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City of Fairfax City Council Meeting, Tuesday, July 22, 2025

Date Tuesday, July 22, 2025
Place City Hall, City of Fairfax, Virginia
Length 5h 15m (video)

- Official meeting video (city, Granicus): https://fairfax.granicus.com/MediaPlayer.php?view_id=13&clip_id=4284
- Agenda: https://fairfax.granicus.com/AgendaViewer.php?view_id=13&clip_id=4284
- Minutes: https://fairfax.granicus.com/MinutesViewer.php?view_id=13&clip_id=4284&doc_id=060bba47-67de-11f0-b7f5-005056a89546

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[00:00:16] Good evening. I would like to call this regular meeting of July 22, 2025 to order. If you are able and so choose, please rise for the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:00:48] We'll move to the adoption of the agenda. Is there a motion to approve the agenda? Council Member Hardy-Chandler. I move to approve the agenda with the removal of item 9A. Is there a second?

[00:01:04] It's a second, and I also would like to propose an amendment. I move to amend the published agenda to add a new item 9C, if that's the correct, for discussion regarding the current pause implemented by the City Council on April 8, 2025, to the Pickett Road Trail Project.

[00:01:26] Okay, motion has been amended, seconded. You need a second on the amendment. Did you second the... Yes, we had a motion to amend the agenda. Do I have a second on the amended agenda?

[00:01:44] Second. Okay, a motion has been made and seconded. A roll call vote. Council Member Amos? Aye. Council Member Hall? Aye. Council Member Hardy-Chandler? No. Council Member Peterson? Aye. Council Member Bates? Aye.

[00:02:01] Council Member McQuillan? Aye. Motion passed 5 to 1. We'll go to initial general public comment. I had three speakers sign up by 5 o'clock p.m. today. If there's anybody else in the room that wants to speak on general public comment that's not a public hearing item, that will be, again, on agenda item number 8.

[00:02:19] So I will call the first speaker, Val Morgan. I wanted to speak on probably something you've seen, which is out in front of the building, which is the approved by people who don't know anything about plants twice.

[00:02:52] And the landscape architect, who I talked with at the third iteration of trying to get this done, admitted he didn't know anything either. And the people he was talking to on VAR admitted they didn't know anything about plants.

[00:03:09] And then on the next meeting, when I wasn't there to annoy them, they passed it with 2,700 plants to put out there. I don't understand how you make a decision about something that you know nothing about, nothing I would do.

[00:03:28] It was a lot of wasted money. The actually brickwork on the stairs is lovely. But the plants are, they're going to be in real trouble because this clay soil out here is like on steroids or clay from hell because it's never seen any organic material, so it's really nasty, and if anybody's gone out there, they did their best to be boring, and they did. I don't understand also the 24 spotlights.

[00:04:04] That seems like a little too much light pollution, especially when I came over here Saturday morning, and they were still on after 7 30 in the morning. They got, there was no input from anybody who knows native plants, and I don't think there was any input from anybody who knows plants because they were planted poorly and in the wrong place, and you don't need 400-plus of anything.

[00:04:33] And down at the bottom where the water runs when it rains are plants that they're asters. They're October skies, aromatic asters. They're either dead or dying because they don't want to be wet.

[00:04:50] They want to be up on the hill where when it rains, the water goes away and doesn't just dump out on them. And I think they put the mulch right on top of the trash that was underneath. They also decided to put, by the magnolia trees, totally wood chipped it.

[00:05:08] Now, if they hadn't, they would be putting 1,000 plants in those two spots. How could anybody in their right mind think there's room for 1,000 plants when part of it, almost 40% of each of those spots, was going to be mulch?

[00:05:27] I just, it's just a terrible mess. And there's way too many of certain plants, and since they don't know anything, they don't know plants, they didn't make good choices. Okay, our next speaker is Susan Kyler.

[00:05:44] Hello. New information has come to light about the repayment of the I-66 Incessionaire Fund since the council voted to proceed with the George Snyder Trail.

[00:06:07] I submitted a FOIA request for all agreements slash contracts between the city and entities established through the Commonwealth, such as VDOT, NVTA, and CTB. In response, the city provided a July 2, 2018 agreement signed by Bob Sisson, the city manager, and VDOT's chief of policy, and an Appendix A, which lists I-66 concessionaire funding and CMAQ funding amounts, and an updated Appendix A, which increased concessionaire funding.

[00:06:33] Based on his review of the documents and his knowledge of the I-66 concessionaire fund, Chap Peterson, one of the three attorneys consulted, told me that the city is not subject to repayment of I-66 concessionaire money spent by the city on the GST. The July 2, 2018 agreement specifically states that the agreement may be terminated by either party upon 30 days advance written notice.

[00:06:56] Eligible project expenses incurred through the date of termination shall be reimbursed in accordance with limitations established in this agreement in Appendix A. Upon termination, the department, VDOT, shall retain ownership of plans, specifications, and right-of-way unless all state and federal funds provided for the project have been reimbursed to the department by their locality, in which case, in our case, the city would own all its plans.

[00:07:18] The concessionaire fund is not federal or state money. It is taxpayer money. It is money from I-66 Express Mobility Partners, LLC, private developers. For management purposes, in accordance with the Code of Virginia, the Commonwealth established a separate subaccount, the concessions payments count of the Transportation Trust Fund in which to hold the concession payment, from which the Commonwealth Transportation Board may make allocations for I-66 outside the Beltway projects.

[00:07:46] The bottom line is that there is no provision in the 2018 agreement and in Appendix A for DDOT, the CTB, or NVTA to claw back the money. The Council based his decision on what appears to be inaccurate information. Council Member Amos is on record as stating from both the dais and in an op-ed in the Fairfax Independent that he voted to proceed with the GST because otherwise the city would be required to pay \$3.7 million.

[00:08:13] Council Member McQuillan voted for the full bill, I believe, for the same reason. Council Member Hall said she agonized over the bill because of the repayment, but voted no on the full bill because of the environmental damage, as did Council Member Peterson. VDOT, in its letter to the city, said that the council may be subject to repayment, as did retired city manager Stoltzer.

[00:08:34] The acting city manager is the only one who said that the city had to repay the money. Please note that the city will likely need to repay \$370,000 in federal CMAQ funds, but I am sure the city's unassigned fund can handle this without causing any ripple in our financial standing. I suggest that council either vote to cancel the GST or vote to pause the GST until the city attorney can confirm the rules regarding repayment.

[00:08:58] Thank you. Okay, our last speaker is Judy Frazier. Hi, good evening, Mayor and Council.

[00:09:15] I am here regarding the recent revelations that you just heard about from Ms. Kyler regarding the GST and the threatened repayment of \$3.7 million that was hung over your head around your necks while you tried to make a decision about this very critical infrastructure project for the city.

[00:09:34] We know now that you were not given all of your options, And I think it's really very concerning that all of the time of everybody involved in this was spent on this project and in deliberating this with inaccurate or misleading or simply lack of full information about what your options were in this case.

[00:09:56] I do believe that not having to repay the full \$3.7 million would have changed your vote. So I do think that that is something that all of you need to consider carefully and understand that, as Ms. Kyler said, three attorneys have already reviewed all the materials and given us this opinion, and one very much

one that we all know and who is very familiar with state law and the proceedings of state legislatures and agreements, and that is Chapp Peterson.

[00:10:30] Thank you. Okay, we will now move to consent agenda. Is there a motion to approve the consent agenda? Council Member Hardy-Chandler? I move adoption of a consent agenda for agenda item number 6A, consideration of the June 24-2025 special meeting minutes.

[00:10:55] Agenda item number 6B, consideration of the June 24-2025 regular meeting minutes. Agenda item 6C, consideration of the July 1st, 2025 special meeting minutes. Agenda item 6D, consideration of the July 8th, 2025 regular meeting minutes.

[00:11:12] Agenda Item 6E, Consideration of an Award of Contract in the Estimated Amount of \$2,498,800.80 to AP Construction, LLC for the Old Town Hall Phase II Rehabilitation Project.

[00:11:31] I move to approve the Consent Agenda Items 6A through E and the motion accompanying the Consent Agenda Item as printed. Is there a second? Second. A motion has been made by Council Member Hardy-Chandler and seconded by Council Member Peterson.

