

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
June 22, 2020**

The following meeting was held electronically pursuant to Emergency Ordinance No. 2020-13.

Participants attending electronically:

- Chair Janet Jaworski
- Vice-Chair Mark Angres
- Commissioner Tom Burrell
- Commissioner Paul Cunningham
- Commissioner Amir Eftekhari
- Commissioner Jim Feather
- Commissioner Matthew Rice

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

Staff Attending Electronically: Brooke Hardin, Director, Community Planning and Development; Paul Nabti, Planning Division Chief; Albert Frederick, Planner III and Tina Gillian, Secretary.

1. Pledge of Allegiance.

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

2. Discussion/Adoption of Agenda.

MR. ANGRES MOVED TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY MR. CUNNINGHAM, WHICH CARRIED UNANIMOUSLY.

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

There were no presentations by the public.

4. Consent Agenda – None.

5. Items Not Requiring a Public Hearing – None.

6. Public Hearings:

- a. Z-20-00006 - Request from Northfax JV LLC c/o The Lann Companies, applicant, by Walsh Colucci Lubeley & Walsh, P.C., agent/attorney, for consideration of a Zoning Map Amendment (Rezoning) pursuant to City Code Section 110-6.4 and Section 110-6.6, from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use while retaining the Architectural Control Overlay District (ACOD), and approval of a Master Development Plan with modifications and commitments, pursuant to Section 110-3.8 (Planned Development Districts); to allow the development of townhouses, congregate living facility and assisted living facility, and a future development phase on the premises known as “Northfax West” and identified as 10516 Orchard Street (Tax Map 57-2-02-003), 10517 Orchard Street (Tax Map 57-2-02-005), 3590 Chain Bridge Road (Tax Map 57-2-02-017), 3580 Chain Bridge Road (Tax Map 57-2-02-018), 10505 Orchard Street (Tax Map 57-2-02-019), 3570 Chain Bridge Road (Tax Map 57-2-02-020), McLean Avenue (Tax Map 57-2-07-015-B), 10508 Orchard Street (Tax Map 57-2-08-005), 10510 Orchard Street (Tax Map 57-2-08-006), 10512 Orchard Street (Tax Map 57-2-08-007), 10514 Orchard Street (Tax Map 57-2-08-008), 10515 Orchard Street (Tax Map 57-2-08-010), 10507 Orchard Street (Tax Map 57-2-08-011), 10509 Orchard Street (Tax Map 57-2-08-012), 10511 Orchard Street (Tax Map 57-2-08-013), 10513 Orchard Street (Tax Map 57-2-08-014), and McLean Avenue (Tax Map 57-2-47-000-A).

Mr. Frederick presented the staff report which has been incorporated into the record by reference. He reviewed the development review process to date and said the Planning Commission held a post submission work session on May 11, 2020 and City Council held a work session on May 13, 2020.

He reviewed the applicant’s request for a Rezoning, Master Development Plan, Special Use Permit, Special Exception, Vacation of right-of-way and Major Certificate of Appropriateness. He displayed photos of the site location and stated the property is surrounded by single-family homes to the west, townhomes to the north; office building and gas station to the east; and restaurant, city property and auto dealers to the south. He reviewed the existing conditions for the site and pre-application conceptual plans that were reviewed by City Council in January of 2020. He reviewed the future land use place type for the site and surrounding properties. He reviewed the current and proposed zoning for the properties. He reviewed the Master Development Plan and said the plan consists of four phases:

- Phase 1 - Infrastructure improvements.
- Phase 2 – 56 Townhomes.
- Phase 3 – 114 Unit Congregate Living Facility + 86 Assisted Living Units.
- Phase 4 – Future Development Area.

He discussed the existing and post development plans for the 100 year Floodplain and Resource Protection Area (RPA) on this site. He reviewed the vacation of a portion of a public right-of-way on Orchard Street and the dedication of a portion of a public right-of-way on Farr Avenue.

