

**MINUTES OF THE SPECIAL MEETING/WORK SESSION
OF THE PLANNING COMMISSION
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
November 18, 2019**

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

Members Present: Chair Janet Jaworski and Commissioners Mark Angres, Paul Cunningham, Amir Eftekhari, James Feather and Joseph Harmon.

Member(s) Absent: None.

Staff Present: Brooke Hardin, Director, Community Development and Planning; Paul Nabti, Planning Division Chief; Jason Sutphin, Planning Division Chief, Albert Frederick, Senior Planner and Tina Gillian, Secretary.

1. Pledge of Allegiance.

Ms. Jaworski led the Commission in the Pledge of Allegiance.

2. Discussion/Adoption of Agenda.

MR. CUNNINGHAM MOVED TO AMEND THE AGENDA BY DEFERRING AGENDA ITEM 7b TO DECEMBER 09, 2019, SECONDED BY MR. ANGRES, WHICH CARRIED UNANIMOUSLY.

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

No one from the audience came forward to speak.

4. Approval of Minutes:

a. Consideration of October 28, 2019 Meeting Minutes.

MR. CUNNINGHAM MOVED TO APPROVE THE MINUTES AS PRESENTED, SECONDED BY MR. HARMON, WHICH CARRIED 4:0 WITH MR. EFTEKHARI AND MR. FEATHER ABSTAINING.

5. Consent Agenda – None.

6. Items Not Requiring a Public Hearing – None.

7. Public Hearings.

- a. Public hearing on a request from 9700 Fairfax Blvd LLC, applicant, by Robert D. Brant, agent/attorney, for consideration of a Zoning Map Amendment (Rezoning) from IH – Industrial Heavy and CR – Commercial Retail to CR – Commercial Retail retaining the Architectural Control Overlay District (ACOD), with proffers pursuant to City Code Section 6.4, to allow the development of a grocery store and a fuel station on the premises known as 9700 Fairfax Boulevard and more particularly described as Tax Map Parcel 48-3-09-056.**

Mr. Frederick presented the staff report which has been incorporated into the record by reference. He reviewed the applicants request to rezone the subject site from IH – Industrial Heavy and CR – Commercial Retail to CR – Commercial Retail retaining the Architectural Control Overlay District (ACOD), with proffers pursuant to City Code Section 6.4, to allow the development of a grocery store and a fuel station on the premises. He said the applicant is also requesting a Special Use Permit to allow a gas station, Special Exceptions related to utilities, setbacks and street trees and a Certificate of Appropriateness. He said these requests do not require actions by the Planning Commission. He said the subject property is approximately 1.828 acres and is located at the northwest corner of Fairfax Boulevard and Spring Street. He said there is currently an existing 55-unit motel on the site that was constructed around 1953. He said the Commercial Corridor Place Type supports grocery stores and fuel stations and the proposed site design is consistent with the Comprehensive Plan. He said the proposed use is consistent with the preferred retail uses along the commercial lanes. He said landscaping is provided along the street frontages and parking is not located against the public right-of ways. He said the gas canopy is within the setback requirement and the main entrance to the site faces Fairfax Boulevard. He said a 10-ft shared use is proposed on Fairfax Boulevard and a 5-ft sidewalk is proposed on Spring Street. He said the applicant is proposing to rezone the site to eliminate its split zoned status and to permit the grocery store use. He reviewed the proposed General Development Plan and said the applicant has provided a U-turn and traffic signal commitments in order to mitigate traffic impacts and help improve traffic flow. He said the applicant proposes to extend the left turn lane at Draper Drive by 50-ft to accommodate two additional vehicles. He said the applicant has also provided a proffer to commit funds for a future signal light at the intersection of Fairfax Boulevard and Spring Street. He said 48 surface parking spaces are being provided where 31 parking spaces are required by the zoning ordinance. He said the applicant has proposed spaces for electric vehicle charging stations which will be installed at a later date. He said bicycle racks are proposed on the wayside of the site and there is a Stormwater Management Pond proposed for the site. He reviewed the Special Use and Special Exception requests the applicant will be requesting from City Council. He reviewed the landscaping plan for the site which includes a continuous hedge to screen parking. He reviewed the building design and materials and said the

Board of Architectural recommended approval of the Certificate of Appropriateness, with conditions, for the proposed design on September 18, 2019. He said staff recommends approval of the Zoning Map Amendment with the following recommendations:

1. Development should be in conformance with General Development Plan and Proffers.
2. The applicant shall commit to future construction of the inter-parcel access on the subject property.
3. The applicant shall provide photo documentation of the exterior of the existing motel prior to site plan approval.