[00:11:46] Are there any items Council would like pulled for additional discussion? Seeing none, a roll call vote. Council Member McQuillan? Aye. Council Member Bates? Aye. Council Member Peterson? Aye. Council Member Hardy-Chandler?

[00:12:02] Aye. Council Member Hall? Aye. Council Member Amos? Aye. Motion passed unanimously. We will now move to public hearings. Our first public hearing is a public hearing and council action on a request from Davies property for a zoning map amendment and parents rezoning pursuant to the city code section 110-6.4 from RM residential medium to CU commercial urban in the Old Town Fairfax transition overlay district and parents TOD with proffers approval of a general development plan to allow an upper story mixed use building

[00:12:38] that consists of up to 276 multifamily units and approximately 10,796 square feet of retail, office, or other commercial non-residential uses on the ground floor, and special exceptions on the premises identified as 4131 Chambridge Road in Prince Tax Map 57-4-02-040.

[00:13:05] I'll recognize Albert Frederick, city planner, provide a staff presentation good evening everyone for the record my name is albert frederick this is a public hearing for the davies property the applicant is the hill a davies family llc the site is located at 4131 chambers road the plans for tonight hearing was submitted on july 3rd 2025 there have been several conceptual plans and applications for the development dating back

[00:13:42] for the for this subject property dating back to 2016. the current application began in march 2022 with the planning commission pre-application briefing the applicant owner submitted a revised plan revised land use and plans in september of 2024. the applicant is requesting a zoning map amendment from residential medium to commercial urban with proffers in the old town fairfax transition overlay district general development plan with proffers special

[00:14:20] exceptions and a major certificate of appropriateness for architecture and landscaping again the site is located at 4131 Chambers Road the site is currently built with a colonial style revival single-family home that was constructed around 1916 the photos on this monitor shows University Drive on the left side on the eastern side of the property. The photo in the middle is of the single-family

[00:14:57] home, and then the photo on the right shows Chambers Road on the western side of the property. So again, the subject property is located on the eastern side of Chambers Road at the intersection of Judicial Drive and spans a block with frontage on the west side of University Drive across from Breckenridge Lane, south of Sager Avenue, and north of Armstrong Street. The future land-use

[00:15:30] map shows the activity center place type the small Old Town small area plan was adopted in June of 2020 June of 2020 and we'll get into some of the elements of the small of the Old Town small area plan so for this site the small area plan recommends new construction of height of four and five stories four

[00:16:04] stories along University Drive with a step back and then also five stories on Chambers Road the smaller airplane recommends the building layout and placement that could allow for full intersection across from Breckenridge Lane that's it the smaller planes languages may be so it's not necessarily a requirement the architecturally sensitive facade along University Drive form in a street edge and then as well as public open space maybe design

[00:16:39] within the within the project the shared greenway is another element another feature of the small area plan the subject property shows a greenway a service street running north and south from Sager to from Sager Avenue to to right in front of City Hall so the this the street would function as a shared

[00:17:17] alley and a pedestrian path for and also for emergency vehicles through the middle of Old Town from again from Sager down to right in front of City Hall so in terms of what the small area plan calls for in the near future the plan shows an increase of approximately 1,250 units the applicant has provided 276 units that's being proposed within a plan an increase in office space the

[00:17:54] applicant has provided a small number of approximately 4200 square feet of office and also retail space approximately 6 600 square feet of retail and the smaller plan calls for hotel and institutional uses but not at this location and the applicant is not proposing those types of uses at this location so the current zoning is a residential medium the surrounding properties to the north you have commercial office plan to plan development

[00:18:31] commercial the ends of court to the south commercial retail and commercial office in the city on the on the west side along with the Fairfax County courthouse complex and townhomes with residential townhomes on the east side of a university there at Breckenridge so you have the courthouse square phase one and phase two so again the subject property is located in the transition overlay district and the adjacent properties to the north and to the south are within the transition overlay district the proposed zoning is the

[00:19:10] commercial urban district and the general development plan I will walk through the through the plan the applicant proposes to develop two buildings with up to 276 apartments approximately 6600 square feet of retail and approximately 4200 square feet of office in building a which fronts on University excuse me on Cambridge Road the applicants proposing a

[00:19:45] 26-foot access drive near the northern property line from University to Chambers Drive that's both the right-in and right-out both locations and and the applicant is proposing sidewalks on University Drive and as well as Chambers Road those are 10-foot sidewalks consistent with the multimodal plan on the south side of the private access drive is a five-foot sidewalk that connects to the entrances to the buildings the applicant has

[00:20:19] provided an entrance in building B that for vehicular access through the three level parking garage and building a again like I said is a five-story building approximately 62 feet with 114 units fronting on Chambers Road that building a also has the retail and office space on the ground level on Chambers Road building a consists of a separate entrance for retail and office

[00:20:55] and the residential units building a also has a bicycle storage area on within the building approximately 28 bicycle spaces near the greenway building a is approximately 62 feet in height the front setbacks along building a ranges from 7 feet to 11 feet along Chambers Road while building B which fronts on University Drive consists of 162 units the courthouse of the pool area and amenities and a residential lobby the building height for building

[00:21:33] B is approximately 58 feet with four stories fronting on University step back approximately 70 feet and then towards the middle of the site or the middle of building B it consists of a five-story portion the applicant has provided that step back which is consistent with the the small area plan and if you may recall from the previous plan that step back was slightly smaller and the applicant has increased the the distance of the step back so that is roughly 70

[00:22:12] feet now so the applicant has provided 20 bicycle spaces within this building and the front step back is 10 feet along University Boulevard both buildings have a loading zone and trash room interior to the buildings along the private internal Street one of the elements provided in the smaller plan was the the greenway the applicant has provided a greenway with a width of 43 feet in between building a and building b with a 15-foot pedestrian path that

[00:22:47] connects both buildings the applicant has provided 423 parking spaces meeting the parking requirement which is 401 spaces you may recall with the during these work session the applicant was requested to provide some surface parking the applicant has provided surface parking along the private access drive and now you'll see seven or you'll see nine surface parking spaces the

[00:23:23] applicants has provided loading zones two loading zone spaces one in each building and then you see the required bicycle parking facilities within both buildings in terms of the development standards the applicant is meeting the max lot coverage in the TOD of 90% the proposed building coverage is roughly 54% we'll get into building height and in density later within the special

[00:24:03] exceptions but it should be noted that the smaller your plan suggests a tailored approach to the height with the limit of four stories on University Drive and five stories on Cambridge Road the smaller your plan also suggests that the bulk conform over the maximum density has a near-term horizon of 15 years with the proposed increase of 1250 residential units so the applicant is proposing 276 units towards the towards the near-term goal in 15 years of roughly 1250 units so the required setbacks

[00:24:37] the applicant is meeting setbacks again along uh chambers road in the range for seven seven to 11 feet on chambers road and a 10 foot setback along university with a 10 foot setback to the rear of the um to the south of the um of the of the building so uh again 10 feet along university seven in the range of seven 11 feet along chambers road and 10 feet to the rear and the building

[00:25:12] separation is again 43 feet between um building a and building b as they've provided that uh pedestrian walkway that will function as an alley in terms of the greenway here's a close-up of the greenway and the meandering sidewalk and showing that it's consistent with the small area plan so there's the public open space feature of it as well as a greenway which would operate as a

[00:25:44] service street and also a tree line path so in terms of site circulation the applicant is provided Again, 26-foot private drive going east and west. It's a ride in, ride out on both ends.

[00:26:03] And then Building B provides access to the parking garage. And the loading zones, again, are within Building A and Building B. In terms of pedestrian circulation, the applicant has 10-foot sidewalk on Chambers Road, 10-foot sidewalk on University, 5-foot sidewalk south of the access drive, and the 15-foot pedestrian path between the buildings.