He said the Board of Architectural Review recommended approval of the Major Certificate of Appropriateness on June 17, 2020. He said the current Master Development Plan proposes four areas of open space for a total of 1.6 acres. He said the applicant is retaining one acre of RPA and floodplain in the northwest corner of the site. He said the applicant has proposed an eight-foot wide walking trail with access to Perry Street and Howerton Avenue. He reviewed the off-site stream restoration proposal as described below:

- Applicant is proposing off-site stream restoration for a portion of Accotink Creek within the boundaries of Van Dyck Park.
- Restoration effort is approximately 2,190 linear feet; 8 to 15 feet in width.
- Applicant received a joint permit to impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase of stream credits or stream condition units from VDEQ approved mitigation bank.

He then reviewed the undetermined uses that will be a part of Phase Four on the future development parcel:

- Conceptualizes 25,000sf of office, retail and restaurant uses.
- 180 units of residential dwelling units; 140 room hotel.
- Temporary landscaping.
- Application is not seeking approval of the potential uses in Phase Four of this Master Development Plan.
- 5% Open Space.
- Required to amend MDP.
- Subject to a Traffic Impact Study.

He reviewed the applicant's requests for modifications and waivers to the following sections of the City Code:

- Section 3.8.2.I (Development schedule)
- Section 3.8.7.b4h (Open space requirement)
- Section 3.5.1.C.2 (Setbacks for townhomes)
- Section 4.2.9.B (Loading space)
- Section 4.3.3.B (Vehicular access)
- Section 4.4.4.A1 (Sidewalks)
- Section 4.5.5.c.2b2 (TY3 Transitional yard)
- Section 4.2.9.B (Street trees)

- Section 4.5.7.D (Parking lot island)
- Section 401-01 of PFM
- Section 2.4.5.3 (Block length)
- Section 4.11C (Underground utilities)
- Section 2.10 (Street improvements)

He reviewed the Major Certificate of Appropriateness approval conditions. He said the applicant has made the following commitments regarding this project:

- Phasing.
- Right-of-way vacation and dedication.
- Orchard Street Realigned Improvements.
- Linear Park.
- Chain Bridge Road Frontage Improvements.
- Temporary landscaping and screening.
- Open Space.
- Transportation Demand Management.
- Van Dyck Stream Restoration Improvements.
- Future Development parcels.
- School contribution.

He said staff recommends that the Planning Commission provide a recommendation for approval of the Zoning Map Amendment (Rezoning) with the following recommendation:

1. Development should be in conformance with Master Development Plan with modifications and commitments submitted by Applicant on June 1, 2020.

Mr. Burrell asked if the State, FEMA and Corp. of Engineers are all good with the applicant's proposal with respect to the stream and RPA.

Mr. Frederick said that is correct.

Mr. Burrell asked for the order the senior living facility and townhomes will be constructed.

Mr. Frederick said the townhomes are part of Phase 2 and the senior living facility is part of Phase 3. He explained that city code states the senior living building would have to be completed in order for 100% of the townhomes to receive their occupancy permits. He said the applicant is requesting a modification to this requirement.

Mr. Burrell asked if construction of Phase 2 and Phase 3 will be concurrent.

Mr. Frederick said the applicant can answer that question.

Mr. Burrell asked if the applicant is including rooftops in their open space calculations of 23%.

Mr. Frederick said no, however, they are including areas that are under the 50 x 50 requirement.

Mr. Burrell asked how the City will ensure the applicant gets to the 5% requirement for open space.

Mr. Frederick said staff's position is that the 5% would be a part of Phase 4 and the applicant would have to demonstrate they can provide 5% open space at that time.

Mr. Burrell disagrees with the applicant's commitment to dedicate one acre to the City of Fairfax. He asked if this is tied to tonight's rezoning approval.

Mr. Frederick said it is a part of the applicant's commitments.

Mr. Burrell would like to strike this item from the Planning Commission motion.

Mr. Hardin said the open space commitment is included in the package the Planning Commission will be voting on tonight, however, acceptance is optional based upon the City's desire at the time of site plan.

Mr. Burrell questions what would make a one acre parcel attractive to the City of Fairfax.

