

**County of Fairfax, Virginia
Planning Commission Meeting
May 8, 2019
Verbatim Excerpt**

PA 2018-II-F2 – COMPREHENSIVE PLAN AMENDMENT (ONE UNIVERSITY) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 10.8 ac. generally located at 4348 Ox Road, 4400 Saint Edwards Place, and 4500 University Drive, in the northwest quadrant of the intersection of University Drive and Route 123, Tax Map # 57-3 ((1)) 11A & 11B and 57-4 ((1)) 2B in the Braddock Supervisor District. The area is adjacent to George Mason University (GMU) and is planned for Public Facilities, Governmental and Institutional uses, and Residential Use at 3-4 du/ac. The amendment will consider up to 240 affordable multifamily housing units and 360 multifamily housing units envisioned to serve the GMU student population, as well as limited community space/use as may be appropriate. Recommendations relating to the transportation network may also be modified. PA 2018-II-F2 is concurrently under review with Rezoning application RZ/FDP 2018-BR-025. (Braddock District)

During Commission Matters

(Decision Only) (Public Hearing on this application was held on April 24, 2019)

Commissioner Hurley: Thank you, Mr. Chairman. Once again, before we begin this evening, I will make some preliminary comments. We are here to discuss a proposed Comprehensive Plan amendment. Because this amendment involves possible residential use, it could implicate *Virginia Code*, Section 15.2-2303.4, which the Virginia General Assembly enacted in 2016. That statute restricts local authority regarding proffers in certain residential rezonings. While the General Assembly approved amendments to the statute earlier this year, those amendments do not affect our discussion tonight. Although this meeting doesn't directly involve a rezoning application, one has been filed and we want to be certain that nothing said or done here could in any way raise an issue under that statute. So, in an abundance of caution, even though this hearing concerns a proposed Plan amendment, not a rezoning, we will discuss and consider only the impacts of any potential amendment of the subject property, not any proffers that a rezoning applicant might make to address those impacts. Nothing in our discussion here should be construed as a suggestion, request, or requirement for any proffer. Due to the statute and the uncertainty over its application, our discussion of certain issues may be more constrained than has been the case historically. In the past, we've had open, collaborative discussions not only about the impacts of proposed development, but also about how those impacts might be addressed. Unfortunately, the current statute doesn't encourage such an open dialogue. Should the discussion tonight venture into those areas, please understand that no one on the County side is suggesting, requesting, or requiring any proffer. However, there could be another mechanism, such as a development plan assisted with the rezoning application, to address some concerns. Two weeks ago, the – this Planning Commission conducted a public hearing on Comprehensive Plan Amendment 2018-II-F2, better known as One University. The public hearing began at midnight and continued past 2:30 in the morning. The very late hour was regrettable, but unforeseeable. Three previous cases that evening took far longer than originally expected. While we have received some correspondence that the One University public hearing should have been postponed; however, that would have been a disservice to those who had already been waiting four or five hours for their turn to speak. I have since reached out to each of my fellow Planning Commissioners to address their concerns, as well as the concerns of the speakers and our many correspondents. The concerns vary, of course, but the majority seem to focus on potential

increased density at this site, combined with concerns about the vegetative buffers and increased vehicular and pedestrian traffic. Potential transportation mitigation measures, in particular, would be discussed in-depth during any future rezoning process. However, it should also be noted that from a transportation and other standpoints, it is good to have people work, live, play, and learn in the same community. In addition, many comments have been received supporting expanded opportunities for affordable housing in the central part of the County. Over the last two weeks, staff has modified its recommendations as shown on the handout distributed this evening. These modifications strengthen conditions – the condition language to emphasize the preservation of existing healthy mature trees to ensure adequate supplemental planning of buffers in adjacent – and in adjacent open areas with native vegetation. And last and certainly not least, to emphasize pedestrian safety. Are there any questions or discussion? If not. Yes?

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Yeah. Just – so when – before we go on verbatim, I just want...

Chairman Murphy: We're on verbatim.

Commissioner Niedzielski-Eichner: We're on right now? Okay.

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: Well then, I'll simply make this remark. Historically, I – my practice has been to abstain on both the – or fall within the proffer legislation. In this instance, it's a Comprehensive Plan amendment. I will be voting and will be voting in support of. I do reserve the prerogative to reassess that decision if and when a rezoning request comes forward. I hope the applicant in that circumstance has allows that project to come under the new proffer legislation, which allows for a conversation and discussion about the – with the applicant, without worries about implications for the County being liable for various sundry matters. So, that's my statement. Thank you.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman...