[00:26:32] the applicant has provided a landscape plan the smaller area plan contemplates a streetscape including the private drive the applicant proposed street trees on university chambers and the proposed greenway the applicant is seeking a modification for the transitional yard and is meeting the 10 year tree canopy requirement 10% in the commercial urban the applicant has provided 10.3 uh two percent um and with on-site uh plantings the applicant proposes trees within

[00:27:07] the courtyards for both building a and building b as well as long the um the interior and perimeter of the site uh these stormwater improvements the applicant has provided stormwater vault on the east side of the property and prior to the current condition does not have any stormwater facilities on site and so this would be an improvement in terms of providing storm water as each development now has required to have some water improvements

[00:27:41] on site the utility plan the applicant has provided a utility plan and all underground all utilities will be either removed or placed underground along Cambridge Road in terms of the special exceptions I'll quickly try to walk through the special exceptions so the first one is the ground floor non residential used in the mixed-use building the requirement is 75% and the

[00:28:13] applicant is seeking that reduction the the applicant has provided is required to provide 24,472 square feet the applicant has provided roughly 10,796 square feet of office and retail combined which would require a special exception for this I should be noted that the smaller your plan does not recommend non-residential uses at this location and so the applicant has has

[00:28:51] made a an attempt to provide ground floor office and retail based on conversations with previous council and Planning Commission members these second the second special exception is to permit more than 24 dwelling units per acre the applicant is seeking a to propose the density of 103.7 units per acre that's the small area plan suggests the bulk and form of maximum

[00:29:29] density instead of just relying totally on density it's more related to bulk and form um and the applicant has provided a building uh that is that is consistent with the small area plan in terms of uh bulk uh size um and then as well as height and when we when you look at the uh their overall building design so and in terms of height the applicant um is limited to 48 feet within the trans transition overlay district however the applicant is consistent with uh

[00:30:04] what is prescribed in the small area plan so the image before you shows the 62 feet in black that's the the applicant is providing a building on the on the west side that's building aid at 62 feet exceeding the 48 foot maximum requirement in the tod and then as well as if you look on the on the university side the applicant has a building that is roughly 58 feet

[00:30:38] so in terms of the requirement of the maximum 48 feet the applicant would exceed would exceed that however it's the applicant has provided a consistent plan with the smaller area plan and the

comprehensive plan the requirement to eliminate the landscape strip and street trees along the access drive the applicant is seeking a waiver for this and in part due to the the east

[00:31:13] west road being a fire lane designation uh shown here in red on the screen uh the the uh fire marshal has indicated that the entire street would be a fire lane and uh tree plantings would um would also impede some of the the the fire apparatus ability to serve the serve both buildings and so the applicant is seeking the landscape waiver as well as the street trees on the access drive while providing a sidewalk on the south

[00:31:49] side of the building oh I'm sorry on the south side of the private access drive again the applicant is seeking to eliminate the requirement to provide a vehicle access to abutting residential properties on the northern property line and the southern property line the applicant has provided an access easement and grading the greenway to allow for connections at the adjacent sites to the north and south in the future as those properties redevelop the plans show that the properties to the south is further consistent

[00:32:25] with the proposed elevations for the davies property and then to the north the plans for the bbnt site the applicant is within two feet of the existing um grading so there's opportunities for when both properties redevelop that the connections would be be able to be to be made the applicant is also wanting to eliminate the sidewalk on the northern side of the proposed access drive it also it's consistent it's um along with uh the the fourth and fifth um exceptions

[00:33:05] so they kind of all go hand in hand so the applicant is seeking to eliminate that sidewalk that sidewalk could be developed as the properties to the north come in to redevelop that site and then finally the applicant is looking for modifications and the transition for the perimeter transitional yards and so the applicant has asked for reductions in the buffer yard for building for property lines c and d on the south side from 15 feet to 11 feet

[00:33:41] and then as well as the applicant is seeking a reduction in the number of plantings along the um buffer yard b and c on the east side a reduction in plantings on um buffer yard c and d on the south side and a um a reduction in the number of plantings along the um d and a which is on the west side of the of the site so there's a number of special exceptions or a number of

[00:34:19] modifications to the transitional yard and um the applicant uh is meeting the requirement for the uh for the um streetscape and the overall tree plantings however some modifications would be needed in order to uh provide um um the the uh transition um transition yard calculations and the and the overall streetscape for for this project the applicant has has gone before the um the bar

[00:34:59] and the bar recommended approval of this project with some modifications um in your packet in your packet the the board recommended to city council that the major certificate of appropriateness and special exceptions be approved for by a vote of 50 and the applicant has provided quality building designs shown here look at this photos of the

[00:35:31] University Drive of building a and and this is a University Drive building B and this is a Cambridge Road building a again the applicant is provided quality building design and materials for both buildings in terms of the certificate appropriateness again like I said the applicant has received an approval from from the board of board of board of architecture and review planning

[00:36:07] Commission on June 23rd met and recommend denial of the zoning map amendment um the um that the planning commission recommends um denial by vote of 42 uh and uh the summaries in your packet of of the meeting and if you have any questions about that we can uh we can get into uh that discussion but uh that recommendation is for it was for an hour of 42 staff however recommends that the zoning map amendment be approved the general development

[00:36:45] plan be approved the special exceptions be approved and the major appropriateness be approved and staff sends by for any questions that you may have and the applicant has a presentation to talk about the project and some of the changes that have occurred since the work session and Planning Commission now I'll stand by for any questions you may have thank you I will now open up public hearing mission of very has the public hearing been properly advertised yes it has does the

[00:37:21] applicant have a presentation they would like to share good evening i'm ma'am sorry we're having the applicant present first and then we'll do the public comment sorry good evening thank you for your time my name is micheline caston smith i'm with paradigm companies and i'm here representing

[00:38:00] the davies uh property with the owner here is as present as well uh david houston here with being Kenny and Corman, zoning attorney, and we're going to sort of work this in tandem, so we appreciate your time. We'll be brief. First of all, I want to say thank you to Fred and the rest of the staff.

[00:38:18] They did a great job of working with us over the course of a year or so on this presentation. We appreciate your time with the work session, so we're here to address some of the questions and comments that came from that, as well as what we had heard from the community and the Planning Commission and from BAR.

[00:38:35] So I'll briefly go through some of the changes, and, of course, after the presentation, we do have our consultants here from the Architect, Civil, Landscape, Transportation, Historic Resources to address any questions that you may have after the presentation.

[00:38:52] Okay? Great. Okay. First slide, please. As Fred had talked about, I'm just showing you the changes that were made from the original application. If you recall, this was submitted under the Perseus application back in 2023. They had decided to step away from the project.

[00:39:10] We joined forces back with Davies and took on the application and then continued on. So the top photo is what the Perseus application had, and the bottom, of course, now is with the Davies and Paradigm. Again, hearing what comments from this group, as well as the Planning Commission, as well as Barr and the community, we made the changes.

[00:39:34] And, of course, you've heard that Barr appreciated the changes and liked the facade. And this is University Drive, and then more University Drive. If you notice the mural on the top, that was something that Perseus had placed on the building, which was subjected to.

[00:39:54] They were right on the property line, so they did not have any units. They put the mural there as an option for viewing. But we were able to step back, create a facade with units, which allowed you now to see all of the architecture as well as units with glass.

[00:40:14] Chain bridge. Again, this elevation has changed from the top to the bottom, the bottom being what's current. The lower level is where you will see the commercial and the retail off of Chain Bridge.

[00:40:31] If you want to flip to the next slide. And here is just the other direction. Barr had asked us to change the corner there that used to have a darker metal panel. They asked us to step it back and to lighten the colors, which we did.

[00:40:46] And again, they appreciated the change and approved that or recommended approval. Thank you. Okay, here's a site plan. Again, top being what was previously submitted on the original application to the bottom. If you notice, the top has the courtyards inside, but we're just going to go step by step with the one being the, as I mentioned, the elevation, which is the ends of court, which is the south.

[00:41:12] They did not have a setback from the property line, so that's where the mural was located. We then stepped it back, was able to create a planting strip, added units on that backside, which created a better elevation for all. Two, if we see there, we had originally Perseus had a bridge that connected the two buildings.

[00:41:33] The previous committees and commissions had asked that that be removed so that the greenway would be open to the sky. We went ahead and removed that, which you see on the bottom. Three, that access drive, the private access drive, was at 20, then moved to 23 feet.

