

**MINUTES OF THE REGULAR MEETING/WORK SESSION
OF THE PLANNING COMMISSION
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
February 27, 2017**

After determining that a quorum was present, Chairman Cunningham called the meeting to order at 7:00 p.m.

Members Present: Chairman Paul Cunningham and Commissioners Tom Armstrong, Tom Burrell, Dennis Cate, *Joseph* Harmon, Janet Jaworski and Karen Wheeler-Smith.

Member(s) Absent: None.

Staff Present: Cindy Petkac, Division Chief; Paul Nabti, Planner III; Kelly O'Brien, Planner II and Tina Gillian, Secretary.

1. Pledge of Allegiance.

Mr. Cunningham led the Commission in the Pledge of Allegiance.

2. Discussion/Adoption of Agenda.

MS. JAWORSKI MOVED TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY MR. BURRELL, WHICH CARRIED UNANIMOUSLY.

3. Presentations by the public on any matter not calling for a public hearing.

Mr. Bob Reinsel, 3203 Armory Court, Fairfax, Virginia came forward to address the Planning Commission. He said the draft comprehensive plan expands the definition of "comprehensive" too far by including every aspect of city life. He said per State Code the comprehensive plan should include: 1) a forward looking statement for the city that pertains to the physical development of the territory under its jurisdiction; 2) zoning designations, regulations and maps showing how the land is to be developed; 3) demographic information, economic data and environmental concerns reflecting the existing topographic environment; and 4) information related to affordable housing. He said the outline should be condensed to land use that includes housing, commercial, retail, office, parks, industrial and transportation (including streets, sidewalks, bicycle lanes and trails). He said these segments should be supported by a few clearly developed maps that lessen the need for text. He said the entire document should be less than 100 pages in total and be a document everyone can use for guidance whether they are evaluating a development or preparing the city's budget. He said any remaining material can be addressed via vision statements and policy guidelines that are separate from the comprehensive plan.

Mr. Tom Ross, 3520 Country Hill Drive, Fairfax, Virginia, came forward to address the Planning

Commission. He believes the following three issues are important for the 2035 Comprehensive Plan: 1) Population Growth – growth drives the need for increased housing options and economic development that serves a younger demographic; 2) Economic Development – a good economy pays for city services. Economic development of commercial and retail sources should increase in order to support city services; and 3) Community – discussion should continue with the community. The comprehensive plan should be aspirational and reflect the kind of community desired by the residents.

4. Approval of Minutes:

Consideration of January 23, 2017 Meeting Minutes.

MR. BURRELL MOVED TO APPROVE THE MINUTES, SECONDED BY MR. CATE, WHICH CARRIED 5:0 W/MR. HARMON AND MS. JAWORSKI ABSTAINING.

5. Consent Agenda – None.

6. Items Not Requiring a Public Hearing:

a. Public Comments on the 2035 Comprehensive Plan Draft Goals and Outcomes.

No other comments received at this time.

7. Public Hearings.

- a. **Z-16090107 – Request from JDC Boulevard, LLC, applicant, by John H. Donegan, Owner, for consideration of a General Development Plan Amendment pursuant to former City Code Section 110-5 (superseded by Section 110-6.4 on October 1, 2016) to allow replacement of a previously approved 4,300 square foot bank with 5,100 square feet of general retail space in the former C-2 Retail Commercial zoning district (superseded by CR-Commercial Retail zoning district on October 1, 2016) on the premises known as 10120 Fairfax Boulevard (Boulevard Marketplace) and more particularly described as Tax Map Parcel(s) 47-4-23-000-A and 47-4-23-000-D.**

Mr. Nabti presented the staff report which has been incorporated into the record by reference. He said there are two parcels on the site (Parcel A and Parcel D) which are subject to a General Development Plan approved in 2008. He said the focus of the current application is on Parcel D. He reviewed the surrounding properties and the original plan that was approved in 2008. He said the retail portion of parcel A was developed in 2012 and that parcel A has been sold. He said the applicant has retained parcel D which contains a pad site for a bank. He reviewed the existing conditions of both parcels and stated inter-parcel access is now available and a portion of the Snyder Trail has also been developed. He said the applicant proposes to replace the approved