Chairman Murphy: Anyone else have comment? Okay.

Commissioner Ulfelder: Just grumbles.

Commissioner Hurley: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2018-II-F2, AS APPEARS ON PAGES 19 TO 21 OF THE STAFF REPORT DATED APRIL 3RD, 2019, WITH MODIFICATIONS TO THE PROPOSED CONDITIONS AS SHOWN AS MY HAND – ON MY HANDOUT DATED MAY 8TH, 2019.

Commissioner Migliaccio: Second.

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

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes. Mr. Hart.

Commissioner Hart: Thank you. I appreciate Commissioner Hurley's efforts on this case and the – the changes that have been made since the public hearing. I'm – I'm troubled by this because I largely agree with the comments made by both sides. And I want very much to support a project that deals with affordable housing in particularly in this location. I have concerns, however, that the intensity that's proposed for this site is too much and that what is driving the intensity of the site is not really the capacity of the site to handle it but instead the economics of how many units are needed to finance the construction of the affordable units. And I don't think we ought to be making planning decisions on that basis. I – I expect that if this passes and we're dealing with the rezoning application in short order, that there still will be concerns particularly about the intersection of University Drive and Route 123. And I have concerns about the existing amount of pedestrian volume crossing 123 at certain times of day and it seems to me that an intensification of this site will only exacerbate that situation. We got a letter today from Senator Petersen and Delegate Bulova and I – he – both of them I think are suggesting that they wanted some answers from VDOT before we voted on the Plan. I would hope that, in lieu of that, we would at least try and deal with those issues a little more specifically before we get to the rezoning. Thank you.

Chairman Murphy: Mr. Ulfelder and then Mr. Sargeant.

Commissioner Ulfelder: I – I understand the issues that Commissioner Hart raises and I – I just want to say I will support this with the understanding that when we come to the rezoning, I plan to, and I think some of the other Commissioners based on what their questions were before, will be taking a very hard look at the issues of the pedestrian crossing and the traffic. And in fact, they both have in impact on each other in terms of pedestrian crossing and light time and so on – signal time. But that the fact that we're – I may be voting for this Plan amendment does not assure what my vote might be at the time of the rezoning.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I'm gonna echo some of Commissioner Ulfelder's comments regarding this. While I will be supporting this particular motion, I think this is a first – a Comprehensive Plan amendment is a first step and not a final step for sure. And I would note two significant passages within the staff report. One being the current transportation plan that quote on Page 14, "there are no improvements currently planned for the intersection of Route 123 and University Drive." I think that's a significant hurdle to overcome for the future and must be addressed in the future. Then, on Page 18 of 24, "the balance between furthering affordable housing goals and ensuring the continued quality of life of existing residential neighborhoods describes the primary challenge of this Plan amendment." And I appreciate the – those comments with the staff report. So, we have a long way to go. We have a lot of significant work to – to accomplish to move this forward, but I will support this motion.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment 2018-II-F2, Comprehensive Plan Amendment, One University, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hart: Abstain.

Chairman Murphy: Motion carries. Mr. Hart abstains. Thank you very much. Thank you...

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Oh, I'm sorry.

Commissioner Hurley: Mr. Chairman, it has been a long road already we have a ways to go. But in the mean time I do wanna thank Marianne Gardner, Michael Lynskey, Tom Fleetwood, and last again not least, Marcia Pape for their attention to all of the input from the community, as well as their unending attention to many details. Thank you.

Chairman Murphy: Thank you very much.

The motion carried by a vote of 8-0-1. Commissioners Tanner, Strandlie and Cortina were absent from the meeting. Commissioner Hart abstained from the vote.

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RECOMMENDATION

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a strikethrough. Text shown to be replaced is noted as such.

DELETE: Fairfax County Comprehensive Plan, 2017 Edition, Area II, Fairfax Planning District, as amended through November 20, 2018, F7-George Mason Community Planning Sector, Recommendations, Land Use, page 68:

~~“2. The area south of the School Street neighborhood in Fairfax City and west of Route 123 (Tax Map 57-4((1))2, 2A and 2B), about three acres in size, is appropriate for residential development at a density of 3-4 dwelling units per acre. For development at this density, access should not be via Route 123, and land, preferably to include the existing church, should be consolidated. An option for up to 6 dwelling units per acre could be considered with full consolidation of all parcels in the county along with additional land in Fairfax City and no access via Route 123. This optional density should be compatible with density planned for adjacent land in Fairfax City along School Street. Excellence of design and provision of amenities, such as screening along Route 123, would also be conditions for achieving development at this higher density.”~~