[00:41:50] We were asked to change it to 26 clear for the fire marshal, which we did, which they've looked at and approved. That's what you see on the bottom. Four, we have our setback. I believe that's what that's for. We created it from the elevation on university.

[00:42:09] That's a 70-foot setback now that's giving you that four-story to the five-story, which you'll see we can flip back to that at the next slide. Five, we're opening up the courtyards. As you see the top, they were closed courtyards off of the private access drive.

[00:42:28] We've opened those up here off of the access, again, also highlighting the surface parking. I think that was something this board also asked for. We provided short-term parking spaces off of the access drive in addition to what we provided inside the garage.

[00:42:46] Six, again, we do have the 10-foot sidewalk as well as we were able to reverse. This was a question and comment. Originally, we had the sidewalk, then the planting strip, then the building. We were able to reverse that. So we have the planting strip, which is the buffer from the road to the sidewalk to the building.

[00:43:07] Good, David. Okay, as we mentioned, the top and bottom, again, Perseus, which you're seeing the elevation facing the bank and facing ends of court, you'll see that mural along where you see the four. If you look on the bottom portion, you'll see where we have the threes, the courtyards have opened up, where you see they're not above.

[00:43:27] You see the two where the bridge has been removed, so you can see above for the green way. And the setback at four, where you see at the top there that our setback was increased to the 70 foot. Okay, referring to the greenway here, this was our first shot at it, as well as the courtyards.

[00:43:50] We did not make the first attempt at the tree canopy, but we worked hard, got the landscape working. And we will jump to the next slide, where you now see that we have added the additional tree canopy. where now we are exceeding the 10% requirement.

[00:44:09] That, again, is the 43-foot-wide greenway. In addition to the planning strips, we will have an art install. We do have benches for seating. We will have an art walk as we highlight the history of the project

and the former owners that lived at the site, particularly the Davies family, add in some artifacts that we may find or that are located in the home.

[00:44:35] But we will add interesting aspects along this greenway to give it, although it's passive, but we are activating it. Some benefits we wanted to highlight here for this project with the redevelopment. With this, we'll be in conformance with the small area plan.

[00:44:53] The greenway and spine will be provided, which has been a big deal from the beginning. This project we've been working on for over 10 years now, so we have a bit of a history on what was asked for. Requested retail provided. We have affordable housing, the 17 units.

[00:45:10] Public school contribution provided. We have the off-site recreational amenity contribution provided. Tree canopy over the 10%. EV charging stations were provided in the garage. We'll do the 20 parking spaces in addition to additional infrastructure in the garage.

[00:45:28] LEED certification or a similar certification as we discuss it with the city. Bus shelter located off of Chain Bridge or a contribution towards the bus shelter, whatever would make sense for the city. Transportation management plan participation.

[00:45:45] Historic resources documentation. Again, the art wall, the art pieces that we will also install at the Chain Bridge and university location, again, giving some history. and the right-of-way dedication and underground utility lines off of Chain Bridge.

[00:46:01] David? So I'd like to take a couple minutes to first sort of reiterate what Mr. Frederick said about this project and the small area plan. We start with the property is located in an activity center, and your comprehensive plan talks about strongly encouraging pedestrian-oriented mixed-use development here.

[00:46:31] It also recommends buildings that are oriented towards the street, parking and structures, or underground, and it identifies specifically the CU Commercial Urban Zoning District as being a preferred zoning district for an activity center.

[00:46:52] We feel that we continue with our plan to complement the surrounding uses and preserve their quality. I think you can see in our architectural design it's very high quality.

[00:47:08] We're achieving goals, including housing goals, sustainability, economic vitality, and transportation goals. And the small area plan, it was adopted five years ago. We think this is a very valuable, important opportunity to implement that plan.

[00:47:29] After five years, there's only been one project approved, and it's not even under construction. But we hit the mark on many of the recommendations in the small area plan, including new construction and four to five stories.

[00:47:47] The uses, heights, bulk, and setbacks are achieved. There's reference in the plan to in the near term, which was five years ago, was 15 years. So now it's in the next 10 years of providing 1,250 new dwelling units, 52% of which should be multifamily.

[00:48:13] And at the present time, only 94 units have even been approved. So we would be achieving that by adding our 269. We're enhancing pedestrian connectivity with sidewalks and the greenway, and we have a walkability score of 86, which translates to being a very walkable property.

[00:48:38] We're proffering and providing parking management and transportation demand management so that to try to lessen the reliance on single occupant vehicles. We have provided architecturally sensitive design, as the BAR unanimously recommended approval of.

[00:49:05] And there's been comments made that you may have heard. The small area plan for this property in particular does not speak of it needs to be consolidated with abutting properties. What needs to happen is coordination with those properties and cooperation. The land use layouts that are in the small area plan show individual buildings between the properties. We're totally consistent with that. There's also been some discussion of

[00:49:43] an extension of judicial drive through the Davies property, but there is no reference in the small area plan for a street grid at this location. The street grid is closer to the old town retail area in the plan. And what we're proposing is not a street. It's a private alley access drive.

[00:50:09] So I also wanted to talk about some of the proffers since I wrote them and nobody ever asked about them so I'm just going to tell you. You know we've proffered the use that won't exceed 276 dwellings and that includes the ADU units of 6% of the project. We have upped the commercial

[00:50:35] retail areas to 10,796. We've provided the access drive which we're proposing to be right in right only at both intersections with pork chops installed to prevent people from trying to turn left. We've granted public access, we have proffered to grant public access easements. As Micheline mentioned we are proposing and showing on

[00:51:12] the plans upgraded improved sidewalks on Chain Bridge and University and we're also providing a sidewalk in the access drive. We're contributing or constructing a new bus shelter on Chainbridge Road. We've agreed to dedicate right-of-way to the city so that the width of Chainbridge Road from the center line is 50 feet wide. We have agreed to do a structural analysis of the existing traffic poles to see if it needs to be replaced or relocated.

[00:51:50] We have on-site recreational amenities for the residents, and we're passively activating the greenway. We've agreed to do sustainable design, including green building certification, Energy Star appliances and systems, and the 20 electric vehicle parking spaces. We've proffered to do parking management, which includes managing the short-term parking that's outside of the building.

[00:52:27] We have agreed to underground on-site utility lines, and we have transportation demand management program proffered, which includes designating a transportation coordinator, providing residents information on bus routes and times, designating commercial short-term and guest parking areas.

[00:52:51] We're providing secure bike parking above code in each building, indoor bike room. We're encouraging the use of the city bike share program. And we're offering residents what's called unbundled parking, which means if a resident doesn't have a car, they would pay a lesser rent because there's a rent factor for the parking spaces.

[00:53:21] We have a construction management plan during the construction process. We're donating the contribution to the schools, and we've agreed to a historic resources proffer that includes preparing a detailed report, which actually is in the final stages, and our consultant is here to talk about it if necessary.

[00:53:47] We will document artifacts and natural features in coordination with the city, including offering to donate any items to the city.

[00:53:58] We're also going to have an art walk to honor Mrs. Davings, who was an art teacher and art expert, and we're installing plaques or markers to recognize prior occupants, the architect that designed the house, and the ponies that used to have were there when it was pasture land before the house was built.

[00:54:28] so that's some of our significant proffers i'd be happy to answer any questions micheline would answer if this is the appropriate time i can bring up our consultants and we can address questions or do we wait if you have questions we'll bring them up yeah what i would like to do is call the the speakers up for the public hearing because perhaps what we'll be able to do is answer any questions the public has as well in our discussion okay so thank you for your time Thank you. If the clerk will call the speakers up.

[00:55:04] Our first speaker is Mariana Fournier. I'm Mariana Fournier, 10134 Spring Lake Terrace, Fairfax City.

[00:55:21] First, I'd like to humbly apologize for jumping the gun. I promise I will not do any more speaking until I get my new hearing aids. Now, in regards to the Davis property, in all due respect, I realize a lot of time, effort, and money have been spent on developing this project.

[00:55:44] However, in its present form, it seems to cram as much as it can into a very small space in an attempt to over-maximize land use. We have clear guidelines.