3,500 square foot bank building with 5,100 square feet of general retail space. He displayed the proposed plan and stated that parking and landscaping at the south eastern corner of the site will not be impacted. He said the applicant has proposed 32 parking spaces for Parcel D, for a total of 133 parking spaces for both Parcel A and Parcel D (130 are required). He said the applicant retains the option to replace one of the two patio areas with an additional one or two parking spaces. He said a loading area and dumpster enclosure are located on site as required by code. He said the applicant requests an amendment to the approved General Development Plan and to nullify the Special Use Permit approved for a drive through bank. He said staff has analyzed trip generation rates and found there is a slight decrease to anticipated daily traffic from the proposed use. He said two additional access points have been created on the site. He reviewed the pedestrian/bicycle access points and stated a bicycle rack is installed on the site. He said the applicant proposes to extend the Snyder Trail connection through the site. He discussed the Resource Protection Area (RPA) that exists on the site and said the applicant proposes 1,200 square feet of disturbance in the RPA due to grading. He said the Board of Architectural Review (BAR) approved the proposed architecture on January 18, 2017. He said the Comprehensive Plan allows for lower intensity development, environmental sensitivity, pedestrian/bicycle access and limited surface parking in this area. He said the Future Land Use Map allows the retail use proposed by the applicant. He concluded his presentation and stated that staff recommends support of the General Development Plan Amendment.

Mr. Cate asked if new proffers will be provided with the General Development Plan Amendment.

Mr. Nabti stated that staff's motion ties the approval to the new plans. He said the new plans will override any existing proffer that has not already been fulfilled.

Mr. Cate said not providing proffers with the new plan is unusual and he is not sure he can support this process. His concern is that larger mixed use developments may also decide to make modifications by changing a plan without updating the proffers.

Mr. Nabti said he understands the concern. He said any plan amendment is required to come back to the Planning Commission and City Council for approval. He said the City Attorney is comfortable with the motion as written.

Mr. Harmon asked if there are any changes in the new zoning ordinance that would make the proposal nonconforming.

Mr. Nabti stated that staff did not conduct a full review of the differences between the old and new ordinance in regards to this proposal. He said the new zoning ordinance is less restrictive with the exception of a few situations such as parking space dimensions and landscaping requirements. He said this application was received under the old zoning ordinance. He said staff did not want to pressure the applicant to conform to the new ordinance since the other part of the site was also approved under the old regulations.

Mr. Harmon asked for confirmation that the plans approved by the BAR depict the proposed building correctly.

Mr. Nabti confirmed the building is shown correctly on the plans approved by the BAR.

Ms. Wheeler-Smith asked for clarification regarding staff's analysis that an alternative layout could conflict with other sections of the plan or other city policy.

Mr. Nabti said that section is referring to language in the comprehensive plan that calls for parking that does not face the street. He said the same issue came up during the review of Patient First. He said the original shopping center was approved before the language was in the comprehensive plan and staff felt it unreasonable to have the applicant move the parking to the rear.

Ms. Jaworski asked if internal fire suppression and fire hydrant access has been properly addressed for the proposed use.

Mr. Nabti stated internal fire suppression will be reviewed during the building permit process. He said the Fire Marshal has reviewed the plans for fire truck access and felt the site provided adequate access.

Mr. Armstrong asked if the storm drainage inlet located in the driveway to the right of the proposed building will service the entire site.

Mr. Nabti said that is correct. He said the plans do not show the catchment areas at this time. He said the applicant will be able to address this question as well.

Mr. Armstrong asked if the proposed storm drainage location has been finalized.

Mr. Nabti stated storm drainage and utilities are usually reviewed in more detail at the site plan phase which occurs after City Council approval. He said staff asked the applicant to provide surface drainage information on the current plans to see if there is anything to be concerned about aesthetically.