Mr. Feather said one proposal has been presented for culverting a section of the stream and removal of woodland area. He asked if staff has received alternatives that would address citizens' concerns about stream undergrounding and loss of tree canopy.

Mr. Hardin said the uses proposed have been consistent throughout the process. He said the applicant will be required to return to the Planning Commission and City Council for approvals of proposed uses on the future development parcel. He said staff is optimistic of what those uses will be. He said alternatives were presented for the green space as part of the state and federal permitting process.

Mr. Feather asked if the City is on solid legal ground should they approve this development plan (in light of citizens concerns regarding compliance with the Chesapeake Bay Ordinance and various regulations and consistency with dealing with exceptions to building in an RPA area).

Mr. Hardin said the staff report contains an outline of the approval considerations associated with the impacts to the Chesapeake Bay Preservation Area and Floodplain along with staff analysis.

Mr. Feather asked for an explanation of what the Planning Commission's action on the Master Development Plan will actually mean.

Mr. Feather and Mr. Hardin had a general discussion on the Planning Commission's approval

process associated with the project.

Ms. Jaworski asked if staff believes the applicant can meet the open space requirements of 60% and 5%.

Mr. Frederick said staff believes this is feasible.

The Planning Commission held a general discussion with Mr. David Summers (Public Works Director) regarding the mitigation of the culverting project within the watershed area of the Accotink Creek and the purchase of credits.

Mr. Eftekhari asked staff's opinion on the stream quality assessment report submitted by APEX.

Mr. Eto, Stormwater Resource Engineer, said the public works department does not have an ecologist on staff and does not have the qualifications to review the stream health in the manner that was provided in the report. He said the reports are generated by engineering firms and staff relies on their professional certifications to provide accurate information. He said staff has no reason to believe the content of the report is erroneous.

Mr. Eftekhari asked if staff agrees with the results in the report from APEX.

Mr. Eto said he agrees with their assessments of the banks and buffers.

Ms. Jaworski said her understanding of the APEX report is that the stream is in ill health. She asked if staff agrees with that conclusion.

Mr. Eto said he agrees with her conclusion.

Mr. Rice asked if remediation actions can be taken upstream (instead of just Van Dyck) in order to improve the health of the northfork generally.

Mr. Summers said a study ranked the entire length of the Accotink Creek. He said the Van Dyck was chosen for now, however, that does not prohibit a future project in the area Mr. Rice refers to.

Mr. Rice agreed with Mr. Summer's response. He said the flooding issues have been addressed on the east side of Chain Bridge Road but not really on the west side. He thinks the problems in this particular area are deep enough that a significant change may be needed to keep the water flowing and prevent future flooding. He then asked staff for the sidewalk widths at the south side of Orchard Street.

Mr. Frederick said the sidewalks are six-feet wide on the south side. He said there are also pavers and planting areas of four feet. Mr. Rice asked if this area will be rebuilt if disrupted in the future.

Mr. Frederick said there will be an interruption to landscaping along Chain Bridge Road and

Orchard Street as part of the future development.

Mr. Rice sees the success of this proposal being contingent on making the pedestrian connection between Orchard and the east side of Chain Bridge Road work well. He thinks it would be useful if the public right-of-way on the south side of Orchard could be wider, more prominent and include visual cues.

Mr. Feather asked why there is expansive floodplain on this section of the creek. He asked if it is related to some of the other culverting or perhaps the trolley bridge caused a choke point.

Mr. Summers said modeling is done for the floodplain and it shows the current floodplain limits in this vicinity. He said the culvert that is being proposed will remove a portion of the floodplain to benefit the project. *He said any changes to the trolley bridge would have an insignificant effect on the 100 year flood plain, because of its relatively small size. The bridge is very small compared to the 100 year flood flow characteristics.*

Ms. Lynne Strobel, representative for the applicant, addressed the Planning Commission and presented the applicant's presentation which has been incorporated into the record by reference. She reviewed a brief history of the process from 2007 to 2020 and said the application property is part of a larger proposed coordinated development. She said the following modifications have been made to the development plan based on comments from the Planning Commission and staff:

- Architectural Design (BAR has recommended approved Certificate of Appropriateness).
- Improved Use of Open Space.
- Pedestrian Connectivity.
- Interim Improvements to Future Developments.
- Additional Parking.

