

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 1, 2019**

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 7:35 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee had met on Thursday, April 25, 2019 to receive a presentation from staff on the planned natural landscaping amendment. He added that the Environment Committee would meet again on this topic at a date to be determined.

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Chairman Murphy noted that the Board of Supervisors had conducted its final hearings regarding the annual budget on Tuesday, April 23, 2019 and noted that the Board was complimentary to the Planning Commission's work regarding the Capital Improvement Program for Fiscal Years 2020 to 2024, with future Fiscal Years to 2029.

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ZONING ORDINANCE AMENDMENT – ARTICLES 2, 3, 6, 8, 10, 18 AND 20
COMMUNITY GARDENS, FARMERS MARKETS, GARDENING AS AN ACCESSORY
USE AND RELATED CHANGES (Decision Only) (Public Hearing on this application was held
on April 24, 2019)

(Start Verbatim Transcript)

Commissioner Hart: Secondly, Mr. Chairman, on the Community Gardens, Farmers Markets, Gardening as an Accessory Use and Related Changes, we need some more time. Some of the Commissioners have sent some specific and complicated questions. Therefore, Mr. Chairman, I MOVE TO DEFER THE PLANNING COMMISSION'S DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMUNITY GARDENS, FARMERS MARKETS, GARDENING AS AN ACCESSORY USE AND RELATED CHANGES TO A DATE CERTAIN OF MAY 16, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. Hart to defer the Zoning Ordinance on gardens and community gardens and farmers markets to a date certain of May 16th 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/FDP 2017-DR-012/PCA-C-637-05 – POMEROY COMPANIES, INC. TR AND POMEROY INVESTMENT, TR (Decisions Only) (Public Hearing on this application was held on January 30, 2019; Decision Only from February 27, 2019; Decision Only from April 3, 2019)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. We were scheduled this evening for a decision on a case that heard some time ago, but the - it still has some active movement going on in connection with one of the key issues that we're trying to resolve before we bring it back to the Planning Commission for a decision. And, therefore, I think we need to defer it to give the parties more time to work that out. So, this is the case involving the Pomeroy Company which is out on Frying Pan Road in the Dranesville District. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/CDP 2017-DR-012 AND FDP 2017-DR-012 AND PCA C-637-05 TO A DATE CERTAIN OF MAY 22nd WITH THE RECORD REMAINING OPEN FOR PUBLIC COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. Ulfelder to defer these applications on Pomeroy Companies to a date certain of May 22nd with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: One other thing, Mr. Chairman. I believe the Board was scheduled to take this up before the new date and THEREFORE, I WOULD REQUEST THAT THE BOARD OF SUPERVISORS RESCHEDULE ITS PUBLIC HEARING ON THIS APPLICATION.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each 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

Commissioner Migliaccio established the following order of the agenda:

1. PRCA-B-846-02 – RESTON HEIGHTS RESIDENTIAL I, LLC (Hunter Mill District)
2. PCA 82-P-044-02 – GBA ASSOCIATES LIMITED PARTNERSHIP

This order was accepted without objection.

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PRCA-B-846-02 – RESTON HEIGHTS RESIDENTIAL I, LLC –
 Appl. to amend the PRC plan associated with RZ-B-846 to permit modifications to PRC plan and conditions for mixed-use development. Located on the E. side of Reston Pkwy. and W. side of Sunrise Valley Dr. on approx. 9.89 ac. of land zoned PRC. Comp. Plan Rec: Mixed Use. Tax Map 17-3 ((21)) 1A, 2B, 3A, 4A, and 5A. HUNTER MILL DISTRICT. PUBLIC HEARING.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application PRCA-B-846-02.

Shane Murphy, Applicant's Agent, Reed Smith, LLP, declined to give a presentation and aligned himself with staff's recommendation for approval.

There was a discussion between Mr. Murphy; Mr. Mayland; Justin Donaldson, Applicant's Agent, JGB Smith; and multiple Commissioners on the following issues:

- The location, condition, and operation of the existing stormwater management ponds that serviced the subject property;
- The existing stormwater management features;
- The existing impervious surface on the site;
- The impact of the proposal on the stormwater management features on the site;
- The stormwater management provisions recommended by the Comprehensive Plan for the site;
- The applicant's stormwater management commitments and the extent to which they reflected the recommendations articulated in the Comprehensive Plan;
- The extent of the proposal's modifications to planned development on the site compared to the existing plans;
- The applicant's efforts to obtain LEED certification for the proposed development;
- The applicant's efforts to improve the environmental conditions around the existing stormwater management ponds;
- The stormwater management and environmental improvement provisions prescribed by the County and the extent to which the applicant complied with the necessary requirements;
- The history of planned development on the site and the frequency with which those plans had changed;
- The existing road network that serviced the subject property;
- The possible road improvements that would occur under the proposed development;
- The location, history, and ownership status of various easements in and around the site;
- The reference in Development Condition Number 43, as shown in Appendix 1 of the staff report, to a possible waiver of the stormwater management and best management practices articulated in the Public Facilities Manual; and
- The existing waivers that applied to planned or existing development on the subject property and whether those waivers would carry over to future development.