And **REPLACE** with the following text:

“2. The area north of University Drive and west of Route 123 (Tax Map 57-3((1))11A, 11B and 57-4((1)) 2B), about 10.8 acres in size, is planned for public facility, governmental or institutional uses and residential development at a density of 3-4 dwelling units per acre. With full consolidation, a redevelopment option may be appropriate for higher-density residential development of these parcels as a transitional use between the George Mason University (GMU) campus and the lower-density residential uses to the north. The option may include up to 240 multifamily housing units, affordable to households earning 60 percent or less of the Area Median Income (AMI), and up to 340 multifamily units envisioned to serve the GMU student population, to the extent practical and in conformance with all applicable local, State and Federal laws, particularly Fair Housing regulations. No additional bonus density for the provision of affordable units is appropriate. A limited amount of public meeting space also would be appropriate to accommodate continued utilization of the site by the Fairfax County Redevelopment and Housing Authority.

Redevelopment under the option should demonstrate compatibility with neighboring residential uses and the character of the Route 123 corridor through the satisfaction of the following conditions:

- A continuous landscaped buffer area should be provided along the northern boundary of the site. A 90-foot-wide buffer along the northern boundary of Parcel 2B, adjacent

- to Royal Legacy Estates, and a minimum 50-foot-wide buffer along the remaining northern boundary of Parcel 11A is desirable.
- A minimum of a 25-foot-wide landscaped buffer should be maintained along the Route 123 frontage, consistent with the character established by the Fairfax Gateway development located across Route 123 from the site. The buffer should be measured from the edge of the existing powerline easement that extends approximately 15 feet into the site and should continue around the building, tapering along University Drive.
 - Existing healthy mature trees located within all buffer areas should be preserved, to the extent feasible, and supplemented with appropriate evergreen and understory vegetation to provide year-round level of visual protection to adjacent residences. Clearing and grading should be minimized in buffer areas to preserve existing healthy mature trees, and vegetation should be maintained to ensure adequate screening throughout each phase of development.
 - High-quality architecture should be provided that is residential in character and includes architectural treatment of all building facades in a manner that is compatible with and complements other uses in the area. Facade treatments should extend onto any exposed parking levels along University Drive and internal roadways, to the extent practical. Vegetated screening and/or berms also may be utilized to ensure a pedestrian-friendly streetscape.
 - Automobile trips generated by the development should be reduced by providing safe, attractive and secure pedestrian and bicycle facilities that improve access to GMU, bus stops, and other local services. Streetscape areas along Route 123 and University Drive should be designed to create a high-quality pedestrian environment, to include features such as street trees, landscaped areas, wide sidewalks, pedestrian-scaled lighting, and other amenities and high-quality crossings to the university, as is appropriate.
 - The Resource Protection Area and Environmental Quality Corridor along the western boundary of the site should be identified and protected, consistent with Objective 9 of the Environment section of the Policy Plan. Previously-developed portions of those areas should be restored and revegetated, including removal of existing structures and the FCRHA maintenance facility, and there should be no new development within those areas. Utilities should also be located to minimize disturbance and encumbrance of such areas.”

**PLANNING COMMISSION MODIFICATION TO STAFF RECOMMENDATION
PLAN AMENDMENT 2018-II-F2 – ONE UNIVERSITY
MAY 8, 2019**

Additional modifications to the staff recommendation are proposed. The modifications to the staff recommendation are identified below in bold font and yellow highlight. Staff-recommended text that is proposed to be deleted is shown as ~~strikethrough~~, and text proposed to be added is shown as underlined.

The Comprehensive Plan will be modified as shown on pages 19 to 21 of the staff report dated April 3, 2019, with the following modifications:

DELETE: Fairfax County Comprehensive Plan, 2017 Edition, Area II, Fairfax Planning District, as amended through November 20, 2018, F7-George Mason Community Planning Sector, Recommendations, Land Use, page 68:

~~“2. The area south of the School Street neighborhood in Fairfax City and west of Route 123 (Tax Map 57-4((1))2, 2A and 2B), about three acres in size, is appropriate for residential development at a density of 3-4 dwelling units per acre. For development at this density, access should not be via Route 123, and land, preferably to include the existing church, should be consolidated. An option for up to 6 dwelling units per acre could be considered with full consolidation of all parcels in the county along with additional land in Fairfax City and no access via Route 123. This optional density should be compatible with density planned for adjacent land in Fairfax City along School Street. Excellence of design and provision of amenities, such as screening along Route 123, would also be conditions for achieving development at this higher density.”~~