Mr. Armstrong asked if this is the only drain proposed for the site at this time.

Mr. Nabti said yes, however, he does not know if this is catchment for the whole site.

Mr. Burrell asked if the sidewalk on Plantation Parkway runs all the way to the residential neighborhood.

Mr. Nabti said he believes it does.

Mr. Burrell asked if the current asphalt trail will be disturbed during construction and if it will be replaced if it is disturbed. He is also curious as to why the BAR did not require the entire proposed building to have the same stone facing as the other buildings.

Mr. Nabti said if the trail is disturbed it will have to be returned to its original state or better. He said the applicant can answer whether they plan to disturb the trail.

Mr. Burrell asked if the existing signage that marks the trail is part of the proposed signage discussed for the trail.

Mr. Nabti said Parks and Recreation has requested additional signage to be placed closer to Fairfax Boulevard for visibility.

Mr. Burrell asked why the loading area is configured the way it is.

Mr. Nabti said it was designed this way to retain parking spaces and to meet zoning regulations.

Mr. Cunningham asked why the applicant is requesting the ability to reconfigure the outdoor seating areas into parking spaces. He would also like to know what type of tenant would trigger this changeover.

Mr. Nabti said the applicant would like to retain flexibility in order to provide outdoor restaurant seating on either side of the building. He said this will be finalized at the siteplan phase.

Mr. Cunningham asked what landscaping will be provided on the west side of the proposed building since the George Snyder Trail is located on this side of the building.

Mr. Nabti stated there will be a low hedge of shrubs installed to provide a buffer between the trail and the proposed building.

Jay Donegan, applicant, came forward to address the Planning Commission. He introduced Aaron Vinson, Walter L. Phillips Inc., who presented the applicants report which is incorporated into the record by reference. Mr. Vinson stated the loading area is diagonal to ensure trucks can turn easier. He stated the building appendage has been approved by the BAR.

Mr. Harmon asked why the appendage does not have the same appearance as the rest of the proposed building.

Mr. Donegan stated the size of the appendage is small. He said the eastern elevation depicts stone at the entrance, however, the back portion of the building is brick and the appendage ties into the brick architecture.

Ms. Jaworski stated she has noticed vacant spaces in the main section of the retail center and

asked for clarification on the impetus for this new project.

Mr. Donegan said the leasing in that portion of the center has been good and the vacancies are accounted for. He said his project will complement the other portion of the center.

Ms. Jaworski said she mentions it because she does not want to see additional vacancies occur on top of the existing vacancies.

Mr. Donegan said the center has been in existence for nine years and he believes the leasing for that project will be fine. He said they have held out for a bank on this site, however, the best utilization of the property now is for a mixture of uses that will be complementary to the adjoining property.

Mr. Armstrong asked if the applicant has considered locating an outdoor seating area behind the proposed building.

Mr. Donegan said location of outdoor seating would be based on how a restaurant wishes to present its offerings to the public. He said locating outdoor seating at the front creates color and activity and is more pedestrian friendly. He said locating outdoor seating behind the proposed building allows views of the park.

Mr. Armstrong asked if storm drainage will be finalized when a site plan has been submitted.

Mr. Vinson said that is correct. He said there is an existing storm sewer inlet at the front of the proposed building so the southern half of the parking lot will drain to an existing storm sewer inlet and the eastern portion of the parking lot will drain to one or two storm sewer inlets that will connect to the existing facilities which run to the west.

Mr. Armstrong asked whether additional trees will be installed in the rear of the property.

Mr. Vinson stated the goal is to supplement with additional landscaping.

Mr. Armstrong asked if plantings are located in the space between the rear of the proposed building and the trail.

Mr. Vinson said yes, there will be shrubs installed between the building and the trail.

Mr. Burrell said he does not see the need for the proposed loading area except that it was required per the zoning ordinance.

Mr. Vinson agreed with Mr. Burrell.

Mr. Cunningham stated the dumpster area location and diagonal turnaround seem different from

what was proposed to the BAR.