She reviewed the existing RPA (5.75 acres) and the amount of RPA disturbance necessary to install the Farr Avenue Extension. She reviewed the Orchard Street Realignment (4.8 acres) which includes stormwater improvements.

She reviewed the existing tree canopy (5.6 acres). She said there are approximately four acres of existing tree canopy that is highly impacted by invasive species. She said 60% of the existing trees are in "poor" condition or are invasive species. She displayed a photo of the on-site stream and said the stream flows from the northwest corner down through the site. She said the most telling thing about the photo is that it shows the surrounding uses. She said this is not a pristine environment; it is not publically assessable; and it is not a healthy environment for the stream. She spoke to the following characteristics of the A1 portion of the stream:

- Perennial stream.
- 797 linear feet.
- Originates offsite from the northwest corner.

- Flows in southeasterly direction.
- Additional Stream Quality Assessment conducted by Apex in June 2020.

She said the Apex Stream Quality Assessment results demonstrate:

- The water quality rating is “Very Poor”.
- Indicates severe organic pollution and other environmental degradation.
- No wetlands located on the property. Stream is deeply incised and stormwater does not regularly access the floodplain and is strongly surface flow driven with little groundwater input.
- Fish within the A1 stream: goldfish, blacknose dace, northern two-lined salamander.
- Lacks a natural forested buffer for signification lengths.
- Existing impervious area provides no infiltration and creates runoff.
- The increased runoff and unchecked flow results a variety of issues.

She reviewed the Van Dyck Park Stream Restoration proposed to offset the installation of culverts.

She said the following commitments and benefits have been offered by the applicant:

- Dedication of ROW for realignment of Orchard Street and Farr Avenue extension.
- On-site stormwater management and BMPs, where none exist today.
- Future Development Parcel flexibility to permit completion of the Northfax West Activity Center.
- Mix of residential opportunities, including the first Senior Living community in the City.
- Creation of new useable open space areas.
- Pedestrian and multi-modal improvements.
- \$108,000 contribution to City of Fairfax Schools for capital improvements.
- \$3,000 contribution for historical marker to recognize former Electric Trolley Line.
- Sustainable Design Elements.
- Potential for on-site Electric Vehicle Charging Stations.

Mr. Burrell asked if the Phase 4 area will be graded at the same time as Phase 2 and Phase 3.

Ms. Strobel said Phase 4 will be seeded and landscaping will be placed at the perimeter to ensure the area remains green.

Mr. Burrell asked how stormwater from the senior living facility and townhomes will be captured. He asked if it will be piped into the culvert.

Mr. Eli Goldman, Christopher Consultants, said the stormwater for the townhomes will be collected in smaller pipes and routed to a stormwater facility to be treated and then routed into a large box culvert.

Mr. Burrell asked if this is the large box culvert that the stream is going to be in.

Mr. Goldman said yes.

Mr. Burrell asked where the stormwater facility will be located.

Mr. Goldman referred to sheet 4A of the Master Development Plan and explained the stormpipe location.

Mr. Burrell said he does not see reference to grading improvements, trail restoration, the tot lot or other amenities in the applicant's commitments for open space. He asked if the applicant would commit to amenities.

Ms. Strobel said the intent is that the entire open space area would be maintained which includes the tot lot.

Mr. Burrell asked how the applicant will reach the 5% open space requirement.

Ms. Strobel said the applicant has proposed a modification for the open space requirements and believes there is sufficient justification to support the proposal. She said staff has suggested an additional 5% could be provided on the future development parcel, however, she does not know at this time how this parcel will be developed.

Mr. Feather asked if other designs were considered for the stream and floodplain that may have been rejected by the applicant.

There followed a general discussion on the analysis required as part of the joint permit application.

