

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JUNE 12, 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**

**ZONING ORDINANCE AMENDMENT - EDITORIAL AND MINOR REVISIONS TO  
ARTICLE 2, 7, 10, 16, 17, 18 AND 19**

(Decision Only) (Public Hearing on this application was held on May 16, 2019)

*(Start Verbatim Transcript)*

Commissioner Cortina: Thank you, Mr. Chairman and members of the Planning Commission. I'd like to start out by thanking Donna Pesto and Sara Morgan from Zoning Administration, and especially Sara Hensley in the County Attorney's Office for their help on this. We received many letters from land use attorneys opposing the amendment to Paragraph 6 of Section 18-109 of the Zoning Ordinance, Conduct of Public Hearings, which proposes to add the language – except that the BZA may not entertain a motion for reconsideration. The County Attorney's position is that the BZA does not have the power to strike or undo its initial decision because it has not been expressly granted to it under the *Code*. This is at odds with Roberts Rules of Order, which the BZA as a quasi-judicial body has traditionally exercised in unique and infrequent situations. In addition, the County Attorney's position is that if a decision is reversed as a result of BZA's reconsideration, the 30-day clock to appeal is running from the first decision and an appellant could miss the filing window to appeal. As one of the local attorneys who commented on this amendment said, what counts is the deciding action of the governing body whether it's the BZA or the Board of Supervisors. To treat appellants differently whether they come before the BZA or the Board of Supervisors, for example, on a special exception or special permit would not be fair.

I am concerned that we are throwing out the baby with the bathwater with this amendment and ask the Planning Commission to consider forwarding a recommendation to the Board of Supervisors to adopt all the other changes proposed by staff, with the exception of removing the BZA's ability to reconsider. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT ENTITLED EDITORIAL AND MINOR REVISIONS TO ARTICLES 2, 7, 10, 16, 17, 18 AND 19, EXCLUDING THE PROPOSED CHANGES TO PARAGRAPH 6 OF SECTION 18-109, AS SET FORTH IN THE STAFF REPORT DATED APRIL 9<sup>TH</sup>, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. And who else? All right, Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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PRCA-B-846-02 - RESTON HEIGHTS RESIDENTIAL I, LLC

(Decision Only) (Public Hearing on this application was held on May 1, 2019; Decision Only on May 22, 2019; Decision Only on May 8, 2019)

Commissioner Carter: Okay, so Reston Heights PRC...

Chairman Murphy: Mic. I am going to call mic instead of Mr. Carter from now on. Is that okay?

Commissioner Carter: You'd think I would have learned by now, after about 40 years. Okay, PRCA-B-846-02, Reston Heights. Reston Heights is a partially completed mixed-use project located along Sunrise Valley Drive near Reston Parkway. The project was approved in 2013, the applicant proposes to delete 215,000 square feet of office and 3,600 square feet of retail. The public hearing was held on May 7th and then it was deferred for decision only to today to provide the applicant an opportunity to resolve issues discussed at the public hearing. Including access between Reston Heights and the adjacent parcel, landscaping, stormwater management, and compatibility. Staff recommends approval of the PRCA plan, the reduction in office and retail space is consistent with the Comprehensive Plan and emphasizes residential development located more than one-quarter mile from the Metro station.

Issue number one, access between parcels. The access to the adjacent parcel remain open, as shown on the drawings, and it will allow vehicles and pedestrians to use the access between the Reston Heights development and the adjacent property. The access must remain open as part of a



future development plan and the site plan unless revised by the Board of Supervisors. The cost of maintenance is not included in the – in the conditions. The project will most likely return soon with a development plan amendment.

Added conditions. We have added one condition, I believe it is Condition 51, which is in your packet. The following condition is needed to replace the loss of trees along Sunrise Valley to augment the stormwater management system and improve placemaking along the frontage of Building C.

So, the motion. Application PRCA-B-846-02 – Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed PRC conditions dated June 12th, 2019, with the one change – with the changes.

Shane Murphy, Applicant's Agent, Reed Smith LLP: Mr. Chairman, Shane Murphy, Reed Smith LLP, on behalf of the applicant we confirm our concurrence with the conditions that were revised, as of this afternoon.

Commission Carter: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRCA-B-846-02, SUBJECT TO PRC CONDITIONS DATED JUNE 12TH, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRCA-B-846-02, 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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PCA 82-P-044-02 – GBA ASSOCIATES LIMITED PARTNERSHIP

(Decision Only) (Public Hearing on this application was held on May 1, 2019; Decision Only on May 22, 2019; Decision Only on May 16, 2019)

*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Thank you. Thank you, Mr. Chairman. The applicant on this case, GBA Associates Limited Partnership, seeks approval of a proffer condition amendment on 43.63 acres previously approved for office development. Specifically, the applicant requests approval to permit an additional L-shaped office building within an existing surface parking area

that would consist of 196,000 square feet and an 815-space parking garage. Portions of the existing surface parking lot are to be reconfigured and restriped to improve vehicular circulation throughout the property. No changes are proposed to the existing building. The property was previously occupied by Raytheon and leased to the Defense Health Agency and Congress has mandated the Defense Health Agency consolidate satellite offices into one location. The public hearing on this application occurred on May 16th. Issues raised by the public and by the Commission were the basis for making revisions to proffers originally dated May 10th, 2019. The proffers before us tonight, now dated June 12th, 2019, address comments raised by the Planning Commission at the public hearing and ongoing engagement with the community regarding the proposed development. The revisions to the proffers, as they exist in the June 12th version, incorporate restrictions on site lighting, commit to a tree evaluation estimate in escrow, clarify that bicycle parking will be provided with the site plan for the new office building, clarify that any publicly-available amenities may be provided with the site plan for the new office building and deducted from the Park Authority contributions, strengthen commitments related to the completion and implementation of the traffic operations plan, require the addition of a stop sign and speedbump at the Route 50 exit from the applicant's property, increase the applicant's commitment to spend a minimum of \$40,000, up from \$10,000, to revitalize the conservation easement that exists along the eastern border – or boundary of the property by planting evergreen and deciduous vegetation and removing vegetation that is invasive, harmful to trees, presents a hazard to homes, or is dead or dying – permits the applicant to biannually – biannually, every other year – engage an arborist to perform a survey of the conservation easement and to remove any vegetation that is dead or dying. Commit the applicant and federal tenants to meet with the adjacent neighbors at least twice a calendar year until one year following issuance of the non-RUP for the new office building and once every year thereafter. Mr. Chairman, these are changes to the proffers – I believe capture the comments made by colleagues at the public hearing, as well as the individuals who spoke and, also, in follow-up meetings that have taken place or conversations that have taken place with the community. In that regard, I want to commend the interaction – the initiative that has been undertaken by the community to ensure that these proffers capture the great extent – possible, in terms of the applicant's willingness to engage them. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 82-P-044-02, GBA ASSOCIATES LIMITED PARTNERSHIP.

Commissioner Tanner: Second.

Chairman Murphy: Seconded, Mr. Tanner. Do we have to call someone up to reaffirm the...no? Okay, proffers. That's right. Okay. All those in favor of the motion recommend to the Board of Supervisors to approve PCA 82-P-044-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Thank you.

Chairman Murphy: Thank you.



Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning:  
Commissioner Niedzielski-Eichner, can we make a motion on the waivers and modifications listed in the staff report?