Mr. Vinson said he believes this is the same configuration shown to the BAR.

Mr. Cunningham asked if the applicant will have tenants in place prior to siteplan submission or will the site be built and adjustments made when a tenant leases the space. This is in regards to the possibility of changing outdoor seating into parking spaces.

Mr. Donegan stated he hopes to have the space leased before construction begins. He said the uses that ultimately go there will drive the need for either outdoor seating or the additional parking space(s).

At this time, Mr. Cunningham opened the public hearing and asked if anyone in the audience would like to speak on the application.

Mr. Bob Reinsel, 3203 Armory Court, Fairfax, Virginia came forward to address the Planning Commission. He said he lives near the shopping center and is concerned about the parking spaces relative to the uses. He said the Chinese restaurant did not have adequate parking and has since gone out of business. He said there are additional businesses in the shopping area that do not have adequate parking spaces. He said he does not believe the developer has reached out to the residents of Mosby Woods regarding this space.

At this time, Mr. Cunningham closed the public hearing.

AT THIS TIME, MS. JAWORSKI MADE A MOTION THAT BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, THAT THE PLANNING COMMISSION RECOMMEND TO CITY COUNCIL APPROVAL OF THE APPLICATION OF JDC BOULEVARD, LLC, APPLICANT, BY JOHN H. DONEGAN, OWNER, FOR CONSIDERATION OF A GENERAL DEVELOPMENT PLAN AMENDMENT; SUBJECT TO THE GENERAL DEVELOPMENT PLAN DATED SEPTEMBER 23, 2016 AND LAST REVISED ON FEBRUARY 3, 2017 ON THE PREMISES KNOWN AS 10120 FAIRFAX BOULEVARD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL(S) 47-4-23-000-A AND 47-4-23-000-D, SECONDED BY MS. WHEELER-SMITH.

Mr. Cate said he sees positives for this project such as available parking, inter-parcel connection and outdoor seating. He said the reason he cannot support the motion is procedural. He said he is concerned the Planning Commission may be setting a precedence by approving a change without changing the proffers.

Mr. Burrell agrees with Mr. Cate regarding the proffers. He stated he believes that individuals required to be noticed for this project have been contacted.

THE MOTION WAS APPROVED 5:2, W/MR. BURRELL AND MR. CATE VOTING

AGAINST.

8. Adjourn Regular Meeting.

9. Work Session:

a. Discussion of the 2035 Comprehensive Plan – Draft Goals and Outcomes.

Ms. Petkac and Ms. O'Brien presented the staff report which has been incorporated into the record by reference.

10. Reconvene Regular Meeting.

11. Staff Report.

Ms. Petkac stated two commissioners attended the recent Economic Development Summit. She asked if they would like to provide comments regarding the summit.

Mr. Burrell thought the Economic Director did an excellent job. He thinks the representative from Fairfax County provided a tremendous briefing regarding the Northern Virginia area.

Mr. Harmon said he appreciated the opportunity to attend. He said Chris Bruno and the Fairfax County representative were both remarkable. He said there has been an improvement in coordination of the City's economic development efforts with Fairfax County.

12. Commission Comments.

Mr. Burrell – He thanked the City for paying for him to attend the Economic Development Summit.

Mr. Armstrong – No comments.

Ms. Jaworski – She said the Parks and Recreation department is moving forward with a Master Plan for Van Dyke Park. There is an online survey from March 1st – April 15th for public comments. She said public community meetings will be held on April 6th and April 18th at the Sherwood Community Center. She said the online survey can be found at:

www.fairfaxva.gov/VanDyck50

Ms. Wheeler-Smith – No comments.

Mr. Harmon – He thanked staff for their excellent work on the Fact Book. He asked staff to research whether the Pets Supplies Plus sign was grandfathered under the zoning regulations.

Mr. Cate – No comments.

Mr. Cunningham – No comments.

13. Adjournment.

Meeting Adjourned at: 9:05 p.m.

ATTEST: *Tina Gillian*
Tina Gillian, Secretary