[00:56:01] They should matter. Seven special zoning exemptions as well as three modifications from the public facilities manual, I consider this to be excessive. I'm not a big fan of exemptions. Now, you have produced a lovely packet, but there is one question I have.

[00:56:24] I did not see any documentation regarding the safety issues that the staff had flagged. It was my understanding that going forward with this project was contingent on these issues being addressed.

[00:56:48] As far as any evaluation of a development, I like to see a pros and cons approach in the future. As far as the Davies project is concerned, I just don't like the proposed design.

[00:57:08] I believe that they should come back with a better design, perhaps as townhouses similar to those right down the street from them. And I really question whether 123 is a really good place for retail.

[00:57:28] Thank you very much. Our next speaker is Andrew Berg. Good evening. My name is Andy Burry.

[00:57:45] I own, along with my wife, unit across the street at 10482 Armstrong Street. I've owned that unit since 1986 and during that time obviously seen a lot of changes in this city. I am president of the Homeowners Association and have been authorized to speak on our behalf.

[00:58:06] Before I get started, there has been a number of comments I understand from at the Planning Commission level and others that the Board of Directors has not cooperated or refused to talk to the developers.

[00:58:22] That's not true. I've been personally involved in this since 2016 when it was a townhouse community. In fact, in January of this year, on January 29th, we met by a Zoom meeting with a developer

and had a meeting. Before that, in 2018, we met with the developer before the plans were even started, and talked about in general whether or not we would be opposing any type of plans.

[00:58:56] We told them we're not opposing any smart development. But in my opinion, this is going to adversely impact our project. And we have no plans at this stage of moving forward.

[00:59:13] We obviously would encourage anybody who wanted to come in and give us the right price. at the same time, we don't want to have to be considered to have to rely on a development that is going to impact our property.

[00:59:30] For example, if there's overflow parking, if people want to park and they don't want to park in there or there's not enough spaces, where do you think they're going to park in our lot? And is that, how are we going to control that parking? How are we going to control the water flow?

[00:59:47] The statements that were made that they've met the setbacks are not true. They've asked for a four-foot relief on the south side. They've asked for relief on the north side.

[01:00:02] And what's their answer? Their answer is that they want to let the next developer of the BB&T property, as has been described on the north side, deal with that sidewalk. Well, ladies and gentlemen, I feel strongly that there is a way for them to build this project without these requested exceptions.

[01:00:24] It's an overdevelopment. The water flow, the snow removal is going to be a problem. Now, Mr. Andy Knowles sent in a letter that I would ask you to look at. I'm running out of time here, and I apologize, but I would encourage you to look at that, especially his concerns on the height.

[01:00:45] Thank you. Our next speaker is Jim Gillespie. Good evening, Mayor Reed, members of council.

[01:01:04] I'm Jim Gillespie. I live at 3604 Colony Road here in Fairfax City. I'm speaking tonight in support of this proposal. There is a significant housing shortage, both nationally, in the Washington area, in northern Virginia, and in our own community.

[01:01:23] The Washington Area Council of Governments estimates that our area is 320,000 units short of housing. This development would add 276 apartments, including 17 that are affordable to families of less than 70% of the area median income.

[01:01:46] I would like to believe that some of those folks are working in our downtown right now, in our retail establishments, and would have the opportunity to live in our city. There is a modest fiscal benefit of maybe \$300,000 to the city.

[01:02:05] It also would bring in residents that would support our downtown businesses. We all want the restaurants and the other retail we have in the downtown. We need customers. Lastly, I would say that I have two young adult children who are both gainfully employed.

[01:02:24] Neither of them can afford to live in our community. When I see a development of 276 apartments, it begins to look possible that young adults can actually live in our community. Thank you. Our next speaker is Susan Kyler.

[01:02:45] Our next speaker is Susan McCloskey. Thank you. I live at 10454 Breckenridge Lane, and it's Susan McCloskey.

[01:03:04] I will be brief. It seems to me there have been two constants since 2016 when the Davies property started to be an issue in the city. One is the opposition of the residents who are most directly

affected by a large development in the area.

[01:03:26] A lot of that opposition has been respectful, careful, and thoughtful, and I hope that it's resulted in making the proposal, moving it closer to being a reasonable one for this town at this time. But it's still an awfully big development in a very small space. And those of us who live nearby are particularly concerned about traffic and parking and the effects that that will have on the way we all live. The other constant has been that every city council before this one

[01:04:09] right proposal for this town at this time in that particular space. So when you're thinking about your votes this evening, I hope you'll be mindful that all the prior city councils that have looked at this proposal have said no, and think about the reasons why they've said no, and think about the sort of dose of humility that that fact may give you as you exercise your very considerable power over your fellow townspeople and your constituents. Thank you. Our next speaker is

[01:04:48] Bankhead Davies. I want to thank you all for the opportunity and the time and effort that you all have taken in studying and considering our project. Nine years ago, when we first proposed the apartment development to the city council, the mayor at the time said, his opinion was, that this is something that the board had been talking about for some time,

[01:05:24] and they really wanted this type of project to be developed. They wanted a development walkable and close to the downtown, providing an economic benefit to local businesses.

[01:05:41] And after many different types of developments, we proposed, most importantly, the adoption of the small area plan, we have a project which we feel is exactly what the small area plan calls for. We're fortunate to have support of the city staff and support from the architectural review board, both of which are recommending approval. Now, although the planning

[01:06:15] Commission to a two to four vote did not recommend. They were impressed by the changes and that we were making and thought that it was a very good project in their opinion. I feel a tremendous effort has been made by the development team to listen to you all and make changes both to the planning commission and to this board and i hope that the board will give us the opportunity

[01:06:47] to move forward at this point because i think we do have an excellent design and it will be a real benefit to the downtown center so thank you all very much for your consideration our next speaker is david berkeley thank you my name is david berkeley 10437 verkin ridge lane with my wife

[01:07:20] we moved in approximately two years ago so we're new to this whole thing here i've looked at the project i appreciate different things they've done to try and make it nicer to work with the traffic which is one of my greatest concerns is that even if nothing is built here fairfax is growing and the amount of traffic traversing 123 traffic coming up around judicial drive university drive is going to increase regardless of what's done here.

[01:07:55] And even though there's no direct access at the point of judicial drive in 123, all the traffic trying to go around, whether it be delivery vehicles or otherwise, trying to get in and out of this development of this size, you're going to create a choke point.

[01:08:16] And when mixed with the traffic that's trying to go from Lorden over to Vienna and Vienna and vice versa and so forth, it's going to back it up. i was a police officer in dc for 26 years i can make a traffic stop in the wrong spot and back things up in a half mile without any problem it you know you could have

traffic backing up in the old town in the blink of an eye and it'll be permanent so i urge you to really take the time

[01:08:48] and deny this at this time and look at how large it is and really look at the traffic effect that will have on the community. Thank you. Our next speaker is Ginny Winslow. I'm Ginny Bell Winslow and I reside with my husband, Colonel Wendy Winslow, in the city of Fairfax. Good evening,

[01:09:25] Madam Mayor and city council members. As many of you know, I have been interested in the Davies property proposals from the beginning. Over the many years, there have been five proposals, three of which citizens welcomed and supported, but the council voted down.

[01:09:47] My husband and I have written to Madam Mayor and the city council, the planning commission, and the bar several times. Actually, we've dispatched 34 emails. We have received only four responses, so it's fair to say at times we do not feel as though our voices are being heard.

[01:10:11] We feel confident that you know about our concerns of the current proposal, so I'm not going to go into another long list of details, yet I will make a few brief comments. It's suffice to say that we are opposed to, number one, the architectural design, particularly on the side of Chain Bridge Road, which clashes with the City Hall and the surrounding federal-style communities.

[01:10:42] number two the height of the two buildings number three the high density and number four the tremendous impact on traffic while we do not question the intention of you for the best of our city we ask that you consider the negative impact that this project will have on our communities we know that the planning commission does not recommend the project we suggest possibly that

[01:11:18] you consider the process of placing the Davies property on the National Register for Historic Places. Have it be initiated before this property is completely disturbed. And it's important to remember, once the developer is finished and he's left town, we will be left with the decision that you make for years to come. And finally, with all the respect and honesty that I can muster, I ask you to not approve this proposal. Thank you

[01:11:56] Hey, that was the last speaker who's signed up prior to the meeting Is there anybody else in the room that I'd like to speak you go ahead, sir And if there's anybody else I'd like to speak on this agenda item they can line up by the window My name is John Herbst. I live at 1 0 4 5 1 0 4 0 5 Layton Hall Drive for five years Oh, I came in here actually to talk about the next project But I'm not sure I'm going to make it through to that point.

