

**County of Fairfax, Virginia
Planning Commission Meeting
March 14, 2019
Verbatim Excerpt**

PA 2018-III-DS1 – COMPREHENSIVE PLAN AMENDMENT (DULLES SUBURBAN CENTER, LAND UNIT J) – *To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. Plan Amendment 2018-III-DS1 concerns approx. 1156 ac. generally located to the east and west of Route 28, bounded to the northwest by Old Lee Road, to the northeast by Walney Road and to the southwest by Braddock Road, to the south by Stonecroft Boulevard and to the southeast by Poplar Tree Road. The subject area is located in Tax Maps 43-2, 43-4, 44-1, 44-2, 44-3, and 44-4 in the Sully Supervisor District. The area is identified as Land Unit J of the Dulles Suburban Center in the Comprehensive Plan and is planned at the baseline for office, conference center/hotel, industrial flex and industrial use at an average intensity of 0.50 FAR, with options. The amendment will consider new land uses within the overall baseline intensity of 0.50 FAR, including new residential use (the addition of approximately 4250 units) and the addition of approximately 200,000 SF of retail use. Conditions relating to consolidation, impact mitigation, design and the flexibility to allow residential uses currently not envisioned by Comprehensive Plan policies related to airport noise may be recommended. Recommendations relating to the transportation network may also be modified. (Sully District)*

During Commission Matters

(Decision Only) (Public Hearing on this application was held on February 27, 2019; Decision Only from March 6, 2019)

Commissioner Tanner: Thank you, Mr. Chairman. Tonight, we were supposed to have a decision only for Plan Amendment PA 2018-III-DS1, Dulles Suburban Center, Land Unit J. The public hearing was held on February 27th and we continue to work on addressing comments and questions raised during the hearing. I want to push it to a date – March 27th – just in case there is new information presented there. And if we need to, after that, we'll defer it further. But for right now, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PLAN AMENDMENT 2008 – I'M SORRY, 2018-II-DS1 TO A DATE CERTAIN OF MARCH 27TH, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Sargeant: Second.

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

Commissioner Ulfelder: Mr. Chairman?

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Today, we received an email indicating that the Board of Supervisors will be hosting a meeting with MWAA – the Metropolitan Washington Airports Authority – officials on March 26th here at the government center to talk about the growth and development at Dulles Airport and the upcoming changes to the noise contours, which are a key part of the consideration of this particular Plan Amendment. And I think that we need to – I think it would be appropriate to give the members of the Planning Commission who

have been invited to attend that briefing and to – or to – yeah, have been invited to attend that briefing, along with staff, to – some additional time in which to consider the information that's going to be received at that briefing. The unfortunate thing is we're all off for a couple weeks in April while the Board holds its annual budget hearings, as well. We're meeting on April 3rd and 4th, but then we're meeting again on April 24th after that. So I think it would be appropriate to, up front, provide ourselves with a little more time for consideration of the information that might be received at that meeting and to consider how it affects the pending Plan Amendment. And I would – I WOULD MOVE AN AMENDMENT TO CHANGE THE DEFERRAL DATE TO APRIL 24TH.

Commissioner Hart: Second.

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

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes, Mr. Migliaccio.

Commissioner Migliaccio: I don't understand. I understand your point, but because of the budget hearings that we will be having in April, I don't know why we just don't move it to the 27th and then, if we don't have – if something comes up from that meeting and we need more time, then we just bump it like we normally do.

Commissioner Tanner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Tanner: I would concur with that sentiment. And also, my thinking on that one, especially with – I think it's coming up in April. I have no problem, if we get new information at that meeting, pushing it further. But my understanding was that the meeting itself was to address the finer points and make sure that we have the correct language for the Plan Amendment going forward. So if there is no new information and we are able to come to a decision that day, I would rather push to vote before they get into the budget process. And if we need to move it further, I have no problem at that time deferring it to the date you recommended.

Commissioner Ulfelder: Okay, but I – my concern is that it's actually more than just the revised language for the Land Unit J amendment that I think the issue. I think that there are a number of questions that have been raised about consistency with the current Comprehensive Plan on the noise issue at Dulles Airport and the – and that there are even questions that need to be addressed by the County Attorney's office concerning aviation agreements, which are basically easements by homeowners to allow planes to fly over their house and to make as much noise as they want to. And I think those kinds of questions are here and now and are – and I think that the meeting on the 26th will give us some further insight as to what the airport is going to be doing and how it's going to affect those issues – and, also, the expansion of the noise contours so that we can make a better decision. I just think we're going to need the time. I think staff is going to need the time to look at the information and that's why I was suggesting a longer time.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I – I too think that one day is probably not going to be enough, under the best of circumstances. I had a number of questions for staff that are still being researched. And I think – two, of which, I had asked for the County Attorney’s office to look at. I understand, also, we – we not only got a lot of stuff from MWAA within the last couple days that nobody had reviewed, but there was more coming beyond that. I understood, as of either last night or this morning that staff will be working on a new diagram that incorporates the new lines, which I think aren’t finished yet. And I think just looking in totality of this – maybe everyone is saying, pretty much, the same thing but, but if the meeting is on the 26th, one day is not going to be enough. If I understand the Board’s timeline, also – because of the budget, the Board is unlikely to take this up before early May. And so it may not matter. I don’t know that we have any other April dates between – between –

Jacob Caporaletti, Clerk to the Commission: April 3rd.

Commissioner Hart: Between...

Commissioner Ulfelder: April 3rd, 4th, and 24th.

Mr. Caporaletti: No, not the 4th.

Commissioner Ulfelder: We are off the 4th?