Mr. Eftekhari said the Planning Commission has to acknowledge that the proposed construction is going to affect a lot of the homes located around the area. He said the stream provides a respite for many. He said trees will be cut down and wildlife will disappear and all this needs to be acknowledged. He asked if water drainage from the western side of Farr Avenue will affect homes on McLean Ave.

Mr. Goldman said the drainage for the area from McLean will be going west to east towards the new townhomes. He said this will be taken up in the storm structures and piped into the new box culvert and will not make any of the drainage worse.

Mr. Eftekhari asked if the debris and sediment running from the stream could block the culvert and possibly make the culvert fail.

The applicant's representative said the culverts are multi-channeled to avoid this situation.

There followed a general discussion on stream debris, sediment and culvert construction.

Mr. Eftekhari asked if traffic control measures such as speed bumps could be implemented at Orchard Street (in addition to the stop signs that are already proposed).

Ms. Strobel said there are no plans for speed bumps at this location. She said the speed limit in this area will be low and stop signs will be in place.

Mr. Burrell asked for confirmation that the responsibility for maintenance of the onsite stormwater system will be the umbrella organization and the responsibility for maintenance of the stream will be the City of Fairfax.

Mr. Summers said that is correct.

Ms. Jaworski said the Planning Commission has received a lot of emails regarding stream quality. She said the emails have inferred that the stream water quality is good. She asked what general standards are used for this type of professional assessment.

Mr. Brooks said standards from the EPA, Locality and DEQ standards are used. He said the data is kept whole and that the scientists that perform the work are all degreed professionals.

Ms. Jaworski asked if a certified arborist conducted the vegetation survey for the site.

Ms. Strobel said the survey was conducted by Laurie Beth Donnachie and she is a certified arborist.

Ms. Jaworski said she walked the area of Orchard and look at the vegetation. She said she could see some of the invasive species during her walk. She asked for an explanation of the methodology used for the vegetation survey.

Ms. Donnachie, Christopher Consultants, said she conducted the review along with another colleague. The trees were assessed during four to five site visits and they looked at 600 trees individually to assess each ones condition. They found a lot of invasive species that have taken over the trees and this was a major problem throughout the site.

Ms. Jaworski asked if Ms. Donnachie will be involved with replanting of the native species on the northwest corner of the property to ensure the correct vegetation is planted.

Ms. Donnachie said the landscape plan of the Master Development Plan lists primarily the native species that will be chosen for the northwest area, open space area and culvert areas.

Mr. Feather asked if the applicant could speak to their community outreach efforts to The Assembly townhome owners.

Mr. Rosenberger said the applicant, Mr. John Napolitano, has had a long standing relationship with

The Assembly community. Mr. Rosenberger has met with the representatives of the townhouses and had a conversation with them just this afternoon. He believes the applicant has support from The Assembly community for this project.

Mr. Feather asked if the applicant has had direct engagement with the Audubon Naturalist Society.

Mr. Rosenberger said several meetings were set up with the representatives of the Audubon Naturalist Society.

Mr. Napolitano said he met Judy Fraser at the site and had a meeting set up with the Audubon Naturalist Society, however, that particular meeting had to be cancelled and has not taken place. He said he has done his best to reach out to the Society and they have reached out to him in order to meet.

Mr. Angres asked if outreach to anyone outside of the adjacent property landowners occurred during the first two and a half years of this process.

Ms. Strobel said a virtual meeting was held with the Fairchester Woods community in March and the applicant reached out to residents living on McLean Avenue. She said Mr. Rosenberger and Mr. Napolitano also met with The Assembly and they have reached out to the Fairfax Historic Society.

Mr. Angres asked if the Fairchester Woods meeting was in March of this year.

Ms. Strobel said that is correct.

Mr. Angres asked if the applicant had met with anyone between Sept. 2017 when the application process started and January 2020.

Mr. Rosenberger said meetings prior to formal filing of the application were primarily with city staff. He said Mr. Napolitano has had a lot of contact with residents in the area. He said there were no specific meetings with other adjoining residents or owner associations prior to filing of the application.