[01:12:28] So I just want to make this one point. I've been here five years. You built this large project, the flats across the street from where I live. You're now talking about another large density project in the middle of Fairfax City. I'm here because of a third large density project.

[01:12:45] These things cannot and should not be considered by themselves. What we've seen is a wedge has opened, large density projects have been built, and understandably, people can earn big money. They want to have a lot more now. You want to change the face of this very nice community so it looks like Roslyn, go ahead.

[01:13:03] But that will be to the detriment of all of us. I agree with the gentleman who spoke about housing needs, which are real across the country and in this area. But why would you build a large-density project in an area in the suburbs which is already relatively densely populated? Thank you.

[01:13:20] Is there anybody else in the room that would like to speak on the Davies property proposal?
Good evening, Mayor Reed and city council members.

[01:13:36] My name is Joe Murak. I live at 4172 Governor Yardley Lane in Chancery Square, which is about a block away from the Davies Project. Many of my neighbors and I who live near the Davies home do not think this is a good decision for the Davies Project to move forward.

[01:13:55] This high-density development in a small area impacts the neighboring communities negatively. With 276 rental units, two buildings of four and five stories high, we feel this is not a good idea.

[01:14:16] Additionally, there will be an increase in traffic, which has already been mentioned on Ox Road, that can't be handled. And to add retail and delivery issues to the more than 276 rental units will cause even more issues. The area can't handle the current infrastructure, and adding this major project to such a small area will be felt for years to come.

[01:14:42] As was discussed, overflow parking. I live in Chancery Square. It's not going to take anybody to just start parking in our area. Fairfax City government will have turnover, but we, the citizens who live nearby, are the ones that will be affected for years to come.

[01:15:01] What seems like a good idea today, when you are all gone, we will face the outcome of your decisions with no opportunity to correct the issue. We are also concerned with the possibility of increased crime in the area with our homes nearby and how that will affect our properties.

[01:15:23] I'm on an alert email that tells me if there's a theft in the area or an assault, and most of them are within a half a mile. You're putting this big project near our communities. I understand this may be an opportunity for revenue but the ramifications for the future on your constituents will be felt for years to come please do the right thing for the people who elected you thank you is there anybody else in the room
good evening mayor and city council

[01:16:03] I just had a couple questions for the developer that I haven't heard yet I just want to know how this development would oh 4035 Roberts Road I want to know how this development would tie into the adjacent residential and commercial properties how will it include and support our community events such as but not limited to Asian Festival Fall Festival Fourth of July parade and possibly maybe a future farmers market we talk about connectivity a lot in Fairfax how will this connect into the neighboring areas or will it continue some balkanization those are my questions

[01:16:39] Hi, my name is Brenda Kuhlman. I live at 10316 Ford Road in Fairfax in Linton Hall.

[01:17:01] And I really came here to talk about the other project, but in a way this one, I want to give my opinion on this project as well. Yes, traffic, no doubt, urbanization, density, all that stuff, but there's one thing that nobody has really mentioned.

[01:17:19] And this past week, the creeks in this area were really overflowing. I understand Great Falls, Reston, Silver Spring, other places had water rescues more than the usual.

[01:17:36] And every state in the area, I mean, from Texas to the Carolinas, are seeing weather changes that are very different. So my thought is, why rob the natural resource of the earth, which can absorb the water, and cover it with concrete?

[01:17:56] I'm not an environmentalist or that sort of thing, but I was walking by Van Dyke Park, and I saw how high Akatink did get, that little creek there. And that is a major road for the fire department for a

lot of places.

[01:18:13] So just to keep that in mind is that the water table, because if we don't pay attention to this now, you know, we can't go back. We need to pay attention to what the land is telling us. Thank you. Is there anybody else in the room that would like to speak on the proposed Davies property?

[01:18:37] All right. I will close the public hearing. Now we will proceed with council's questions of staff and or the applicant on the Davies property. Questions from the dais about Councilmember McQuillan?

[01:18:58] Yes, this is a question for the developer. It's in regards to the public school contribution. Could you go into more detail on how you came up with that figure? We reviewed the contributions on previous projects, and we made our initial contribution, and then we had conversations with the superintendent, which then we increased our figure.

[01:19:22] And so just to confirm, that's \$165,000 and \$600, so that's about less than one. How many children are you expecting from this development? I believe that Eric's, I think it's 24, but this was a number per unit.

[01:19:42] Okay, so 24 is what you're expecting. It was estimated at 27. It was 27. 27. 27, okay. So based on the figure, I just want to make sure, \$165,600 is what you guys are contributing to the public school contribution for 27 children that's expected at this.

[01:20:06] Okay. Because each student is around more than \$20,000 per student to educate them, so that's less than 10 children. I'm just doing my math here. Could you also explain to me the transportation management plan participation? You had mentioned that you guys are participating.

[01:20:22] What is that detail? Well, the city has a transportation management plan, and we will participate in that plan. Some of it is providing discounts. Some of it is participating with the bike share. It is providing information to the city on our census.

[01:20:40] It's marketing. It's encouraging multimodal. It's a variety of items that the city communicates with us, and we participate in the program. Okay, so it's city-driven, and it sounds like your participation is voluntary, right?

[01:20:56] Yes, ma'am. Okay, excellent. And then I didn't hear any mention about... It's proffered. Sorry, excuse me. Okay, okay. It is. It's proffered, yeah. Okay. And then I didn't hear any mention.

[01:21:11] And we had discussed and asked about ReelPage being used or similar software. I never heard any mention about that. Have you guys discussed that? Does the developer or the maintenance, do they plan to use that software? At this time, we do not plan to use it.

[01:21:29] Management would be several years off, depending on when construction. So it could be a four-year, five-year time period. But right now, at this very time, we do not plan to use ReelPage. Okay, and then it was discussed, parking was discussed, unbundled parking.

[01:21:46] Could you go into that a little bit more, please? What I was referring to is particularly with affordable housing, when we provide, whether it's market rate or affordable, you just pay for the rent. If you would like a parking space, you would then pay a fee for that parking space versus lumping it and rolling it into one big number.

[01:22:06] Whether you have a car or not, you would be paying for it. You understand what I'm saying? Yes. This way, if you want a car, you pay the monthly fee. Okay, so you're paying, so the residents would be expected to pay additional for a parking space? That's correct. Okay, so that, okay.

[01:22:23] And then do you have any, I know this is way in the future, but what do these units rent for? What is an expected or estimated amount that these units would be going for? Yeah, that is somewhat in the future since the markets are changing. so I can't tell you what it would be since, again, construction is a two-year period, and then we're turned over, and that would be depends on when you'd actually start.

[01:22:47] You know, if I was to arrange, I don't even want to guess since this would be. I know. I'm sorry, and you don't need to. That's okay. I'm thinking ahead. That's a hard thing to do because of the market conditions right now. Understood, understood. I appreciate it. Thank you. Absolutely. And then there was a great question from one of our speakers asking about how this would affect the events.