Commissioner Hart: Well, I – I don’t have the – I don’t have the April agenda, but...

Mr. Caporaletti: The 3rd and the 24th.

Commissioner Hart: I don’t know that our reason for deferral ought to be constrained to just, “new information,” because I think there’s some old or pending information that we haven’t quite resolved yet. I – I think if there’s a date in between, we could talk about that and keep deferring it. But that’s where I’m at.

Chairman Murphy: Mr. Migliaccio on the point and then Mr. Niedzielski-Eichner.

Commissioner Migliaccio: Just on that point, we do this quite often. We defer to the district Commissioner to get what needs to be – needs to be done in their district. If it doesn’t work out and the information is not before us, that Commissioner is smart enough to know that the vote won’t go their way and they’ll defer further. And we normally just allow them to pick the date and move on. We have a lot of information that we’ll be gathering. And it may not be in time. Maybe March 27th might not be the date. April 3rd might be the date. But if we get into the budget hearings and we tie this up, we’re going to push this all the way to the end of April and we tie the hands of the district Commissioner already. So that’s my point.

Chairman Murphy: Okay. Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. On this, I have two thoughts. One is that I share the concern I think that Commissioner Hart has and, perhaps, other Commissioners that there is a noise issue here – a noise policy issue that we need to confront. But I'm wondering whether the Comprehensive Plan Amendment that's being pursued is the means by which that is confronted. And so if the – if the Comp Plan is modified to – consistent with what's been recommended by Sully District – everybody – then I'm wondering whether that we should be even considering holding up this amendment for this particular issue. There is a more significant issue here that needs to be resolved prior to any rezoning request that comes in under this Comp Plan and the Board. We, as the Commission, and the Board have to come to grips with this, but why would we hold up the Comp Plan Amendment, which is a guideline, in recognition or in anticipation that that – that discussion has taken place. The bottom line here is that – I'm supporting the Sully District Representative's motion here and I'm – I'm also – but I want to also express my concern that we have to – as a – as a Commission as a – and the Board of Supervisors have to address this question, but I don't think the Comp Plan Amendment is the mechanism by which a policy decision should be made.

Commissioner Ulfelder: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Ulfelder: I think the distinction is that the Plan Amendment that's before us is an area plan amendment and – as opposed to a Policy Plan Amendment and that – I think that the underlying issue concerning the decisions about residential development in areas that are affected by the noise by the airport is one that should be addressed as – within the Policy Plan portions of the Comprehensive Plan and that doing it within a – one particular area plan that happens to be partially within the area that's affected by the noise is not the way to drive the overall policy for the Policy Plan – of the portion of the Comp Plan. So that – that's – that would be a distinction I would make.

Chairman Murphy: Mr. Tanner.

Commissioner Tanner: Commissioner Ulfelder, would you be amenable to April 3rd?

Commissioner Ulfelder: I mean let – let's do it. I mean I – I'm not going to – I'm not going to – that's fine. So would like to propose your motion at – to revise your motion?

Commissioner Sargeant: Mr. Chairman, we have a motion on...

Chairman Murphy: Yeah.

Commissioner Sargeant: On the floor that has to be...

Commissioner Ulfelder: Okay.

Chairman Murphy: All those in favor of Mr. Ulfelder's motion to move it to the March – April 6th, say aye.

Commissioner Ulfelder: To...

Commissioner Sargeant: No, no, no.

Commissioner Ulfelder: To April – it was to April 24th.

Chairman Murphy: April – I'm sorry, April 24th.

Commissioner Hart: But I think he's saying the 3rd.

Commissioner Sargeant: Well – well...

Commissioner Ulfelder: No, he's...

Commissioner Sargeant: Well, but we – we have a motion on the floor and you had a second for the April 24th date. So we have to address that motion unless you – I guess you could accept it.

Chairman Murphy: The alternate motion was yours and – what was your motion?

Commissioner Ulfelder: My motion was to amend the main motion to change the date from March 27th to April 24 for the deferral. That is the main motion. He's correct. It's been on the floor. And I – I mean that's the...

Chairman Murphy: Alternate motion. That's why I...

Commissioner Sargeant: Yes.

Commissioner Ulfelder: Yeah.

Commissioner Sargeant: Yes, Commissioner – Commissioner Ulfelder had a second and so...

Chairman Murphy: Okay. All those in favor of the motion as articulated by Mr. Ulfelder, say aye.

Commissioner Hurley: Just to re-state, what we're voting for is to move it April 24th?

Chairman Murphy: With the record remaining open for comment. All right.

Commissioner Sargeant: The motion is stated.

Chairman Murphy: All those in favor, say aye? All right, the motion fails. Go back to the main motion.

Commissioner Sargeant: Commissioner –

Chairman Murphy: It was amended. You want to make another...

Commissioner Sargeant: AND WOULD YOU ACCEPT A FRIENDLY AMENDMENT TO CHANGE THE DEFERRAL DATE TO APRIL 3RD?

Commissioner Tanner: ACCEPTED.

Commissioner Sargeant: Okay, thank you.

Chairman Murphy: All right. Is there a second?

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder.

Commissioner Hart: I think, subject to the understanding, we may get to April 3rd and be in the same...

Commissioner Ulfelder: We may be in the same boat.

Commissioner Hart: In the same boat.

Commissioner Tanner: And that was my understanding, even before the March 27th date.

Chairman Murphy: Okay. All those in favor of the motion to defer decision on PA 2018-III-DS1, Comprehensive Plan Amendment, Dulles Suburban Center, Land Unit J, to a date certain of April 3rd, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The first amended motion failed by a vote of 0-11.

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

JLC