Commissioner Niedzielski-Eichner: We can, certainly. So that is what this is. I wondered what was slipped under – slipped to me. So, Mr. Chairman, I RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS: A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING BUFFER WITH PLANTINGS ALONG THE NORTHERN BOUNDARY, AS SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE A MODIFICATION AND WAIVER OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING – SCREENING PLANTINGS AND BARRIER ALONG THE EASTERN BOUNDARY, AS SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioner Tanner: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Finally, Mr. Chairman, I MOVE THAT A MODIFICATION OF SECTION 13-202 OF THE ZONING ORDINANCE TO ALLOW INTERIOR PARKING LOT LANDSCAPING, AS SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

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 Niedzielski-Eichner: That's all.

Chairman Murphy: Okay.

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

*(End Verbatim Transcript)*

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PCA 2011-PR-023-02/CDPA 2011-PR-023-02/FDP 2011-PR-023-05 - CITYLINE PARTNERS, LLC (Decision Only) (Public Hearing on this application was held on April 24, 2019; Decision Only on May 8, 2019; Decision Only on May 16, 2019; Decision Only on May 22, 2019)

*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: So, thank you, Mr. Chairman. We have in this – before us now one of the – in my experience – one of the most complicated applications that we've dealt with, and we have dealt with some pretty complicated ones. Just bear with me, I've got a borrowed computer here. The – as the Commission will recall, this PCA/CDPA 2011-PR-023-02, FDP 2011-PR-023-05, and PCA 2011-PR-023-03 came before us in a public hearing and through a series of deferrals. We're now at the point where, in my judgement, that we can proceed with the motion. But before we do that, I would like to ask staff and the applicant to engage me just a bit here to make sure that the Commission is fully aware of the three major outstanding issues. I will remind the Commission that at the last – there was a resubmission of the application after the public hearing and that resubmission then caused staff to identify eleven items that were more – very specific issues. We then deferred to allow staff and the applicant to engage on those eleven issues. I am happy to say that those eleven issues are resolved from staff's perspective and correct me if I'm wrong about that, Mr. Gardner.

Stephen Gardner, Zoning Evaluation Division, Department of Planning and Zoning: Those eleven issues are resolved either by revisions to the proffers, plans, or by additions of FDP conditions.

Commissioner Niedzielski-Eichner: Thank you. So there are – the – as the Commission will recall there are three major issues that led staff to recommend denial of this application. And I would like to just walk through these three one-by-one and ask the staff to clarify – well, not clarify, but specify the rationale for their non-denial for each one of these and then I want to give the applicant an opportunity to respond to that and then we'll have to make a decision as to whether we support staff's recommendation or not. So on the first item, Mr. Gardner, the proposed building height is 60 feet above the maximum recommended by the Comprehensive Plan. There is a reason for that 60 feet additional that the applicant is pursuing. Can you share with us that rationale as you understand it and also then staff's analysis that led you to non-denial?

Mr. Gardner: You would like me to explain the applicant's justification for their proposed height?



Commissioner Niedzielski-Eichner: As you understand it.

Mr. Gardner: Well, as you mentioned, the building is 285 feet, it is in Tier 2 which is – recommends 225 feet. So, it's 60 feet above maximum. It is my understanding, even though I believe the applicant should state their own justification, but if my understanding – they need that height for operational and financial considerations in order to upload a certain amount of units to support the operations of the continuing care facility. I would defer to the applicant to further elaborate on that. Now again, our reasoning for denial is that it is 50 feet above the maximum and the application does not include some of the justifications that are noted by the Comprehensive Plan for an increase in height. Those would be the provisions for WDU's within the building. This application does not include WDU's. It includes a non-residential or the equivalent of non-residential contribution or the provision of a public facility. This application does include a public facility, it's the equivalent of a senior center – 2,700 square feet and change. But it is the staff's opinion that the relationship of the 60 feet, there is the potential that the two are disproportionate, 2,700 square feet does not equate to 60 feet of additional height. Also, the text within the Plan allows for the public facility such that anyone is not penalized for providing a floor or two floors or whatever it may be, of otherwise market-generating rent for public use that that same amount would be achieved as an equivalent increase in building height. In this instance, again, the relationship between the 2,700 feet of the public facility and the 60 feet, we feel the two are out of sync. So that would be the primary genesis for the recommendation. Again, for that particular issue and I need to qualify that, not one individual issue in amongst itself was the basis for denial. It was essentially the combination of the three and that the three are somewhat interrelated. But that would explain that issue.

Commissioner Niedzielski-Eichner: Okay, does the applicant – can the applicant come forward and provide, Mr. McGranahan, the applicant's kind of response to that conclusion on the staff's part?

John McGranahan, Applicant's Agent, Hunton Andrews Kurth, LLP: Yes. Yes, for the record my name is John McGranahan, the attorney for the applicant. And we spent an awful lot of time in this case on height. I think it was – was the biggest issue and just sort of walking through the justification for the height, there is no request for an increased density here. They didn't request height so they could get more density, which I think you find in a lot of cases. It makes this case different. The density is already approved, but its approved as office. And I made the point at the public hearing that its form over substance even when the office floor plates are wider and bigger and longer.

Commissioner Niedzielski-Eichner: What does that mean when you say office floor plate, just so the terminology?

Mr. McGranahan: The floor of an office building is - the shape of it is bigger so you don't have to go as high for that density because you are using more of the floor area for the floor of the office building. When you build senior living housing, you want to make sure that the floor plates are narrower. Walkability is an important issue for seniors. And you also want more light internal to the units as opposed to what you get with an office building. So, the floor plates shrunk, but the density stayed the same and, therefore, the heights go up. Mr. Gardner was correct, one of the other big reasons for the height increase was that when you open the



community here, you need to have the amenities, and – not just the amenities, but the care that's provided across the continuing of care in place on day one. So more of the units are being delivered in the first tower that's going to be delivered and therefore, that is the applicant's justification for the height. But in terms of justifying it to the County, which I think is incumbent upon us to do as well, there are two big points I want to make. One is the neighborhood context. I think it's absolutely relevant, you need to look at each case on its merits when it comes before you. Arbor Row, in which this property is located, has two other buildings approved for up to 300 feet and a building right across the street that is part of this same rezoning case that's approved for up to 275 feet. Different uses, but those are residential uses – but in terms of the context, the neighborhood where this is going to be located, it's very consistent with those other buildings. But Commissioner Niedzielski-Eichner, the biggest thing, and this is what we worked on the hardest, is the public use and the Comprehensive Plan does not read as narrowly as staff is interpreting it in my opinion. It says height flexibility can be provided for a number of things, one of them is the provision of a public use. This applicant not only is – has identified this area of the building in which to put this public use, but as part of our dialogue with the County, they have agreed to build it out, to staff it. The commitment over time is going up to \$35 million. I mean it's a tremendous commitment of money, space, they are losing the rent that – this is in the first floor in which they had planned to have retail uses or whatever so they are losing that rental income. It's a tremendous commitment by the applicant and it's a wonderful asset for the community. And the Comprehensive Plan says height flexibility can be provided if you are providing this type of use. And I think they are, the commitment there alone I think absolutely justifies the height. Particularly when you look in the context of the neighborhood where you have similar height buildings and Tysons II right behind it which are 300 plus height buildings.

Commissioner Niedzielski-Eichner: Could you – is it – so \$25 million is the buildout plus the operational expenses over what period of time?

Mr. McGranahan: That is a 50-year projection, it's \$35 million over 50 years. Am I correct? Yes, for the record so it's – and that's the projection that they had and it includes the buildout of the space. They have to pay the utilities and they are gonna do all of that, but it will be open to the public.

Commissioner Niedzielski-Eichner: There is no fee charged to the public?

Mr. McGranahan: There is no fee charged for use of it, but the proffers do allow the applicant to offset. If there is a specific program that has some kind of a cost with it, there could be a commensurate fee for that program, but not for the access or the use of the space.