[01:23:09] in the area this development have they thought about this and what they would be willing to work with the community on or what they see happening we honestly we have not spoken with the city uh currently i know initially again it's been here for almost 10 years um and the fourth of july uh parade came up because uh traditionally they close the roads from what i understand and then how would this be, how would we operate this building? The fact that we have an entrance now off of Chain Bridge where you can ride in, ride out, is helpful. Initially, back when

[01:23:45] it was 10 years ago, they were not allowing any entrance onto Chain Bridge. We only had one way in, and that would have been university, which would have been problematic for a closure on university. Now, we have a one-way in and out on Chain Bridge. So if they needed to closed university still fire access vehicles residents would be able to access off of chain bridge we're happy to work with the community with the city on any of the events we just need the conversation and and we'll be happy to discuss and work together thank you that's all i have at

[01:24:19] this time thank you council member hall thank you um i did too want to touch on the school contribution so at twenty thousand dollars per student if you're anticipating 27 students it's five hundred and forty thousand so I think we're pretty far off there okay I did think that there was a question that was posed by a resident about how staff had flagged the safety concerns but this has not been addressed by the developer could staff maybe bring up what the safety concerns were and then we can discuss what has been discussed for the

[01:24:55] Planning Commission packet there are items related to traffic woofers vehicle vehicular movements and so those items have been addressed so any items that was what was deemed as a technical deficiency at Planning Commission has been addressed has been addressed by the applicant and staff has reviewed it and there are no further concerns with any of those items there are four items to of them were basically language that needed to be cleaned up and then the

[01:25:32] other two items the larger items were technical items that related to vehicular access coming in and out of the access drive and so they made the adjustments or with the site visibility and as well as coming into the building into the parking garage they made those adjustments and the public works staff has reviewed it no more issues the fire marshal's office review they're on a call as well they don't have any other issues so those issues have been taken care of and so that's why they weren't discussed here tonight because those

[01:26:07] issues have been addressed okay thank you very much I will give the floor at this point thank you councilmember Amos just a few questions on on my end and more just so clarification from what I've heard throughout this process so I know one of the planning commissioners I mentioned concerns a fire access but my understanding is there's three access points for fires like so that's correct and you already said fire marshal approval was all good so yes okay could you speak more on how what the plan is to address the grade drop on that

[01:26:45] section by in of court sure one of my consultants please we have an exhibit so

[01:27:16] we just want to make sure we have that up yeah hi I'm John Lionel with urban the landscape architect um if you can see the screen here we drew a section showing the um the ends of court on the right which is of course south of us and then our project to the left the

[01:27:50] greenway would end here with a retaining wall there is in a about 12 feet between that retaining wall and the retaining wall at the parking lot at ends of court um the elevation that you can see here is roughly 10 inches different actually less than 10 inch difference um than the bottom of the wall at the ends of court so if ends of court was to ever to develop they would simply

[01:28:23] need to remove this part and connect to the greenway of course the alternative would have been to provide it up at the grade which would mean if ends of court was to ever to develop they would have to fill their entire site to get to that elevation. So this obviously made much more sense. My last question is about stormwater, so I think you're off the hook. So could we touch more

[01:28:56] on the stormwater analysis and the undergrounding system, and just more so for general, so people can kind of hear directly on what the game plan is for the 10-year storms and how you went about that process sure clayton talked with urban engineering currently the site does not have any stormwater management or bmp facilities treating the site our proposed development is proposing an underground stormwater management facility to treat or detain the one two and ten year storm events our release rates for the post-development conditions are anywhere from two

[01:29:31] percent to seven percent less for those various storms from the existing conditions so from less So from a flow rate perspective, our post-development conditions are releasing a slower rate of water than the existing conditions.

[01:29:46] As far as the water quality, which is a BMP treatment for the site, we are over-treating the site by about 0.10, 0.10 pounds per year of phosphorus. So it's a pretty significant improvement from the existing conditions from both detention and water treatment.

[01:30:05] Councilmember Hardy-Chandler? So I just wanted to give you an opportunity to respond to some of the concerns that you heard from the hearing. I know that there is, for example, the traffic study, and I believe in my reading of it that there would be the findings from that study indicated minimal impact from minimal impact.

[01:30:31] But what I'd like for you to do, though, is just take an opportunity to address some of the things that you heard tonight. I think just answering the questions. Sure. So this is Sasha Zanzak-Redmond with Grove Slade, transportation consultant on the project.

[01:30:49] So yes, you're correct. We performed a traffic impact study as part of the application. That was something that we scoped with city staff as far as the underlying assumptions that went into that study.

The purpose of that study was really to evaluate the impacts of this site itself within the context of the built environment that it exists within.

[01:31:06] So that's from an infrastructure standpoint, but also acknowledging the existing traffic volumes that are on the roads today. And then also scaling up those volumes, projecting for inherent regional growth along the roadways that just happen just as cars pass along the roadways. And as well as accounting for sites that are planned for redevelopment in the near vicinity of the site.

[01:31:26] So we've run those analyses and compared the impacts of the, so essentially comparing the operations of intersections without our site and then with our site. And based on that, we saw not no impacts, but minimal impacts to the intersections immediately surrounding the site.

[01:31:42] Are there other areas that you want to address that were raised tonight? Regarding traffic? Regarding any of the concerns that you heard, engagement with the surrounding community, not just traffic, but rippling effects of parking, some of the things that were raised during the hearing.

[01:32:05] Sure. I know that there were concerns raised or comments have been raised, of course, about the density and height. And I understand that the change is hard and would be different.

[01:32:22] But we are in compliance with the small area plan. This plan called for height and density. It is what we were asked to wait for. As I've mentioned, we were working on this project for 10 years now. We were asked informally to wait for elections, several election processes to proceed as the changes.

[01:32:45] Then we were asked, you know what, even though staff recommended approval on an apartment building, We were asked for townhomes, so I understand when somebody asked for townhomes, we prepared them. Kraftmark came in for the Davies site and had 42 townhomes.

[01:33:02] We were told it is not the appropriate use for this site. Consider senior housing. The Davies did. We brought in Sunrise. Community liked it, but we were told not active enough. What we need are young people. What we need are residents.

[01:33:18] We need apartments to activate the retail, so we did. We came in with apartments. That's when the Perseus came through. We were asked to wait for the small area plan. That'll give everybody direction on what we needed to do. And that's what we followed.

[01:33:33] We waited for the small area plan, and the small area plan gave us direction. It said multifamily. It said density. It said height, which we've come in with. So we understand that it's different, and it's going to give a little heartburn. It's going to be struggle at the beginning.

[01:33:49] But the ultimate project that will come out of, you will have residents to activate the retail. You will have residents here that will be a part of the community and want to participate and grow with the community. We will have contributions.

[01:34:05] You know, if I can make an adjustment to the students, I would right now. I don't know if that's possible, but I would do it. But there will be benefits that you will not receive if we don't get a redevelopment if this goes by right. So we are trying to be a part of the community. We're not a fly-by-night paradigm, which I've offered.

[01:34:24] We are around for over 30 years. When we come into a community, we stay. We're not a merchant builder. We stay in the community, and we become a part of the community. And that means part of the schools. That becomes part of the parks. It becomes part of whatever activities are happening.

[01:34:39] We become a part of it, and we stay, and we manage the traffic. We don't want to be a problem. We manage the snow. We have liabilities, too. We take care of these things, as you can see, from all of our properties. It's what we do as a management company, as a developer, and as a contractor.

[01:34:55] We're here to work with the community, not to be a problem. I think that touched on several items, but if there's others, we did meet with the community. A lot of them opened up their homes for us to meet with Breckenridge.

[01:35:12] We did meet with the Inns of Court. We did meet with the Fairfax City of Citizens for Smarter Growth. We did try to meet with Chancery Square. I received an email stating that they were meeting or trying to get their board group together and they would get back with me. I consistently sent emails.

[01:35:29] It's not that anybody avoided or didn't want to meet with us. I just think it just maybe didn't work out with the schedules. But we did our outreach. We met with staff. We met with the community as much as we can. We worked with the workshops and the work sessions. I think we've worked with this project a lot, and we believe we've delivered what you've asked for.

[01:35:54] - Other questions or comments? Council Member Peterson. - Thank you. I know you guys have put a lot of hard work into all of this. I wanted to follow up on a comment. It may have been Mr. Hubbson that you made about the neighboring properties and surrounding neighborhood that this would be expected to have a positive impact on the other properties.

[01:36:18] And this is a question that is perhaps directed to staff, but maybe you can help me. And I appreciate that this may have been covered in the staff report, and I may have missed it because it's a long one. But I am just wondering, do we have a sense from the perspective of other property owners that are adjacent and very nearby, including commercial property owners, what effect this has on their operations or their future plans?