Mr. Cunningham asked for information regarding the historical marker located on this site.

Mr. Frederick said the marker is located in a city easement and belongs to the property owner. He said the marker has no historical relationship to the site and the property owner will decide what to do with the marker.

Mr. Cunningham asked which utilities will remain above ground and which will be placed underground.

Mr. Frederick displayed the utilities plan and said the number of above ground poles will actually increase after the undergrounding is performed.

Mr. Cunningham asked if all onsite utilities, including new utilities that will serve the site, will be placed underground.

Mr. Frederick said that is correct.

Mr. Cunningham asked whether the poles located along Fairfax Boulevard and Spring Street will remain above ground.

Mr. Frederick said yes, if the special exception request is granted.

Mr. Harmon asked if the proffered amount of \$91,800 is a reasonable amount for installing a signal light.

Mr. Sutphin said the City's Transportation Division evaluated the cost for installation and the figure was agreed upon by the Transportation Division and the applicant.

At this time, Mr. Bob Brant, Walsh Colucci, representative for the applicant, 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia came forward to address the Planning Commission.

He reviewed the applicant's proposal and said the proposal will present a significant economic opportunity for the City of Fairfax and will invigorate this area of Fairfax Boulevard. He said the proposal is a commercial development in a commercial development area. He said the proposed WAWA will provide the following community benefits for the City of Fairfax:

- Community-serving commercial use that enhances commercial activity along Fairfax Boulevard and growth of the City's commercial tax base.
- Anticipated job growth between 40 and 50 full and part time jobs.
- Streetscape improvements that enhance pedestrian experience and connectivity along the commercial main.
- Attractive and high-quality architectural design.
- Additional landscaping and open space. Reduction in impervious surface.
- Transportation improvements that include consolidation of access points, extended turn lane at Draper Drive and monetary contribution towards a traffic signal.
- Sustainable features that include potential electric vehicle charging stations.

He said the confederate marker that is on the site will be removed and the applicant will work to find the marker a new home. He said an additional four poles would be required should they have to underground the existing two poles of overhead lines located on Fairfax Boulevard and Spring Street. He said the new poles would also need to be placed offsite and may end up impacting neighboring properties. He said the applicant is requesting a special exception to allow the two existing poles to remain.

Mr. Cunningham asked if the WAWA will be open 24 hours.

Mr. Brant said it will.

Mr. Cunningham said the City of Fairfax has a long-term goal to underground all utilities within the city. He asked if WAWA has made any provisions to participate in that process should the City begin to address undergrounding utilities at Fairfax Boulevard in the future.

Mr. Brant said the applicant has committed to accommodate future undergrounding via the proposed proffers.

Mr. Cunningham asked if the principal commitment is only for WAWA to grant permission for a third party to use their property and grant an easement for the undergrounding.

Mr. Brant said that is correct, however, those are being offered at no cost which is a significant offer.

Mr. Cunningham asked how tall the proposed trees are expected to grow. He is concerned with

the trees proposed near the utility lines and the possibility that the trees will need to be trimmed to avoid contact with the overhead utilities.

Mr. Brant said the trees that are proposed near the utilities will mature to approximately 15 - 20 feet tall. He said Dominion will have the ability to trim the trees.

Mr. Cunningham asked Mr. Brant for the maximum number of vehicle stackings he expects at this site.

Mr. Brant said they don't believe a stacking problem will exist. He said the access from Fairfax Boulevard has been located as far west as possible from the intersection to maximize the amount of stacking spaces going into the site. He said the site is also designed to accommodate the onsite traffic - with room around the fuel pumps and ample onsite parking.