Commissioner Niedzielski-Eichner: Okay. Thank you, I just ask my colleagues on this specific issue does that, if you don't mind, if you had any questions this would be an opportunity to ask the applicant or the staff.

Chairman Murphy: We are on verbatim. Ms. Cortina.

Commissioner Cortina: Thank you. Yes, I just wanted to make a disclosure as well, that a company I have a business association with, my husband's company, is a tenant in the applicant's building, not this building, at a Cityline Building elsewhere in Tysons and not involved in any of



the leases or any of that, but – and it's not required by state statutes since this is not a rezoning – but I wanted to let you know that this has not affected my ability to judge this application and I am disclosing it in an effort of transparency. But on that, after saying all that, having a parent who's been in a senior center, the walkability issue is huge and they cannot walk down these long isles so it makes sense to me to have it scrunched up for shorter walkability and it would drive it up just the nature of the use is different. So, I've been satisfied with that particular issue and the other outstanding issue I had was with stormwater which I believe they addressed. Thank you.

Commissioner Niedzielski-Eichner: Thank you. Let's move on if we could to the building footprint and the massing of – Mr. Gardner, could you explain your concern there and I want to give Mr. McGranahan the opportunity to respond.

Mr. Gardner: So, as I mentioned previously, the issues are interrelated and the building massing issue is related to the building height. Massing refers to the bulk and scale of the building. In this instance, the building with the two towers are elongated on the podium which, extends them to a link that would otherwise be longer if they were either parallel or perpendicular to the street. And the massing includes four to – I believe it's four, maybe five story – I believe it's four, bridging element and podium which extends the street wall – essentially the length of about a block-and-a-half to two blocks so it would be both the horizontal kind of scale and the building and the vertical scale of the podium. It should be noted that the approved Arbor Row plan included again, two buildings, but the two buildings were two separate disconnected structures. And although there was essentially, there was the separation between the two was a drive isle it allowed for a break in that sort of bulk, if you will, from a skyline perspective. We do feel that the mass of the building when considered in relation to its surroundings is out of context and you mentioned Tysons II. Tysons II is in Tier 1, which does recommend higher building heights. And you mentioned the heights of some of the other or – the other heights of some of the buildings in Arbor Row was mentioned. The areas that are above the 225, one include WDU's and two, include more elongated narrow building components. So, the – I guess the incidentally bulk of the buildings was much more consolidated. So that essentially was that issue.

Commissioner Niedzielski-Eichner: Mr. McGranahan.

Mr. McGranahan: Yes, a picture tells a thousand words and we had pictures at the public hearing that sort of depicted the massing of this building. We just disagree with the represent – not the representation – the presentation that there is a 425-foot-long wall along Westpark Drive for this application. It's turned in on the ends.

Commissioner Niedzielski-Eichner: What does that mean, turned in on the ends? On an angle?

Mr. McGranahan: On an angle, yeah, both at West Branch Drive and then at the other end of the community, it turns in to provide an entrance up to the urban park. There is a 78-foot separation between the two towers. But in terms of what is along Westpark Drive in the build-to line you have 76 feet and then 86 feet, and then the entrance, which is in the same location as on the approved CDP. So that really is what you have along Westpark Drive. Just down the block, part of Arbor Row, you have a 300-foot tall building with a 256-foot build to frontage in Block E. It's built, it's the new belle. It's very attractive, people like it and that is a much more solid massing,



if you will, along Westpark Drive than what this applicant is proposing. And I will add since your public hearing that we've worked with staff and with yourself on some of the treatment along the Westpark frontage that I think is going to activate that really nicely and make it very attractive. I think it's a little more than a massing point, but I think what's being done along Westpark Drive which is the issue is actually going to be very activated and attractive.

Commissioner Niedzielski-Eichner: Thank you. Item three was an open space design, which may be difficult to implement as illustrated and which prioritizes private amenity space and fragments public spaces. Mr. Gardner.

Mr. Gardner: So, the parks and open space issue is multi-faceted and if the staff had to essentially rank the three we would have considered that probably the biggest issue that we have. In terms of if you look at the previous Arbor Row approval, the public park was essentially a consolidated rectilinear space that was relatively flat on top of the parking garage. In the proposed design, the space is more elongated and it is behind the park and podium, so it is on an area that has more grade changes or grade differential. So, in order to essentially make the grade changes and the pedestrian pass through it accessible, it includes what we would characterize almost as a switchback trail. Now there are amenities that are located within that and we would consider the design – probably the best that you could do with the space that you have. But essentially, it is elongated and includes a significant grade differential. Probably, the other thing is the space, which essentially was shared between two office buildings, is now disproportionally located offsite. So, if you look at the park graphics it looks like it's one space, but essentially more than have of it is located on the C2 building and it is dependent upon the C2 building in order to be constructed. That includes its primary access point from Westpark Drive, that grand staircase that you see. That timing is unknown. And there was a – essentially a shift in the property line that moved whereas before it was almost equally distributed, now it is unequally distributed. And approximately 57 percent, I believe the staff report said, of all of the open space or all of Arbor Row is now dependent upon the C2 building to be constructed including its access. So, again why – why we think the space – they have designed the space to the best that they can within the constraints that they have, there is almost a fundamental flaw within the configuration of that space and it essentially offloads a greater portion of it to a C2 building and to another essentially user.

Mr. McGranahan: Yes, the park has become substantially better with this application than what is shown on the approved CDP. The grade that Mr. Gardner refers to that slopes down to West Branch Drive is a parking garage behind the office building on the current approved CDP. That parking garage is going away and you are going to have open space that's programmed, designed – fully designed, approved, and delivered with the first building all along there. Yes, it does slope down because it has to, to get the pedestrians down to West Branch Drive. But that is only a piece of this park, but it's an important one because it's a tremendous enhancement of this park area. The areas are bigger, the overall park is bigger, the lawn area that's referenced is bigger and most of that lawn area is on the Mather side of the line. I want to speak to that because there the park was always going to be split between C1 and C2. On the current plan, that is the case. The big difference is under the current plan, it gets built with the second of those buildings. None of it gets built with the first building. Now you are getting the connection I just mentioned and the Mather side, the C1 side of the park, built with this project and then C2 will come in later and finish it. The current approval would have all of that happen on the back end. So, you are getting



really nice programmed designed open space up front and in terms of constructability, the grades of this plan before you are essentially the same in terms of the flat area up at the top as they are on the approved CDP. And, the last point on this, we agreed to bring in the C2 building and proffer to this park design to lock that in for the County so that there was no question that the other half of this will be delivered with that building. Personally, I did not think that was necessary because I think that would have happened anyhow. But the County wanted a legally binding commitment and we made that by filing a separate application and I think that really addressed the whole constructability issue and gives the County the assurances it needs that it will, at buildout, get the full better part than what is shown on the current CDP.