Mr. Angres said he is asking if others in the community were included during the time the applicant was working with staff (prior to Jan 2020) in order to receive input towards an adequate solution to development of the property.

Mr. Rosenberger asked if Mr. Angres is referring to a certain group.

Mr. Angres said this is not a typical development that has a clear delineation of who is affected. He said there are acres of trees and streams that will be altered. He asked if it occurred to the applicant that this is something that would require additional input from the community.

Mr. Rosenberger said there has always been very close communication with the residents of The Assembly and even with the residents of McLean Avenue to a certain extent. He said there have

been three or four plans for this area. He said they have been working hand in hand with the city.

Ms. Jaworski opened the public hearing and asked for anyone who would like to address the Planning Commission to please call in now.

Caller 1 – John Sullivan, 3512 Perry Street, Fairfax, VA. He is in opposition to the project.

Caller 2 – Mike Fabio, 3920 Chain Bridge Road, Fairfax, VA. He is speaking as a representative of Fairfax City Citizen's for Smarter Growth. The group is in support of the project.

Caller 3 – Tom Peterson, 3421 Andover Drive, Fairfax, VA. He is in opposition to the project.

Caller 4 – John Mason, 3845 Farr Oak Circle, Fairfax, VA. He is in support of the project.

Caller 5 – Renee Grebe, Audubon Naturalist Society, 8940 Jones Mill Road, Chevy Chase, MD. Requests a postponement of three months.

Caller 6 – Douglas Willard, 4110 Locust Lane, Fairfax, VA. He requests a ninety day postponement.

Caller 7 – Judy Fraser, 3514 Springlake Terrace, Fairfax, VA. She is in opposition to the project as proposed and requests a deferral of three months.

Caller 8 – Matt Moore, 10506 Assembly Drive, Fairfax, VA. He is president of the HOA for The Assembly. The HOA is in support of the project in general.

Caller 9 – Joyce Cusack, 3905 Keith Avenue, Fairfax, VA. She represents the Board of the Directors for the Historic Fairfax Neighborhood Association. The Association is in opposition to the project.

Caller 10 – Patricia Quintana, 3809 Tedrich Boulevard, Fairfax, VA. She requests a ninety day postponement.

Caller 11 – Chase Wiley, 3506 Cobb Drive, Fairfax, VA. He requests a ninety day postponement.

Caller 12 – Jim Wyckoff, 10305 Wood Road, Fairfax, VA. He is in support of the project.

Caller 13 – Christine Fowler, 3511 Perry Street, Fairfax, VA. She requests a postponement of the decision.

Caller 14 – Katy Johnson, 10132 Springlake Terrace, Fairfax, VA. She requests a postponement of the decision.

Caller 15 – Alice Lippert, 4188 Lord Culpeper Lane, Fairfax, VA. She is a member and vice-chair of the Environmental Sustainability Committee (ESC). She informed the Planning Commission that the Chair has submitted a checklist for the site to the Planning Commission for their review.

Caller 16 – Scott Pflueger, 3509 Pinehurst Avenue, Fairfax, VA. He requests a ninety day postponement.

Caller 17 – Bailey Johnson, 10132 Springlake Terrace, Fairfax, VA. She is in opposition to burying the creek.

Caller 18 – Chris Ruck, 10029 Mosby Woods Drive Apt. 26, Fairfax, VA. Also owns property at 4108 Addison Road, Fairfax, VA. He does not want to lose the stream. He believes the culvert will divert a large volume of water downstream into other areas. He spoke on an applicant's commitments vs. proffers.

Caller 19 – Erin Frank, 3609 Colony Road, Fairfax, VA. She requests a postponement of the decision.

Caller 20 – No name given, 3233 ? Lane (address not clearly audible). He is in opposition to the project.

At this time Ms. Jaworski closed the public hearing.

Ms. Jaworski asked staff to address Ms. Fraser's (caller #7) comments regarding the Virginia Department of Environmental Quality.