Mr. Feather said the traffic study indicated that trip generations for this type of facility were calculated by using an average of both the supermarket space and the fuel station. He asked what the impact would be if maximum numbers were used for trip generations related to the supermarket and fueling station instead.

Mr. Andy Smith, Kimley Horn, traffic engineer for the applicant, came forward to address the Planning Commission. He said other jurisdictions where WAWA has been located, as well as VDOT, told them to use the averaging method. He said City staff was in agreement with using this method. He said this is a new land use trip generation that is specific to larger convenience stores with gas stations (like WAWA).

Mr. Angres asked who supported this new type of trip generation. i.e., just the International Institute of Engineers or the industry as a whole.

Mr. Smith said he did not know the answer to that question. He said from his experience there were certain jurisdictions where a convenience store with a gas station did not accurately depict trip generation for these type of land uses.

Mr. Cunningham asked if a flowchart exists that depicts peak traffic flow numbers for this site.

Mr. Smith said they don't have a flow chart that depicts the entire day. They look at the worst commuter hours in the a.m. and p.m. He said the conclusion of the traffic study was that the levels of service at all of the intersections studied did not change. He said there was additional queuing at certain locations such as Spring Street. He said they have committed to extending Draper Drive.

Mr. Angres asked if Mr. Smith could provide the number of U-turns made at Draper Drive.

Mr. Smith said he believes it is a maximum of five turns (left-hand and U-turns) during the peak hours.

Mr. Eftekhari asked if landscape lighting will be installed along the 30” wall as a part of the streetscape improvements.

Mr. Brant said lighting will be added in front, behind and around that wall.

Mr. Eftekhari asked what percentage of wine and beer is sold at WAWA and whether wine and beer will be sold at this WAWA.

Mr. Brant said that information is not available at this time. He would be happy to follow up with an answer.

Mr. Angres asked if wine and beer sales are permitted at convenience stores at gas stations.

Mr. Brant said WAWA does offer wine and beer sales at their other locations in Virginia.

Mr. Smith clarified the total number of turns at Draper Drive during peak hours is ten. Five left-hand turns and five U-turns.

Mr. Cunningham said at one time during its approval process, The Lamb Center was not supposed to be located within 2,000-ft. from an establishment that sold alcoholic beverages. He does not recall whether this requirement made it into The Lamb Center’s final approval, however, the facility has moved from its original location and is now within a 2,000-ft. radius of the WAWA location. He asked staff if conflicting requirements exist for the co-location of these two facilities.

Mr. Sutphin said he believes the City Attorney would state that the approval predates any future actions that would establish some sort of a business selling alcoholic products therefore it would not have a negative impact on them. However, he is unable to answer the question without knowing the specifics of the approval and conditions placed on the approval.

Mr. Cunningham said the reason he brings this up is because the 2,000-ft. radius left zero locations for The Lamb Center to be located. He believes the 2,000-ft. number may have been eliminated or reduced. He asked for staff to provide an answer to this question prior to the City Council hearing.

At this time, Ms. Jaworski opened the public hearing and asked for anyone in the audience who would like to speak to please come forward.

Mr. Joe Lothrop, 11208 Split Railing, Fairfax Station, Virginia came forward to address the Planning Commission. He is the property manager for Fairfax Boulevard Center. He said there were numerous phone calls to the City of Fairfax Police regarding issues at the 7-Eleven and the consumption of alcohol by the folks visiting The Lamb Center when The Lamb Center was located adjacent to his property. He said the problem has become better since the Center has moved approximately 1,000-ft from its original site, however, the problem does still remain. He said when his site was developed in 2010, it was asked whether City Council would consider a convenience store and gas station at the old Appleby's site and he was told there was no appetite for additional gas stations at that time. He would like to know what changed and when it changed because consideration is now being given to allow an additional gas station in the city. He said he does welcome all new business to the City of Fairfax and redevelopment in the City.

Mr. Rob Wright, 9495 Fairfax Boulevard, Fairfax, Virginia came forward to address the Planning Commission. He is the vice president of the Homeowners Association for Foxcroft Colony. He said he is here tonight to support this project and redevelopment of this main corridor. He is hoping this will continue to perpetuate renovation of existing properties. He likes the addition of the 24-hour business and additional food sources.