Commissioner Niedzielski-Eichner: Thank you. Unless there is any other questions, Mr. Chairman, I am ready to move forward. Mr. Chairman, Cityline Partners, LLC has submitted on behalf of the contract purchaser Tysons LPC – LLC four concurrent applications to prevent site and proffer modifications to property identified as Arbor Row, Blocks B, C1, and C2. These modifications are intended to facilitate the development of a continuing care facility on Blocks B and C1, a need that has been evident to the County and has been explicitly pursued by the County. The continuing care facility will combine the functions that would typically be considered independent living and medical care facility into one use. The healthcare component will include ancillary services such as skilled nursing, assisted living, and memory care. More specifically, this request includes first, a proffer condition amendment and conceptual development plan amendment applicable to B1 and C1 to eliminate the approved office uses and to permit a continuing care facility use. The conceptual development plan amendment does not propose a change in density, as was noted, but rather a change in use. No changes are proposed for the – for the approved gross floor area and total floor area ratio for these two blocks. Second, a final development plan to permit a – 668,000 square feet of development on Blocks B and C1 to include – include a 652,000 square-foot continuing care facility, 13,000 square feet of retail uses, and a 2,700 square foot community use, which I – I will discuss momentarily. The maximum floor area ratio under this FDP will be 3.8. Third, this application requests a proffered condition amendment applicable only to Block C2 in order permit additional proffers related to park and building design and is intended to formalize the offsite portions of the publicly assessable park space. No changes are proposed to the approved office uses, gross floor area, or height of the C2 block. Finally, and as I mentioned earlier and has been discussed, the application includes a commitment to construct a 2,750 square-foot public facility to serve senior adults. The proposed proffer commits the applicant to operate and staff the public facility at its own cost and without a time limit. Further, any fees charged to the public would be for the sole purpose of defraying the programmatic cost. The proffer stipulates that the applicant would enter into a memorandum of understanding with Fairfax County Department of Neighborhood and Community Services. Arbor Row was previously approved with a detailed and coordinated system of public parks, as was noted, that served to link the various blocks to one another. The centerpiece of this park program was a 2.9, almost 3-acre park identified as Civic Plaza Common Green. This urban plaza included a grand staircase and an elevator which provided access to the civic plaza urban green from the Westpark Drive. And these applications propose substantial modifications to the park location configuration and overall design. The Arbor Row approval included the following commitments to address the Comprehensive Plan recommendations for both public facilities and athletic fields: dedication of eight acres for use as a park, school, athletic field – dedication of eight acres for use as park, school, athletic field; construction of two athletic fields, one permanent and one temporary; construction of a stream valley trail; a



\$500,000 contribution towards outfall and screen bank renovation – restoration improvements and a \$600,000 contribution to be used for either the design of the elementary school facilities or repair or replacement of athletic fields or trails. Now, Mr. Chairman, the staff has identified three major issues, as we've just learned or just reviewed, that in staff's view weren't in their totality application denial. And what I – given the discussion of what we just had with the staff and with the applicant – applicant's representative, Mr. Chairman, I am going to move that we approve this application and that we while acknowledging the issues that staff has raised and without repeating the response on part of the applicant, I am persuaded by the applicant's explanation both of the need for, in this example, for a higher – a 50-foot higher – or 60-foot higher maximum height in response to the unique design of this facility. I am persuaded that a narrower design without increased density makes sense for an assisted living facility. I am persuaded that the contribution of the public facility with space as well as the cost of operation is a contribution toward the concept that we had in the – in the Comprehensive Plan for allowing for increased height. And I am persuaded that the surrounding buildings do not put or this building would not be out of context with the surrounding buildings, despite their specific location and the proximity to the Metro station. On the second with regard to massing, I am persuaded that the matter of the massing at the sidewalk level, at the street level is broken up by the two different components on an angle with the parking access in the center of that piece. So, I don't believe that the massing issue is as significant as staff has proposed it. And finally, I'm persuaded that the way in which the park has now been configured is actually an asset rather than a flat park space. We already have athletic fields; they are further south of this sight. The idea of having more elevation and working that elevation to with the design of a park makes it in my mind aesthetically and use-wise actually a more attractive potential use. And I am persuaded that the – with the applicants bringing forward the construction of that park earlier rather than later is an asset for – for the Tysons area and I am also of the believe that since this is a – the C2 building is a part of this application in one – in the component of, as part of Arbor Row – I am persuaded that the way in which the park will be constructed will actually be advanced rather than waiting for the C2 building alone. So with all of those, Mr. Chairman, I am ready to move that a series of motions. If I could find them. Oh, here we go. So, first of all, would the applicant come forward and agree to the FDP conditions?

Mr. McGranahan: Yes, for the record, John McGranahan again. We confirm the applicant's agreement with the FDP conditions dated as of today.

Commissioner Niedzielski-Eichner: Thank you, Mr. McGranahan. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA/CDPA 2011-PR-023-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED REVISED MAY 31ST, 2019.

Chairman Murphy: Is there a second?

Commissioner Hurley: Second.

Chairman Murphy: Seconded by Ms. Hurley. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors they approve these applications, say aye.



Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS FOR PCA/CDPA 2011-PR-023-02, AND WITH THE MODIFICATION OF SECTION 2-506 TO PERMIT PARAPET WALLS, CORNICES OR SIMILAR PROJECTIONS UP TO A MAXIMUM HEIGHT OF TWELVE FEET.

Commissioner Hurley: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: And a further modification TO MOVE, Mr. Chairman, MODIFICATION OF SECTION 17-201, PARAGRAPH 3B, TO WAIVE THE REQUIREMENT FOR AN INTERPARCEL ACCESS IN FAVOR OF THAT DEPICTED ON THE CDPA.

Commissioner Hurley: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: I MOVE THAT, and Mr. Gardner if I would just clarify, are there any revisions to the development conditions that the applicant has agreed to at this point?

Mr. Gardner: The development conditions are dated today, June 12th, there should be a copy at your dais. They were just minor clerical errors and I believe the applicant – the applicant received those and it is my understanding that was what they were agreeing to.

Commissioner Niedzielski-Eichner: Okay, very good. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-023-05, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 12TH, 2019, AND SUBJECT TO THE BOARDS APPROVAL OF PCA/CDPA 2011-PR-023-02.

Commissioner Hurley: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: And finally, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA-PR-023-03 (sic), SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH – CONSISTENT WITH THOSE DATED REVISED MAY 14TH, 2019.

Commissioner Hurley: Second.

Chairman Murphy: Seconded by Ms. Hurley. Is there a discussion of that motion? All those in favor, 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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SEA 83-V-076-02/2232-V18-25 – FAIRFAX COUNTY BOARD OF SUPERVISORS  
FS-V19-49 – LORTON LIBRARY (Decision Only) (Public Hearing on these applications was held on May 22, 2019; Decision Only on May 15, 2019)

*(Start Verbatim Transcript)*

Commissioner Clarke: Thank you. So, Mr. Chairman, there were – great discussion at the public hearing back on May 22nd and we had questions regarding proposed development conditions, which I think we've worked out some of those concerns and comments that we received from the public – from the community. And there is an amendment to the staff report – if I could have Michelle to – Mrs. Stahlhut to go over that with us, please.