Mr. Hardin said staff has been in discussions with the Chesapeake Bay representative and shared the staff report in response to his concerns. He said the permit that was approved by the Virginia Department of Environmental Quality and the U.S. EPA is what brings this forward tonight. He said approval of the permit by DEQ does not necessarily represent a review of the Chesapeake Bay Preservation Program - which is a locally administered program. He said there will be an ongoing review/monitoring of the City's program and the DEQ will express their concerns during that time.

There followed a general discussion on the Chesapeake Bay program and site drainage.

Mr. Burrell asked if the Planning Commission motion will include recommendations on the proposed modifications, summary of commitments and Master Development Plan.

Mr. Hardin said the Master Development Plan includes the summary of commitments so a recommendation of a rezoning with the Master Development Plan will wrap in the summary of commitments.

There followed a general discussion on the process for the recommendation of approval and what is included in the recommendation.

Mr. Angres asked what criteria would be used to determine if the City would want to take over the one acre parcel.

Mr. Hardin said staff would look for guidance from the Planning Commission and City Council on that issue. He said the City will have the option on whether to accept that portion of the property. He said

this would not occur until the applicant submits a site plan application. He said the Planning Commission can provide comments to the City Council if they prefer.

Mr. Angres asked if the applicant's proposal regarding this one acre is a newly submitted commitment.

Mr. Hardin said the plan set was submitted on June 1, 2020. He said there were changes made in-between the work sessions held in May and the finalized application submission for the public hearings in June.

Mr. Angres asked why the City would need to own this parcel.

Mr. Hardin said the City does not need to own the parcel, however, a scenario could occur when the City may want to own the parcel in order to increase its open space inventory. He said the City will have the option whether or not to accept the parcel.

Mr. Burrell asked who will make the determination at site plan as to whether the City takes this property.

Mr. Hardin said staff will not move towards acceptance of a piece of property without guidance from City Council. He said the Planning Commission can provide feedback tonight if they desire.

Mr. Burrell asked who approves the site plan.

Mr. Hardin said staff will request guidance from City Council at that time (if not already received).

Ms. Jaworski does not believe the City will want this piece of land. She would like the Planning Commission to provide recommendation language to City Council to not accept this piece of property.

Mr. Burrell agrees with Ms. Jaworski. He would like to delete the first two sentences of summary commitment number fifteen to remove this option all together.

Ms. Jaworski asked staff if the Planning Commission has the power to remove this from the applicant's summary of commitments.

Mr. Hardin said the applicant would have to resubmit the Master Development Plan in order to amend the summary of commitments.

Mr. Brian Lubkeman, City Attorney, addressed the Planning Commission. He said a change to a commitment is beyond the scope of what the Planning Commission can do. He said if the Planning Commission desires, it can make a recommendation to City Council to not pursue dedication of the open space area referred to in commitment number fifteen.

The Planning Commission determined language regarding the dedication of open space will not be included in their motion.

Mr. Burrell reiterated his concerns about the 20% open space. He said the applicant comes up 5% short and the Planning Commission should include this concern in their motion.

Ms. Jaworski then asked staff to follow up with Mr. Moore (caller #8) regarding his mention of a stormwater management pipe for the Cobbs Grove project.