The discussion resulted in no changes to the subject applications.

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

Otto Konrad, Williams Mullen, 200 S. 10th Street, Suite 1600, Richmond, voiced concern regarding the proposed development's impact on the ingress/egress roads for neighboring properties, the associated driveway utilized by vehicles to access Sunrise Valley Drive from those properties, and the maintenance responsibilities for that driveway. He requested that the applicant modify the development conditions to delineate the maintenance responsibilities of the surrounding access roads and ensure the continued operation of those roads for neighboring properties.

There was a discussion between Mr. Konrad, Mr. Mayland, and multiple Commissioners on the following topics:

- The location of the driveway and access road referenced in Mr. Konrad's testimony;
- The impact of the future easements on neighboring properties under the proposed development;
- The requirements for interparcel access under the Zoning Ordinance and whether such requirements applied to proposed development;
- The maintenance responsibilities for the easements, interparcel access, and access roads located around the site;
- The ongoing negotiations between the applicant and neighboring property owners on determining the appropriate maintenance responsibilities for the access roads; and
- The traffic impact that the proposal would incur on traffic conditions along Sunrise Valley Drive.

The discussion resulted in no changes to the subject application.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Murphy, who explained the following:

- The discussions between the applicant and neighboring property owners on easements was ongoing;
- The applicant's efforts to resolve the concerns expressed by the neighboring property owners regarding easements, ingress/egress provisions, and traffic impact; and
- The existing traffic conditions on the roads accessing the property.

There was a discussion between Mr. Murphy and Commissioner Hart regarding the possible inclusion of an interparcel access between the subject property and neighboring sites under the requirements prescribed by the Zoning Ordinance, which resulted in no changes to the subject application.

Commissioner Carter briefly reviewed the outstanding issues for the subject application wherein he highlighted the following:

- The location, usage, and maintenance of easements in and around the site;
- The possible installation of interparcel access between the subject property and neighboring sites;
- The installation of street trees along Sunrise Valley Drive;
- The existing stormwater management provisions for the site and possible improvements that could be implemented; and
- The location of the zoning line for the subject property.

Mr. Murphy addressed Commissioner Carter's concern regarding the location of the zoning line.

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 this case.

(Start Verbatim Transcript)

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Commissioner Carter: Mr. Chairman. I MOVE THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PRCA B-846-02 TO A DATE CERTAIN OF MAY 8TH, 2019.

Commissioner Hart: Second.

Commissioner Carter: I understand the Board of Supervisors date is May 21ST, so I think this would work.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision of PRCA B-846-02, to a date certain of May 8th with the record remaining open for comments, 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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PCA 82-P-044-02 – GBA ASSOCIATES LIMITED PARTNERSHIP – Appl. to amend the proffers and development plan for RZ 82-P-044 previously approved for office to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.40. Located on the N. side of Arlington Blvd. and the E. side of Fairview Park Pl. on approx. 43.63 ac. of land zoned I-3. Comp. Plan Rec: Industrial and Public Parks. Tax Map 49-4 ((1)) 59A, 59B and 59C. PROVIDENCE DISTRICT. PUBLIC HEARING.

Shane Murphy, Applicant's Agent, Reed Smith, LLP, reaffirmed the affidavit dated March 25, 2019.

There were no disclosures by Commission members.

Kelly Atkinson, 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 application PCA 82-P-044-02.

There was a discussion between Ms. Atkinson; Gregory Fuller, Fairfax County Department of Transportation (FCDOT); William Capers, Transportation Planning Division, FCDOT; and multiple Commissioners on the following issues:

- The applicant's efforts to resolve the outstanding issues raised by staff, as articulated on page 21 of the staff report;
- The vehicular circulation provisions within the site and the role of FCDOT in determining those provisions;
- The ingress/egress provisions for the site;
- The traffic impacts on the surrounding area that would be generated by the site during peak traffic periods;
- The existing and planned queuing capacity for the access roads for vehicles accessing the site;
- The impact of queuing for vehicles entering and exiting the site on surrounding areas;
- The applicant's efforts to mitigate the traffic impact of the site;
- The buffer provisions included in the proposal and the recourse for the neighboring communities if those provisions were not adequately met;
- The applicant's transportation demand management (TDM) program and the possibility of amending that program if necessary;
- The process the applicant would utilize to evaluate the effectiveness of the TDM program;
- The County's policies regarding the implementation and monitoring of TDM programs;
- The language of Proffer Number 36, Zoning Administrator Consideration, in Appendix 1 of the staff report, and the potential modifications that the proffer could permit;
- The maintenance responsibilities of the buffer for the site;
- The accessibility of the site through pedestrian paths located within the neighboring residential communities;
- The security concerns of the applicant for the facility on the site;
- The presence of fencing and barriers around the facility on the site;
- The presence of an existing buffer on the site;
- The existing security measures that had been implemented on the site; and
- The ability of pedestrians to access the facility on the site and the security measures that facilitated such access.