Michelle Stahlhut, Planning Division, Department of Planning and Zoning (DPZ): Thank you. Michelle Stahlhut, DPZ, Planning. I just wanted to go over a couple of outstanding questions from the last hearing and then I can answer additional questions, as necessary. Just briefly, at the last hearing, there was a question about – specifically about the advertising of the project related to the community center versus the library. And just to clarify, which – we included in the staff report addendum was that the 2232 is specifically for the community center and there is – you'll find on your agenda another feature shown specifically related to the library and so the projects



really have been split apart and are considered separate. And so right now we're talking about the community center – specifically. The other – if I could get the slide put up, please. Thank you. The – in response, there was some discussion at the last hearing regarding the – the kind of – the tension between park space and the need for parking on this site. We had discussed whether we could reduce parking further to increase park space. And DPWES has done some work to – has done some work to further reduce the parking and submitted a further request. They had submitted a request for a parking reduction. They increased that request for a parking reduction, specifically for the purpose of increasing park space and pulling parking back from the trails, which was a concern in the last hearing. And so in the exhibit you can see before you is the green – the green area on the upper right was the parking reduction that had been requested at the last hearing. And since then, DPWES has requested an additional 27 – a reduction of an additional 27 spaces. They've discussed this further reduction with the users of the site and compared it and they filled out – this is a sufficient – a reasonable mix – a reasonable pullback in terms of a further reduction. So just to clarify, that parking reduction has been requested, but it hasn't been approved at this point. And so the – that – the decrease in both the original requests and the additional reduction is an increase of 0.3 acres in the park space. Additionally, in terms of park space, there was some question about different acreages and different definitions of acreage. And so we just want to be clear. The – the Park Authority – the Park Authority considers the area you see in front of you, 4.5 acres, at the rear of the site as park space. You can tell, on the right, 1.4 acres of that is currently occupied by the Murphy house and the associated parking and the storage, which leaves 3.1 acres of open park space at the rear of the site. After full buildout of the site, there will be 3.6 acres of park space and that's prior to any potential approved parking reduction. With an approved parking reduction and removal of the Murphy house, there will be 3.9 acres of park space at the rear of the site. So I'll cover those questions now and I'm available to cover additional questions, as they come up. Thank you.

Commissioner Clarke: All right. Thank you, Ms. Stahlhut. If there are additional questions that we have from fellow Commissioners, I would...

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Thank you, Mr. Chairman.

Chairman Murphy: Sargeant.

Commissioner Sargeant: A few questions. The – for the advertising, the library was advertised as part of this. Did – was no re-advertising required? Since you – since it's now a feature shown?

Ms. Stahlhut: There's no advertising required for feature showns.

Commissioner Sargeant: Okay. And also, the – the total space listed was 43,505 square feet, correct?

Ms. Stahlhut: I'm sorry. Can you say that again?

Commissioner Sargeant: Original – original – at the initial application – total square footage for – for the combined facilities was 43,505 square feet? Or did I get that wrong?

Ms. Stahlhut: The – the original combined space was 46,000.

Commissioner Sargeant: 46,000.

Ms. Stahlhut: It's 40,000 and 6,000.

Commissioner Sargeant: Okay, in this consideration, what is the – the LCAC facility and community center and what is the library?

William Mayland, Zoning Evaluation Division, DPZ: The Lorton Community Action Center is limited to 4,000 square feet within the building.

Commissioner Sargeant: 4,000 square feet. Okay.

Mr. Mayland: They currently occupy a little over 4,000 square feet onsite today.

Commissioner Sargeant: Okay. But the facility's community center, LCAC, share – and the library share a total of roughly 46,000 square feet, right? What I'm trying to get at is – is do we have a delineation between those uses so there is no future confusion or competition for identifying space? And I'm not sure we – we've got that, even though we've got an SEA with some detail. So, can you help me clarify that?

Mr. Mayland: So, the special exception sets out that it simply allows a 40,000 square-foot public benefits association be located in the new community center. It doesn't define where it would be within the community center, but it just simply allows that square-footage to be allowed within that area. So it would be – as part of the community center development, they would identify a specific location where that public benefit association would be.

Commissioner Sargeant: Okay. So we – then, we still have a total of roughly 46,000 square feet for these three uses, but we've just separated them, one being a feature shown, the other being within the SEA and 2232, correct?

Mr. Mayland: Well, the 2232 is the community center.

Commissioner Sargeant: Yeah.

Mr. Mayland: The feature shown is the library expansion. The special exception is not additional square-footage beyond those two uses. Those two – the feature shown and the 2232 creates the buildings on the site. The special exception allows the Lorton Action Community Center to move into that building. They're not creating additional space.

Commissioner Sargeant: Okay. What – what I'm looking at is future opportunities to address some of the ingress/egress issues that the County Department of Transportation identified. And if



it's only a feature shown – and I'm not sure that's gonna happen. That was just my one consideration. So we – do we have any future opportunities for that transportation issue?

Ms. Stahlhut: I can tell you that FCDOT was comfortable with the – the plans proposed currently. And if further issues are identified, those types of issues can be addressed at site plan. And if there are major changes at the site – for example, we'd probably have to talk about it again. But FCDOT was comfortable with the proposed plan, as proposed currently.

Commissioner Sargeant: And we are requesting the parking reductions? They are not certain at this point?

Ms. Stahlhut: They're not confirmed yet.

Mr. Mayland: So, if I may a little bit, the parking for the Lorton Action Community Center public benefit association is prescribed by the ordinance – the same as the library. The community center is actually, as determined by the director. So we've set parking reductions – actually a determination by a director. So it's really a study that the applicant is working with Land Development Services to determine a correct amount of parking. So it's not a parking reduction that goes in front of the Board to be approved. It's actually approval by the director. So they would look at other community centers to, kind of, figure out an appropriate rate. And that's what they've been going out with. They really started with – now they're looking at, kind of, the synergy you have by sharing with the library required parking, with community action center required parking and with the concerns raised in from of the Planning Commission and community about reducing the amount of parking spaces to decrease that amount. So again, it's an approval that will be done with the next month or two. But the director would determine a correct rate. It would not go to the Board as a parking reduction.

Commissioner Sargeant: Okay. Thank you.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Mr. Migliaccio.

Commissioner Clarke: Yes?

Commissioner Migliaccio: Oh no, I just – a follow-up question from what Mr. Sargeant was talking about with ingress/egress. I know FCDOT has looked at it – or you said they're fine with it. Have we had a chance to talk to the first responders, the Fire Marshal, to see if – have they chimed in on this, knowing in the future that we're going – we will be shutting down one of the entrances?

Ms. Stahlhut: The – as part of the review process, Fire looked at it and we received no comments back from them, in terms of concern about ingress and egress.

Commissioner Migliaccio: And they were – they knew that it was going from two entrances to one?

Ms. Stahlhut: The – they reviewed the plan, as you are seeing it.

Commissioner Migliaccio: Okay. We don't have anything in writing, though, from them?

Ms. Stahlhut: I don't believe so.

Commissioner Migliaccio: Okay. Thank you.

Chairman Murphy: Mr. Clarke.

Commissioner Clarke: Thank you, Mr. Chairman.

Chairman Murphy: Hold on. Ms. Hurley? We're on verbatim, folks.

Commissioner Hurley: I understand. The map – the overhead you just showed with the parking – if you can put that up again. The parking to the left along the street, is that parking for the houses there? I'm concerned if we reduce parking too much, are the library and community center patrons going to start parking in the neighborhood?

Mr. Mayland: Yes, again, that – that is private parking to the left of the site. And again, that's – that's what LDS is looking at, as part of the review to determine what is the correct amount to make sure you have enough to – for the customers that will be at the site, but not to provide more than is needed. So that is sort of what – the process they're going through right now – looking at the community center – looking at the synergy of the site with the library required parking to determine what is the correct amount of parking. So the applicant also has shown – their plan, I think, shows a phasing of, in the pink, some additional parking, which could be part of the phasing with expansion of the library, if needed. So there is some ability to add that parking in later if it's determined when the library expands if that's needed. So there's sort of a desire within – what we heard from the community and the County and the staff to try to get the right amount of parking within the site.

Commissioner Hurley: Thank you.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: Thank you. Mr. Mayland, the – if I understand, with respect to the requests we've received from different folks for additional development conditions – in staff's view, there's not a sufficient nexus between the impacts from the special exception amendment and the impacts that are sought to be addressed with additional conditions, such that conditions could be permissibly imposed, other than the tree protection condition identified as Number 3. Is that correct?