And **REPLACE** with the following text:

“2. The area north of University Drive and west of Route 123 (Tax Map 57-3((1))11A, 11B and 57-4((1)) 2B), about 10.8 acres in size, is planned for public facility, governmental or institutional uses and residential development at a density of 3-4 dwelling units per acre. With full consolidation, a redevelopment option may be appropriate for higher-density residential development of these parcels as a transitional use between the George Mason University (GMU) campus and the lower-density residential uses to the north. The option may include up to 240 multifamily housing units, affordable to households earning 60 percent or less of the Area Median Income (AMI), and up to 340 multifamily units envisioned to serve the GMU student population, to the extent practical and in conformance with all applicable local, State and Federal laws, particularly Fair Housing regulations. No additional bonus density for the provision of affordable units is appropriate. A limited amount of public meeting space also would be appropriate to accommodate continued utilization of the site by the Fairfax County Redevelopment and Housing Authority.

Redevelopment under the option should demonstrate compatibility with neighboring residential uses and the character of the Route 123 corridor through the satisfaction of the following conditions:

- A continuous landscaped buffer area should be provided along the northern boundary of the site. A 90-foot-wide buffer along the northern boundary of Parcel 2B, adjacent

to Royal Legacy Estates, and a minimum 50-foot-wide buffer along the remaining northern boundary of Parcel 11A is desirable.

- A minimum of a 25-foot-wide landscaped buffer should be maintained along the Route 123 frontage, consistent with the character established by the Fairfax Gateway development located across Route 123 from the site. The buffer should be measured from the edge of the existing powerline easement that extends approximately 15 feet into the site and should continue around the building, tapering along University Drive.
- ~~Existing healthy mature trees located within all buffer areas should be preserved, to the extent feasible, and supplemented with appropriate evergreen and understory vegetation to provide year-round level of visual protection to adjacent residences. Clearing and grading should be minimized in buffer areas to preserve existing healthy mature trees, and vegetation should be maintained to ensure adequate screening throughout each phase of development.~~
- Existing healthy mature trees located within all buffer areas should be preserved, to the maximum extent feasible, in consultation with the Fairfax County Urban Forest Management Division. Buffer areas, and adjacent open areas, should be supplemented with appropriate evergreen, deciduous, and understory vegetation, to improve the general health of the buffer vegetation, to ensure that the full extents of the buffer areas contain healthy native species, and to provide some year-round visual screening to adjacent residences throughout each phase of development.
- High-quality architecture should be provided that is residential in character and includes architectural treatment of all building facades in a manner that is compatible with and complements other uses in the area. Facade treatments should extend onto any exposed parking levels along University Drive and internal roadways, to the extent practical. Vegetated screening and/or berms also may be utilized to ensure a pedestrian-friendly streetscape.
- ~~Automobile trips generated by the development should be reduced by providing safe, attractive and secure pedestrian and bicycle facilities that improve access to GMU, bus stops, and other local services. Streetscape areas along Route 123 and University Drive should be designed to create a high-quality pedestrian environment, to include features such as street trees, landscaped areas, wide sidewalks, pedestrian-scaled lighting, and other amenities and high-quality crossings to the university, as is appropriate.~~
- Safe, attractive, and secure pedestrian and bicycle facilities should be provided to improve access to GMU, bus stops, and other local services, and to reduce automobile trips generated by the development. Safe and secure pedestrian crossings to the university should be a high priority, and streetscape areas along Route 123 and University Drive should be designed to create a high-quality pedestrian environment, to include features such as street trees, landscaped areas, wide sidewalks, pedestrian-scaled lighting and other amenities.

- The Resource Protection Area and Environmental Quality Corridor along the western boundary of the site should be identified and protected, consistent with Objective 9 of the Environment section of the Policy Plan. Previously-developed portions of those areas should be restored and revegetated, including removal of existing structures and the FCRHA maintenance facility, and there should be no new development within those areas. Utilities should also be located to minimize disturbance and encumbrance of such areas.”

COMPREHENSIVE LAND USE PLAN MAP:

The baseline designation appearing on the Plan Map for Tax Parcel 57-4 ((1)) 2B should be corrected to Residential Use at 3-4 du/ac, rather than Residential Use at 5-8 du/ac.

COUNTYWIDE TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.