Ms. Gillian then read a letter from Mr. David Gill of Wire Gill LLP into the record at the request of Ms. Jaworski. The letter has been incorporated into the record by reference.

Ms. Jaworski then closed the public hearing and placed the matter in the hands of the Planning Commission.

At this time, MR. HARMON MADE A MOTION THAT BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-19-00296, WHICH HAS BEEN FILED FOR THE LAND KNOWN AS 9700 FAIRFAX BOULEVARD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 48-3-09-056, THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING APPLICATION Z-19-00296 TO REZONE THE SUBJECT PROPERTY FROM IH, INDUSTRIAL HEAVY AND CR, COMMERCIAL RETAIL TO CR, COMMERCIAL RETAIL. AS PREPARED AND SUBMITTED BY THE APPLICANT, WITH THE FOLLOWING RECOMMENDATIONS:

- 1. Development should be in conformance with General Development Plan and Proffers**
- 2. The applicant shall commit to future construction of the inter-parcel access on the subject property.**

- 3. The applicant shall provide photo documentation of the exterior of the existing hotel prior to site plan approval.**

Seconded by Mr. Feather, which carried unanimously.

8. Adjourn Regular Meeting.

9. Work Session:

a. Discussion of the FY2021-FY2025 Capital Improvement Program.

Mr. Nabti presented the staff report which has been incorporated into the record by reference.

10. Reconvene Regular Meeting.

11. Staff Report

Mr. Nabti updated the Planning Commission on the following items:

- December 9, 2019: Regular Planning Commission meeting. Proposed public hearings on zoning text amendments and the Capital Improvement Plan; Requested actions by the Planning Commission on the Paul VI subdivision; and possible discussion of properties identified by the Comprehensive Plan as Social and Civic Network Use Types.
- Reviewed the mission statement and five guiding principles from the joint meeting held on November 7, 2019 between the Old Town Visioning Committee and the Small Area Plans consultant. Mr. Angres presented at that meeting and the City Manager has requested for Mr. Angres to present to City Council as well.
- December 3, 2019: City Council joint work session with the Environmental Sustainability Committee. Staff will also update City Council on the city's recycling program and green building policy.
- December 4, 5 and 12, 2019: Neighborhood meetings on the Small Area Plans will be held on these dates.
- December 10, 2019: City Council meeting. Public hearing on WAWA and possibly on the zoning text amendments. The Old Town Visioning Committee will present their report to City Council.

Mr. Harmon asked for an update on when the Northfax group will hold their first meeting on Small Area Plans.

Mr. Nabti said the stakeholders will be notified soon regarding the meetings. He said the next

round of general public meetings are expected to occur in January.

Mr. Harmon said he has not been contacted as of yet. He said December 9, 2019 will be his last planning commission meeting since his term expires on December 31st and he is not seeking reappointment. He asked if someone else from the Planning Commission should be designated as the Planning Commission representative for this particular effort.

Mr. Nabti said the list of stakeholders was expanded when the process changed from establishing a committee to having stakeholders. He said Mr. Eftekhari was added to the list of stakeholders at that time.

Ms. Jaworski asked if formal action is needed by the Planning Commission to have Mr. Eftekhari become the Planning Commission representative.

Mr. Nabti said no since this is now an informal list of stakeholders and not a formed committee.

12. Commission Comments

Mr. Feather – No comments.

Mr. Angres – Recalled his first meeting with Mr. Harmon and wishes him well. He will reserve additional comments for Mr. Harmon until the December 9 meeting.

Mr. Cunningham – No comments.

Mr. Eftekhari – No comments.

Mr. Harmon – No comments.

Ms. Jaworski – She said Mr. Harmon will be sorely missed. She will also reserve additional comments regarding Mr. Harmon until December 9. She thanked Mr. Angres for his leadership role on the Visioning Committee and for his work on PRAB. She will try to attend the December 10 City Council meeting to support Mr. Angres during his presentation.

13. Adjournment.

Meeting Adjourned at: 9:31 p.m.

ATTEST: *Tina Gillian*
Tina Gillian, Secretary