Mr. Mayland: Correct. We identified the three conditions to the Planning Commission. One of is – to restrict the use – the public benefit use to 4,000 square feet. That is essentially the size of the use today. So the impact from the use we do not identify by relocating the use from the two



existing structures into the community center would have any additional impact on the community, in terms of traffic. And we also felt that the 2232 and feature shown was the element that created this new building and the landscaping and parking related to the building. And again, the public benefit association was minimal in those aspects. It's – it relates about seven parking spaces, I believe, against 4,000 square feet in a 4,600 square-foot building that would be – it will be co-located in.

Commissioner Hart: And that we're not allowed – we're not allowed to impose conditions – development conditions on either a 2232 approval or a feature shown approval.

Mr. Mayland: That's correct.

Commissioner Hart: And that issues such as bird-friendly design or pervious pavers and things like that, it's not that staff is saying they are bad ideas. It's that because of the nature of this application, we can't permissibly condition the approval on those types of issues.

Mr. Mayland: Correct. And my understanding is the – and the applicant talked that they may be utilizing bird-friendly design within the community center, but again, it's breaking up those issues in terms of – by putting that condition in, how does that relate to moving the use from a detached structure into the community center, which is being approved through a 2232. Same as pervious pavers. They are looking into that. They – really, the desire is to reduce parking versus utilize impervious pavers. But that's something that they haven't said you can't do. You know, beyond the seven pervious paver – the seven parking spaces are kind of related to the community center use, it becomes difficult to make that nexus argument.

Commissioner Hart: Thank you.

Chairman Murphy: Mr. Clarke.

Commissioner Clarke: Thank you, Mr. Chairman. Before I move on this motion, I would like to address the community. We've had overwhelming support for the – from the community for the co-location of the Lorton Community Center, the Lorton Community Action Center, and the Lorton Senior Center to the Lorton – with the connectivity of the Lorton Library. We received many written comments and many from the community came to speak at our public hearing. And there was just overwhelming support for this application. This project will be a game-changer for the Lorton community. It features a place where multiple generations will gather to learn, work, and play. The opportunity to have the existing park, which will be improved upon and to continue to enjoy the outdoors, as well as an opportunity to now have a facility they can enjoy indoor activities, as well. I appreciate and thank Ms. Lea Watson, Mr. Chris Ambrose, and Mr. Howard Bishop, for they invited me down to the community – down to the library on several occasions. We met and shared and discussed ideas – a slightly different vision of what we would have there, but nonetheless, the County, I believe, has vetted and discussed through the steering committee and have found a way to strike a balance that I believe – that has been – that has been done here tonight. So I also want to thank Ms. Linda Patterson, the executive director of the Lorton Community Action Center. She also invited me down. And I had an opportunity to tour the facility, as well as listen to the history and the operation and the services that it provide, which is much-needed and has been done in such a limited space. And it's been really



remarkable what she has done and what that center continues to do in that community. So I want to thank Ms. Martha Sansaver and her team at DPWES for more parking reduction to save much of the park space as possible and the proposed development condition to have protection fencing around the large white oak tree during the construction period, which has been a great concern to Ms. Lea Watson and also Ms. Cathy Ledec. And to have protection is critical. And we ask that WPWS continue to ensure that the appropriate landscaping and screening and other ideas that have been brought forth to us will be done through the site planning. I want to thank the steering committee and all their hard work and I also want to thank them for helping the County to shape this vision of the this community center. Again, that is tremendous effort by all involved, the County staff led by Mr. Bill Mayland, Ms. Michelle Stahlhut, Ms. Natalie Knight, and Mr. Bryan Botello for all their work on this application. I truly want to thank them for what they've done. And again, this is something that is much needed and will be appreciated in this community. So if we're ready for motion? I have three separate motions here. We have an application for the SE 83-V-076-02. For that, and the motion reads, IN ACCORDANCE TO THE VIRGINIA CODE SECTION 15.2-2232, AS AMENDED, MOVE THAT THE PLANNING COMMISSION FIND THAT THE 2232-V18-25 SUBMITTED BY THE FAIRFAX COUNTY PUBLIC – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENT SERVICES TO CONSTRUCT A NEW COMMUNITY CENTER FACILITY AT 9518 RICHMOND HIGHWAY, LORTON, VIRGINIA, 22079 IS SUBSTANTIALLY IN ACCORDANCE WITH THE PROVISIONS ADOPTED BY THE COMPREHENSIVE PLAN.

Commissioner Tanner: Second.

Commissioner Sargeant: Mr. Chairman, I will also second that.

Chairman Murphy: Seconded by Mr. Sargeant and – yes, Mr. Tanner. Is there discussion of the motion? All those in favor say, aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Abstain.

Chairman Murphy: Yes, Mr. Niedzielski-Eichner abstains. Not present for the meeting.

Commissioner Clarke: My second motion is I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 83-V-076-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 5TH, 2019.

Commissioners Sargeant and Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner and Mr. Sargeant. Is there a discussion of that motion?

Commissioner Migliaccio: Mr. Chairman?



Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Just on the ingress/egress. I just hope since this is on verbatim that you can get something from the Fire Marshal since this is going to the Board before it gets there. Thank you.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Abstain, Mr. Chairman.

Chairman Murphy: Yes, abstention – same abstention.

Commissioner Clarke: On our feature shown, Mr. Chairman, I CONCUR WITH STAFF CONCLUSION THAT THE PROPOSAL OF THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO HAVE RENOVATE – TO RENOVATE AND EXPAND THE EXISTING LORTON COMMUNITY LIBRARY, LOCATED AT 9512 [sic] RICHMOND HIGHWAY, LORTON, VIRGINIA, 222079 [sic], SATISFIES THE CRITERIA OF THE LOCATION, CHARACTER, AND EXTENT, SPECIFIED IN THE VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioners Sargeant and Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner and Mr. Sargeant. Is there a discussion of that motion? Mr. Hart.

Commissioner Hart: Yeah, Mr. Chairman, just – on the agenda, it says 9518, but I thought the motion was 9512. I just – make sure it's the right.

Commissioner Clarke: 95...

Commissioner Hart: It says 9518 on the agenda, but I think the motion was for 9512. I mean, Ms. Stahlhut, if you know which it is...

Ms. Stahlhut: 9518 is the correct one.

Commissioner Hart: All right. Then, I would – A FRIENDLY AMENDMENT TO CHANGE IT TO 9518 IS MY SUGGESTION.

Chairman Murphy: Without objection?

Commissioner Clarke: No objection.

Chairman Murphy: Okay. All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, one abstention. Same one.

Each motion carried by a vote of 10-0-1. Commissioner Niedzielski-Eichner abstained from the vote. Commissioner Strandlie was absent from the meeting.

