodations, prioritized for older adults and/or persons with disabilities, can be considered.”

*(Start Verbatim Transcript)*



Commissioner Sargeant: Thank you, Mr. Chairman. This is related to the Plan Amendment 2018-CW-1CP. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2018-CW-1CP, FOUND ON PAGES 6 THROUGH 9 OF THE STAFF REPORT DATED OCTOBER 11<sup>TH</sup>, 2018 WITH THE MODIFICATIONS IN THE HANDOUT BELOW. AS STAFF MENTIONED, THE AMENDMENT WOULD ADD GUIDANCE TO THE POLICY PLAN VOLUME OF THE COMPREHENSIVE PLAN IN SUPPORT OF CONTINUING CARE FACILITY USES WHICH PROVIDE A CONTINUUM OF ACCOMMODATION AND SERVICE OPTIONS TO FACILITATE THE OPPORTUNITY TO AGE IN PLACE OR MOVE WITHIN LEVELS OF SUPPORT AS CARE NEEDS CHANGE. Thank you, Mr. Chairman

Commissioner Cortina: Second.

Chairman Murphy: Second Mrs. Cortina. Is there a discussion of the motion? Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I'D LIKE TO OFFER A FRIENDLY AMENDMENT TO LINE 62 THROUGH 64. THE AMENDED LANGUAGE TO READ, "THIS AMOUNT SHOULD BE ADJUSTED ANNUALLY BASED ON THE CONSUMER PRICE INDEX AND CONTRIBUTED TO THE HOUSING TRUST FUND FOR THE PROVISION OF AFFORDABLE ACCOMMODATIONS PRIORITIZED FOR OLDER ADULTS AND/OR PERSONS WITH DISABILITIES."

Commissioner Cortina: Second.

Commissioner Sargeant: I WILL ACCEPT THE FRIENDLY AMENDMENT.

Chairman Murphy: Thank you. Motion is accepted. Okay, without objection? Thank you very much. Is there any further discussion of the motion? Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I ALSO HAVE A FRIENDLY AMENDMENT, I HOPE. ON LINE 70 AFTER THE WORD ACCOMMODATIONS TO INSERT "PRIORITIZED FOR OLDER ADULTS AND/OR PERSONS WITH DISABILITIES."

Commissioner Sargeant: Mr. Chairman, I WILL ALSO ACCEPT THAT FRIENDLY AMENDMENT.

Chairman Murphy: Okay, without objection? Thank you very much. Is there further discussion? Ms. Hurley.

Commissioner Hurley: I would like to propose another amendment – same section on line 60, where it says "A developer of a CCF should contribute \$3.00 per square foot" for all of the stuff we have been talking about. As I discussed at the public hearing, the \$3.00 per square foot was set for Tyson's and is generally being paid for by the corporations in Tyson's. This is different in that it is not in Tysons. It's all over the county and where the land is not worth nearly as much. And I don't mean to insult my own district, but land costs a lot more around the metro stations.

And in addition, this is being paid for, by definition – by elderly people often on fixed incomes and all of them are somewhere on the continuing care. So, THE ACTUAL AMENDMENT IS TO, I MOVE THAT WE MODIFY CONTRIBUTE \$3.00 PER SQUARE FOOT IN TSA'S, \$2.00 PER SQUARE FOOT IN ACTIVITY CENTERS, AND \$1.50 PER SQUARE FOOT IN THE REST OF THE COUNTY, OF NEW GROSS AREA ETCETERA.

Commissioner Sargeant: Mr. Chairman, I'M AFRAID I CANNOT ACCEPT THAT AS A FRIENDLY MOTION.

Commissioner Hurley: No, I just was – was as an amendment.

Commissioner Sargeant: Okay, as an amendment.

Chairman Murphy: Okay.

Commissioner Sargeant: I cannot accept that as a friendly amendment. I'm sorry. I'd like to put that to a vote for consideration by other commissioners.

Commissioner Hart: Someone would need to second it first.

Chairman Murphy: Is there a second to that motion? Okay, without a second, the motion fails. Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I've read the motion. We have a second and I think it's – its – if there is no further amendments or friendly or motions.

Chairman Murphy: Mrs. Cortina, you seconded the main motion.

Commissioner Cortina: Second.

Commissioner Sargeant: Yes.

Chairman Murphy: Yeah, go ahead. We're ready.

Commissioner Sargeant: I've read the motion. We've had a second vote and we've had our friendly amendments. We're ready for a vote.

Chairman Murphy: Okay. All of those in favor of the motion, as articulated and as amended by Mr. Sergeant, and those who have offered friendly amendments, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you very much, Mr. Chairman. I'd like to thank Marianne Gardner, Donna Pesto, Abdi Hamud, and Pam Sweeney, who is not here tonight, for all of their



hard work and diligence on this – on this particular motion and amendment. And thanks to all the Planning Commissioners and staff who provided updates and motions, as we go forward. Thank you, sir. I believe Mrs. Strandlie has...

Chairman Murphy: Yes, Ms. Strandlie.

Commissioner Strandlie: Thank you. I have a follow on motion.

Chairman Murphy: Oh, alright.

Commissioner Strandlie: Sorry. This will be quick.

Chairman Murphy: It's ok.

Commissioner Strandlie: Following our discussion about needing to investigate providing options for continuing care retirement facilities for low-to-moderate income adults, of which we understand there are currently none in existence, but we certainly need to figure out how to do this. I WOULD LIKE TO OFFER THE FOLLOWING FOLLOW ON MOTION. I WOULD LIKE TO – FOR THE PLANNING COMMISSION TO REQUEST THAT THE BOARD CONVENE A TASK FORCE TO INVESTIGATE DEVELOPING CONTINUING CARE RETIREMENT FACILITIES TO ACCOMMODATE LOW TO MODERATE INCOME OLDER ADULTS AND/OR DISABLED PERSONS.

Commissioner Migliaccio: Second

Chairman Murphy: Second Mr. Migliaccio. Is there a discussion of the motion? All of those in favor of the motion as articulated by Mrs. Strandlie, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Not No, not

Chairman Murphy: Mrs. Hurley votes no. Okay. Further discussion? Anybody else? Well I think we – after a lot of work – hard work by Mr. Sargeant, staff, Planning Commission members – we made a quantum leap this evening for a growing demographic in Fairfax County, older citizens and people with disabilities. And I think this – everyone who was involved deserves a lot of credit and I appreciate all of the efforts that you have done for that demographic, which is the largest growing demographic in the county, quite frankly, and they need all of the help we can give them. And I went through one of these applications where we didn't have this kind of language. We didn't have the guidance in the plan. We didn't have the guidance in the zoning ordinance. It was really needed, we have it now and I congratulate all of you who took part in this. It was a great effort. Thank you.

The motion and friendly amendments carried by a vote of 11-0. Commissioner Clarke was absent from the meeting.

The follow on motion carried by a vote of 10-1. Commissioner Hurley voted in opposition. Commissioner Clarke was absent from the meeting.

*(End Verbatim Transcript)*

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The meeting was adjourned at 8:43 p.m.  
Peter F. Murphy, Chairman  
James R. Hart, 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: Keisha Strand

Approved on: June 26, 2019



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

**Toni Michele Denson**  
**NOTARY PUBLIC**  
**Howard County, Maryland**  
**My Commission Expires 6/14/2022**