At this time, MR.CUNNINGHAM MADE A MOTION THAT BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-20-00006, WHICH HAS BEEN FILED FOR THE LAND KNOWN AS NORTHFAX WEST AND MORE PARTICULARLY DESCRIBED AS AND IDENTIFIED AS 10516 ORCHARD STREET (TAX MAP 57-2-02-003), 10517 ORCHARD STREET (TAX MAP 57-2-02-005), 3590 CHAIN BRIDGE ROAD (TAX MAP 57-2-02-017), 3580 CHAIN BRIDGE ROAD (TAX MAP 57-2-02-018), 10505 ORCHARD STREET (TAX MAP 57-2-02-019), 3570 CHAIN BRIDGE ROAD (TAX MAP 57-2-02-020), MCLEAN AVENUE (TAX MAP 57-2-07-015-B), 10508 ORCHARD STREET (TAX MAP 57-2-08-005), 10510 ORCHARD STREET (TAX MAP 57-2-08-006), 10512 ORCHARD STREET (TAX MAP 57-2-08-007), 10514 ORCHARD STREET (TAX MAP 57-2-08-008), 10515 ORCHARD STREET (TAX MAP 57-2-08-010), 10507 ORCHARD STREET (TAX MAP 57-2-08-011), 10509 ORCHARD STREET (TAX MAP 57-2-08-012), 10511 ORCHARD STREET (TAX MAP 57-2-08-013), 10513 ORCHARD STREET (TAX MAP 57-2-08-014), AND MCLEAN AVENUE (TAX MAP 57-2-47-000-A), THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING APPLICATION Z-20-00006 TO REZONE THE SUBJECT PROPERTY FROM RM RESIDENTIAL MEDIUM AND CR COMMERCIAL RETAIL TO PDM PLANNED DEVELOPMENT-MIXED USE WITH ARCHITECTURAL CONTROL OVERLAY DISTRICT (ACOD) TO REMAIN AND APPROVAL OF THE MASTER DEVELOPMENT PLAN WITH MODIFICATIONS AND COMMITMENTS WHICH HAS BEEN PREPARED AND SUBMITTED BY THE APPLICANT ON JUNE 1, 2020, SECONDED BY MR. FEATHER.

Mr. Burrell asked if additional language will be added regarding the option for the City to pick up the park parcel.

Ms. Jaworski asked for the wishes of the Planning Commission for additional language.

Mr. Rice said the reasons for conveying the parcel are unclear and a motion cannot be made. He suggests a recommendation for City Council to inspect the 20% open space elements of the project at time of consideration.

Ms. Jaworski agrees with Mr. Rice's suggestion.

Mr. Burrell restated his concerns on the need for language regarding the City's taking of the parcel.

He said there is no reason the City would want this parcel.

Mr. Angres said the Planning Commission can communicate their views directly to City Council members without adding language in a motion.

Ms. Jaworski asked if Mr. Cunningham and Mr. Feather would accept a friendly amendment to the motion to add language pertaining to the 20% open space.

After a general discussion with the city attorney, Mr. Burrell withdrew his request for additional language to be added to the motion.

Ms. Jaworski held a roll call vote with the following votes received:

Chair Jaworski	<u>AYE</u>
Mr. Angres	<u>NAY</u>
Mr. Burrell	<u>AYE</u>
Mr. Cunningham	<u>AYE</u>
Mr. Eftekhari	<u>AYE</u>
Mr. Feather	<u>AYE</u>
Mr. Rice	<u>AYE</u>

Motion approved 6:1.

7. Staff Report

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

- June 9, 2020 – City Council approved the Metro Church application that was recommended for approval by the Planning Commission on June 8, 2020.
- June 23, 2020 – City Council hearings on Small Area Plans, Northfax West proposal, Mazda proposal, NorthfaxWest roadway project and Affordable Dwelling Unit ordinance.
- July 27,2020 – Planning Commission meeting with staff presentation of updates to the Comprehensive Plan Implementation Guide and other items that may arise.

8. Commission Comments

Mr. Burrell – No comments.

Mr. Feather – Requested a group email for the Planning Commission be posted on the web in addition to the individual emails currently listed on that page.

Mr. Rice – No comments.

Mr. Angres – Thanked staff for their work and for staying late for tonight’s meeting.

Mr. Cunningham – Thanked the Planning Commission and everyone else for staying late for tonight’s meeting and for working together on a conclusion to pass forward to City Council.

Mr. Eftekhari – Seconds the comments from Mr. Angres and Mr. Cunningham. There was thoughtful dialogue tonight and he looks forward to working on the next big project.

Ms. Jaworski – Thanked the public for their engagement on this matter. She made a special thank you to Bailey for calling in to the Planning Commission to express her comments.

9. Adjournment.

Meeting Adjourned at: 12:33 a.m.

ATTEST: *Tina Gillian*
Tina Gillian, Secretary