*(End Verbatim Transcript)*

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2232-S18-31- DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
(Decision Only) (Public Hearing on this application was held on May 16, 2019)

*(Start Verbatim Transcript)*

Commissioner Murphy: Thank you, Mr. Chairman. Thank you very much, Martha, appreciate it. The proposed salt storage facility that is proposed by the applicant will improve the existing storage of de-icing salt to prevent exposure to precipitation and minimize pollutants reaching the waterways. I CONCUR WITH THE STAFF'S CONCLUSION THAT THE SUBJECT, AS SUBMITTED BY THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO CONSTRUCT THIS SALT STORAGE FACILITY AT THE CENTRAL MATERIAL FACILITY AT 5414 LADUE LANE SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN THE VIRGINIA CODE SECTION 15.2-2232. Therefore, I MOVE THE PLANNING COMMISSION APPROVE 2232 – I read the number again – 2232-S18-31.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

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

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT WORK PROGRAM 2019 UPDATE

*(Start Verbatim Transcript)*



Commissioner Hurley: Thank you, Mr. Chairman. There is a long list of possible amendments that might be proposed for the County's extensive Zoning Ordinances. The staff has prepared a work program that sets their priorities to working on some of these possible amendments for the next year. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION ENDORSE THE ZONING ORDINANCE AMENDMENT WORK PROGRAM 2019 UPDATE THAT WILL BE PRESENTED AT THE BOARD OF SUPERVISORS DEVELOPMENT PROCESS COMMITTEE ON JUNE 18TH, 2019.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion as articulated by Ms. Hurley, 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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MODIFICATIONS TO THE COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM

*(Start Verbatim Transcript)*

Commissioner Migliaccio: Thank you, Mr. Chairman. On May 23<sup>rd</sup> the Land Use Process Review Committee met and was briefed by staff on our new APR Nominating Process which is – will be the South County Site Specific Plan Amendment Process. At that meeting, we came up with a recommendation based on staff's information and we reported it out to the full Commission, which is what I'm making two motions based on that information tonight. The first motion, Mr. Chairman is, I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM BY RESCINDING TWO INACTIVE PLAN AMENDMENTS, THE POHICK PLANNING DISTRICT (PA 2013-III-P1) AND LORTON SOUTH-ROUTE 1 SUBURBAN CENTER & LOWER POTOMAC PLANNING DISTRICT (PA 2013-IV-LP1) AMENDMENTS, AS PRESENTED BY STAFF IN A MEMO DATED MAY 16<sup>th</sup>, 2019.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. And the second bit of information that we got out of the committee meeting is another motion to move on our South County SPA Process. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ENDORSE THE PARAMETERS AND TIMELINE FOR THE 2019-2020 SOUTH COUNTY SITE SPECIFIC PLAN AMENDMENT PROCESS, AS PRESENTED BY STAFF IN A MEMO DATED MAY 16<sup>th</sup>, 2019. THE SOUTH COUNTY'S PROCESS WILL FOLLOW THE SEQUENCE AND GENERAL TIMEFRAMES FROM THE NORTH – OF THE NORTH COUNTY PROCESS. THE ELEGIBILITY – excuse me – THE ELIGIBILITY CRITERIA FOR NOMINATIONS WOULD REMAIN THE SAME AS THE NORTH COUNTY PROCESS, EXCEPT THAT THE ELIGIBILITY CRITERION THAT RESTRICTED RESIDENTIAL USE PROPOSALS IN AREAS SUBJECT TO THE PROFFER STATUTE WOULD BE REMOVED. THIS WOULD ALLOW ALL TYPES OF LAND USE NOMINATIONS TO BE ACCEPTED IN AREAS THAT ARE NEITHER SUBJECT TO A PENDING STUDY NOR HAVE BEEN AMENDED WITHIN THE LAST FOUR YEARS.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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Commissioner Hart announced on Saturday, June 22, 2019, there would be a Planning Commission Natural Landscaping bus tour at 9:00 a.m. and would meet at the front entrance to 12000 Government Center Parkway, Fairfax, Virginia. The purpose was to visit several County facilities that utilized natural landscaping.

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Commissioner Migliaccio announced that the November 2018 and December 2018 minutes would be approved later this month and requested the Commissioners to forward any corrections to Jacob L. Caporaletti, Clerk to the Planning Commission.

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Chairman Murphy welcomed Boy Scout James Sullivan who was in attendance to complete a requirement for his Merit Badge.

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. PCA 1999-MV-025-06/SE 2018-MV-025 – PANERA, LLC
2. PCA/FDPA 2000-HM-044-03/CDPA 2000-HM-044-02 - NVR, INC
3. PFM AMENDMENT – FLEXIBILITY PROJECT

This order was accepted without objection.

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PCA 1999-MV-025-06 - PANERA, LLC – Appl. to amend the proffers for RZ 1999-MV-025 previously approved for commercial development to permit a fast food restaurant with drive through and retail and associated modifications to proffers and site design. Located in the S.W. quadrant of the intersection of Lorton Rd., with Lorton Market St. on approx. 1.47 ac. of land zoned C-6. Comp. Plan Rec: Mixed Use. Tax Map 107-4 ((23)) B. (Concurrent with SE 2018-MV-025). MOUNT VERNON DISTRICT. PUBLIC HEARING

SE 2018-MV-025 - PANERA, LLC – Appl. under Sects. 4-604 and 9-501 of the Zoning Ordinance to permit a restaurant with drive through. Located in the S.W. quadrant of the intersection of Lorton Rd. and Lorton Market St. on approx. 1.47 ac. of land zoned C-6. Tax Map 107-4 ((23)) B. (Concurrent with PCA 1999-MV-025-06). MOUNT VERNON DISTRICT. PUBLIC HEARING.

Sara Mariska, Applicant's Agent, Womble Bond Dickson, reaffirmed the affidavit dated May 31, 2019.

There were no disclosures by the Commission.

Jay Rodenbeck, Department of Planning and Zoning (DPZ), Zoning Evaluation Division (ZED), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA 1999-MV-025-06 and SE 2018-MV-025.

Ms. Mariska gave a presentation on the subject applications. She noted a minor change to Development Condition 9, Traffic Signal Contribution, which included language that the contribution could be refunded in 10 years if the improvement was not done.

There was a discussion between Ms. Mariska and multiple Commissioners on the following issues:



- The existing interconnection between the subject property and the Clock Tower;
- The existing easement between the car wash and the subject property which would allow for ingress/egress and interparcel connection;
- Proffer 1c, that would allow the option of utilizing an offsite dry detention pond as part of the final stormwater design;
- The traffic count analysis; and
- The added language to Development Condition 9.

The discussion resulted in no changes.

Chairman Murphy called the first listed speaker.

Candace Bennett, 9621 Masey McQuire Court, Lorton, representing the Lorton Station Community Association, noted their support of the subject applications.

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 Clarke for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Clarke: Thank you, Mr. Chairman and Ms. Bennet. It's good to see you tonight, thank you for coming out and your support. I'd like to thank Commissioner Sargeant for his help and with the ITE code and meeting with the applicant with me and working through this process. So, thank you very much Commissioner Sargeant. Again, the South County Federation, we thank them for all their help, as well as Mr. Rodenbeck and also Mr. Mayland. Thank you very much for all of your help. So, I have the motion here tonight, but I would like to read and it's three separate motions. First, if I could request that the applicant confirm for the record their agreement to the proposal development condition dated June 12th, 2019.

Sara Mariska, Applicant's Agent, Womble Bond Dickson: With the change that we discussed about the time period to Condition 9, we are in agreement with the conditions dated June 12th, 2019.

Commissioner Clarke: Thank you very much.

Jay Rodenbeck, Zoning Evaluation Division, Department of Planning and Zoning: And those development conditions are actually dated May 29th, 2019. You said June 12th.

Ms. Mariska: With the change that was discussed today.

Mr. Rodenbeck: Oh, I'm sorry. With this change discussed, okay, yeah, I got it.

Ms. Mariska: Thank you.



Commissioner Clarke: All right. Thank you very much. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF PCA 1999-MV-025-06, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 28TH, 2019.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Cortina: Abstain, abstain.

Chairman Murphy: Abstain? Ms. Cortina abstains.

Commissioner Clarke: Motion two, THE APPROVAL OF SE 2018-MV-025, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 29TH, 2019.

Commissioner Sargeant: Second.

Commissioner Clarke: With the proposed changes of tonight.

Commissioner Sargeant: Second.