The discussion resulted in no changes to the subject applications, but staff indicated that the language of Proffer Number 36 would be subject to additional review to clarify the modifications that the Zoning Administrator could permit on the site.

Mr. Murphy gave a presentation on the subject application wherein he indicated that the applicant would submit revised proffers that addressed staff and the Commission's outstanding concerns during the decision only deferral period.

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

- The revisions to the proffers that the applicant planned to implement as part of the effort to resolve the outstanding issues raised by staff, as articulated on page 21 of the staff report;
- The ongoing coordination between staff and the applicant to resolve those outstanding issues;
- The applicant's efforts to establish a positive relationship with the existing residential communities to the north and mechanisms for articulating those efforts in the proffers;
- The maintenance of the buffer between the subject property and the neighboring residential development;
- The policies, provisions, and efforts for ensuring that the traffic impact generated by the proposal did not negatively impact the neighboring community;
- The existing traffic conditions on the road network around the subject property;
- The potential mechanisms the applicant could utilize to improve traffic conditions around the site during peak traffic periods;
- The additional issues that could potentially arise under the proposal and the process for addressing those issues;
- The opportunities for the applicant to coordinate with residents of the surrounding community to address other concerns regarding the impact of the proposal;
- The location, condition, and purpose of existing conservation easements located on the subject property;
- The applicant's previous efforts to maintain the buffer, easements, and trees on the site;
- The location of the existing access points, the security measures utilized by the facility, and the ability for pedestrians from the north to navigate the site;
- The location and maintenance responsibilities for fencing on the site;
- The accessibility of the facility on the site by methods other than vehicles;
- The extent, location, and purpose of the buffer on the site;
- The location of trails around the nearby resource protection area and the ability of pedestrians to access the subject property from those trails; and
- The effectiveness of the security features for the facility on the site.

The discussion resulted in no changes to the subject application.

Chairman Murphy called the first listed speaker.

Jeff Vanness, 3009 Pine Spring Road, Falls Church, spoke in opposition to the subject application due to concerns regarding the traffic impact and associated safety hazards the proposal would incur on the surrounding area. He also expressed concern regarding the applicant's efforts to address issues such as noise, landscaping, and visual impact that had been raised by the neighboring residential community.

There was a discussion between Mr. Vanness and multiple Commissioners regarding the potential incidents of employees or visitors for the existing facility on the site utilizing the

parking provisions in neighboring residential communities, the presence of criminal activity in the surrounding area, the ongoing traffic issues throughout the region, and the applicant's efforts to address these issues.

Jacinda Clemenzi, 3014 Cedar Hill Road, Falls Church, voiced concern regarding the conditions, maintenance responsibilities, and environmental impact of the buffer located between the subject property and her property. She favored including additional maintenance provisions for that buffer and greater enforcement mechanisms for those provisions.

Chairman Murphy called for speakers from the audience.

Akash Patel, 3030 Cedar Hill Road, Falls Church, aligned himself with the concerns expressed by Ms. Clemenzi regarding the conditions, maintenance, and environmental impact of the buffer between the subject property and the neighboring residential development.

There was a discussion between Ms. Atkinson and Commissioner Tanner regarding the ownership status of certain portions of land along the perimeter of the subject property.

The discussion resulted in no changes to the subject application.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Murphy, who explained the following:

- The applicant would continue coordinating with residents of the neighboring residential community during the deferral period to address their concerns;
- The traffic issues in the area surrounding the subject property were ongoing and the applicant had evaluated multiple mitigation measures to address those issues;
- The existing traffic mitigation measures in the area around the site had been subject to enforcement issues; and
- The applicant's proposed TDM plan would implement additional provisions to mitigate the traffic in the area.

There was a discussion between Ms. Atkinson and Commissioner Niedzielski-Eichner regarding the timeline for the Board of Supervisors' public hearing for the subject application.

The discussion resulted in no changes to the subject application.

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 case.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Given the opportunity now to take in account the issues that've been raised by the neighborhood and discussed this evening, I'm gonna move that we defer this to May 15th. So, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 82-P-044-02, WITH THE RECORD REMAINING OPEN TO A DATE CERTAIN OF MAY 15TH, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded Mr. – I'm sorry?

Jacob Caporaletti, Clerk, Planning Commission: We're not meeting on May 15th.

Chairman Murphy: We're not meeting on May 15th.

Commissioner Niedzielski-Eichner: 16TH, my apologies.

Chairman Murphy: 16th? Okay. Seconded by Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to defer decision on PCA 82-P-044-02, to a date certain of May 16th with the record remaining open for written comments, 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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The meeting was adjourned at 9:45 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 552, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: December 11, 2019

Jacob Caporaletti

Jacob Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22 day of January 2020, by
Jacob Caporaletti.

Dorothy M. Steele
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