Chairman Murphy: Okay, seconded by Commissioner Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Clarke: And Mr. Chairman tonight, handed out with the motion was modifications and waivers that you have in your packet. And so I ASK FOR THE APPROVAL OF THE MODIFICATIONS AND WAIVERS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED JUNE 12TH, 2019.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first two motions carried by a vote of 10-0-1. Commissioner Cortina abstained from the vote. Commissioner Strandlie was absent from the meeting.

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

*(End Verbatim Transcript)*

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PCA/FPDA 2000-HM-044-03/CDPA 2000-HM-044-02 – NVR, INC. – Appls. to amend the proffers, conceptual development plan and final development plan for RZ 2000-HM-044, to permit modifications to proffers, site design and development conditions at an intensity of 1.5 Floor Area Ratio (FAR). Located in the S.W. quadrant of Woodland View Dr., and Woodland Grove Pl., on approx. 2.82 ac. of land zoned PDC. Comp. Plan Rec: Residential Mixed Use. Tax Map 16-4 ((27)) 1B. HUNTER MILL DISTRICT. PUBLIC HEARING

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated April 23, 2019.

Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had a pending case with Ms. Baker's law firm representing adverse parties. However, he noted that matter and those parties were unrelated to the subject applications and there was no business or financial relationship; therefore, it would not affect his ability to participate in the public hearing.

William Mayland, Department of Planning and Zoning, Zoning Evaluation Division, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA 2000-HM-044-03, FPDA 2000-HM-044-03, and CDPA 2000-HM-044-02.

Ms. Baker gave a presentation on the subject applications.

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 Carter for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Carter: So, this is Woodlawn Park East, is really what the neighborhood is called. It is only second to Lake Anne for a mixed-use center in the Reston area in terms of its mix of uses. As you heard, the applicant proposes to amend the development plan and proffers last approved in 2017, to promote development of 97 multi-family units on Block C of the development. The amendment retains the multi-family land use from this block, but revises the layout on the site from a large single building to four smaller and more efficient buildings. The



new layout will increase open space and slightly reduce density. The other portions of the development will remain the same and applicant will carry forward the applicable proffers. What, perhaps you – I'm not sure you saw on the overall, this area is consistent with the Comprehensive Plan. The proposed development is consistent with the land use recommendations in the Plan and it creates a mixed-use neighborhood in the – near the Herndon Metro Station area. Placemaking, the extensive system of open spaces remains including the large central park and the recreation park, and a variety of smaller spaces that perhaps you didn't see on the overall. Transportation, the system of public and private streets, pedestrian pathways and bicycle connections will remain. Environment and energy, the project continues to satisfy the stormwater management requirements and provides the required tree canopy. These meet the more recent standards that we have since it was approved fairly – fairly recently. So, thank you. I'd like to express thanks to Elizabeth Baker and, of course, William Mayland for being not here on just this project, but all these projects tonight. And the Hunter Mill Planning and Zoning Committee for constructive comments and unanimous recommendation of approval. So, unless there is any questions I am going to move on to the motion. This is application PCA 2000-HM-044-03, CDPA 2000-HM-044-02, FDPA 2000-HM-044-03, and the applicant is NVR and again, this is Woodland Park East. Mr. Chairman, I request the applicant conform for the record their agreement to the proposed FDPA conditions dated May 29<sup>th</sup>, 2019.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh: We accept those conditions, yes.

Commissioner Carter: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2000-HM-044-03 AND CDPA 2000-HM-044-02, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX ONE OF THE STAFF REPORT AND APPROVAL OF A WAIVER OF PARAGRAPH FIVE, SECTION 6-2006 (sic) OF THE ZONING ORDINANCE TO PERMIT THE GROSS FLOOR AREA FOR RESIDENTIAL USES TO EXCEED FIFTY PERCENT OF THE PRINCIPAL USES AND WAIVER OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE LOADING SPACE REQUIREMENT.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of the motion? All those in favor of the motions as articulated by Mr. Carter, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: And finally, Mr. Chairman, I MOVE THE PLANNING APPROVE FDPA 2000-HM-044-03, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS DATED MAY 29<sup>TH</sup>, 2019, AND THE BOARD OF SUPERVISORS APPROVAL OF PCA 2000-HM-044-03 AND CDPA 2000-HM-044-02.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion – excuse me – of that motion? 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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PFM AMENDMENT - NOTICE is hereby given that the Fairfax County Planning Commission will hold a PUBLIC HEARING on: June 12, 2019, at 7:30p.m. in the Board auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia on a proposed amendment to the Public Facilities Manual (PFM) related to Phase 2 of the "PFM Flex Project." These amendments are part of the Fairfax First Initiative to improve the speed, consistency, and predictability of Fairfax County's land development review process. The PFM is being amended to incorporate standards for the design, installation, inspection and acceptance of polypropylene storm sewer pipe. Standards and criteria are being added related to requiring light emitting diodes (LED) street light fixtures for proposed light fixtures and for the replacement of existing High Pressure Sodium, Metal Halide and Mercury Vapor light fixtures where existing street lights are being used to meet lighting requirements for a proposed development. The amendment also updates the lighting level requirements for proposed and existing streets for roadway fixtures RF-1 and RF-2 and for alternative security RF-3 fixtures. The PFM plates 23-7 through 30-7 are being updated to match amendment text. COUNTYWIDE. PUBLIC HEARING.

Commissioner Sargeant disclosed that as an employee of Dominion Virginia Power, he would recuse himself from this public hearing because this application was considering streetlights which his company provides for Fairfax County.

Don Lacquement, Land Development Services (LDS), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of Phase 2 of the PFM Flex Project Amendment.

There was a discussion between Mr. Lacquement, Leo Ratchford, Utilities Design and Construction, LDS, and multiple Commissioners on the following issues:

- Staff's procedure for determining the proposed new LED light color;



- The Fairfax County Accountability Advisory Committee's determination on the proposed color,
- Whether the new LED light color would be in accordance with the International Dark Skies recommendations;
- The flexibility of the poles mounting height and spacing in the high pedestrian volume areas;
- The flexibility in the proposed design guidelines to fit with the different types of roads in Fairfax County;
- Inclusion of an administrator for approval of different light designs;
- The County's process for switching lights to LED's in existing developments; and
- Ways to ensure developments on the same road have similar lighting.

The discussion resulted in no changes.

There being no listed speakers, Chairman Murphy called for speakers from the audience.

Flint Webb, P.E., representing the Fairfax County Federation of Citizens Associations, 8308 Westchester Drive, Vienna, VA spoke in support of the proposed amendment and echoed the Commissioners previous comments regarding more flexibility in the amendment for an administrator to approve a different design.

There being no further speakers, Chairman Murphy called for closing comments from Mr. Lacquement, who declined.

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

*(Start Verbatim Transcript)*

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Commissioner Hart: Thank you, Mr. Chairman. I want to thank the speaker for coming out and all the folks who have submitted material. I would hope that between now and well, as soon as possible, if folks have additional questions or questions from tonight. If you could submit them, please, in writing and we will try and incorporate them into whatever. Let me make a motion. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE PROPOSED AMENDMENTS, THE PUBLIC FACILITIES MANUAL TO A DATE CERTAIN OF JUNE 19, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC 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 on this PFM Amendment to a date certain of June 19th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Sargeant recused himself from the public hearing. Commissioner Strandlie was absent from the meeting.

*(End Verbatim Transcript)*



CLOSING

June 12, 2019

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The meeting was adjourned at 10:10 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 552, Fairfax, Virginia 22035.

Minutes by: Teresa M. Wang

Approved on: December 11, 2019

Jacob Caporaletti

Jacob L. 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.

Walter M. Steele  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