[01:36:58] while fred's pulling up the applicants uh aerial that mr houston wants a couple of of touch points there to follow up on your question councilmember peterson uh the developer has coordinated with uh the christopher group who came before this council with a pre-application briefing recently

[01:37:32] um it i don't know where but they have worked together to coordinate the location of the greenway in a way that works for both groups with, you know, a thought that the greenway could have moved east to be centered on the site would have placed that greenway off of their property.

[01:37:56] So certainly there's been coordination in that. I would defer to the applicant on any coordination outreach on the BB&T site. We certainly have not heard from anyone with interest in that site with regards to the Davies application.

[01:38:12] I know there has been a series of meetings with various folks at the ends of court, which is a condo association with multiple owners. At least one is active in exploring some level of development on their property in the future, but it's a minority of the owners that are exploring that.

[01:38:32] At least at the point in time that we met with them, probably a year plus ago, they were supportive of this project. There were some concerns about would this project encroach into that buffer and have any impacts on the trees that separate the two, which are on the ends of court's property.

[01:38:50] The applicants pull the building back from the edge of the property line where it was against the property line earlier on. That staff's understanding of any outreach certainly would have to defer to the

applicant to walk through this concept they sort of put together for you. Well, if I might just add beyond outreach, I guess the question is whether we've received any feedback materially from nearby or adjacent property owners about any impact this might have or the possible and likely impact it would have on their plans.

[01:39:21] And beyond the site modifications related to infrastructure like a greenway, more broadly, do we have feedback from these other property owners on the impact that this would have on their future plans? No, the planning staff has received no feedback from property owners.

[01:39:38] And this includes, as well, the surrounding neighborhood, residential, etc.? Residents have provided feedback mainly to council that we've been copied in on.

[01:39:57] And so we don't have an assessment of that included in the staff report. We just have the incoming expressions that the council has received to be our indicators of the impacts on adjacent properties. Those are inquiries or perspectives that we would encourage neighboring property owners to share with the planning commission and with city council.

[01:40:22] So any of those that would come to city staff, we would have forwarded on the planning commission and the city council for consideration. Staff does not, as part of the land review, development review process, survey neighbors or solicit input.

[01:40:37] That's something that the neighbors provide directly to the city council, the planning commission, and the developer. yes sir other questions council member hall thank you brooke you might not want to go too far my question is regarding the fiscal impact um so probably for staff i think it's on page 168 of

[01:41:04] the staff report can you just kind of run through this um as far as what was considered for low versus high estimates how the numbers kind of came to be sure where we would potentially fall Fiscal impact is incredibly imprecise because any way you do it, you're estimating the future of something that's not built yet.

[01:41:37] So there's a range, and we tend to include a fairly large range. On the biggest source of revenue, biggest source of revenue is real estate assessments or real estate taxation. We have a plus or minus 10% range. On a building of this size, you know, something that might have \$100 million worth of real estate valuation, that gets to be pretty big. That's the reason for the large range. We try to avoid what we call false precision of saying that we can narrow down this fiscal impact to a very narrow number.

[01:42:12] We don't want to give the impression that we can actually predict the future in that way. So that's the reason for the range. The range runs from negative 300,000 to positive 300,000. In the middle is just about even. We would say in most likelihood that would be a fiscally neutral project.

[01:42:33] Could go in either direction. Could wind up being valued more. Could wind up being valued less. Could be more students, which are a major cost. Could be less students, which would be less of a cost. So that is the reason for that range. I'd be happy to answer specific questions as well, but if the question is on the reason for that wide range.

[01:42:54] Yeah, so my laptop is kind of flipping out a little bit and then I can't like keep it on a consistent page to be able to see something for some reason. So it looks like the commercial revenues, that's

assuming that people are gonna be going out to eat. Like that's kind of talking about how much revenue we're anticipating these new residents to generate within the city.

[01:43:15] Right, there's two areas of commercial revenue. One area is from the commercial space itself. The other is from the households. So we take a household, we estimate an average household income. We estimate the percentage of things that that household would buy, both meals and sales tax revenue.

[01:43:34] We estimate the percentage of those purchases that would be purchased in the city, because we don't care if somebody purchases something in Vienna, it doesn't benefit us. And we take the appropriate amount of percentage, so 1% for retail sales, 4 plus 1%, which is Meals tax plus sales tax, local option for restaurants.

[01:43:56] So that's how we wound up with that number. Okay, thank you. I apologize. I'm sure you've been through this before, but this is our first kind of real rodeo here. So I just want to make sure I'm asking some of the right questions. And then as far as the police, the fire, the government expenses, those types of things, how do those vary?

[01:44:12] Is that based upon expected number of calls per residence or, like, why? I mean, it's not a huge variance. It's, like, \$22,000 on the low end, \$27,000 on the high end. That's a plus or minus figure that's just applied uniformly. So those numbers, with the exception of education, so education is factored differently.

[01:44:29] All of the other cost centers are figured out on a per-household basis. So we would assume that all 10,400 households in the city for this purpose would have the same expenditures, same cost areas for police, for fire, for human services, for arts and recreation, and so on.

[01:44:50] Okay. Thank you. Other questions, comments from the dais? Okay, so I would just like to address one of the comments made by somebody who asked to think carefully because city councils come and go and the decisions we make here have long-term impacts on the people in the city.

[01:45:12] Yes, they do. That is our job. The life expectancy of residential housing is far longer than the life expectancy of the people who live in them. My house was built in 1953. I am not the first person who lived there. I am not the last person who will live there.

[01:45:30] When we talk about adding residential housing to our city, we have to think about the people who will live here, people who will choose our city because we have the right mix of housing, because we have walkability, multimodal, transit, our geographic location in the center of the region, the fact that we have a vibrant downtown and we have jobs available for people.

[01:45:54] So when we think about residential housing, yes, there is an impact to the people currently living in the surrounding neighborhoods, and we do understand that here. But we have to build for the people who will also live here in the future.

[01:46:10] And I think it's important for the community to recognize that is our job. So if there's no other questions, I will ask if there is a series of motions for this application. is there a motion for the rezoning council member hardy council member bates thank you uh i move that the city council adopt the attached resolution to approve the request of the hill a davies family llc for special exceptions pursuant to city code section 110

[01:46:45] dash 6.7 to allow council member bates i'm sorry the first motion is the rezoning 114a in your packet right yes so we go in order if the motions are to be to approve it would be 14 a d and f okay sorry

about that so um uh based on the public convenience welfare and good zoning practice with respect to rezoning application z 23 00073 which has been filed for the land known as davies property and more particularly particularly described as an identified as 4131 shane bridge

[01:47:24] road tax map 57-4-02-040 i move that the city council recommend approval of rezoning application z-23-00073 to rezone the subject property from rm residential medium to cu commercial urban while retaining the old town fairfax transition overlay district tod and approval of the general development plan with proffers which has been prepared and submitted by the applicant is there second I second a motion to made by Councilmember Bates and seconded by councilmember Hardy Chandler is there any discussion on the motion seeing none

[01:48:02] a roll call vote councilmember Amos aye councilmember Hall no councilmember Hardy Chandler aye councilmember Peterson no councilmember Bates aye councilmember McClellan no mayor Reed the mayor votes aye motion passed four to three is there a motion for the special exception councilmember Bates I move that the City Council adopt the attached resolution to approve the request of the Hill of Davies Family LLC

[01:48:40] for special exceptions pursuant to City Code Section 110-6.7 to allow less than 75% ground floor non-residential use in a mixed-use building, to allow more than 24 dwelling units per acre, to allow height greater than 48 feet, to eliminate the requirement for landscape strip and street trees along a private street, to eliminate the requirement for a sidewalk on the northern side of the proposed private street, to eliminate the requirement to provide vehicular access to abutting non-residential properties and to modify the transitional yard requirements on the premises known as the Davies property and more particularly described as and identified as 4131 Chainbridge Road,

[01:49:19] tax map 57-4-02-040 with the following conditions. One, development shall be in conformance with the general development plan and proffers. Two, notwithstanding what is depicted on sheet 32, landscape plan of the general development plan, The applicant shall increase the tree canopy coverage up to approximately 11.87 percent by planting additional Category 2 trees on the amenity deck above the fourth floor of Building B.

[01:49:47] If feasible, the applicant shall coordinate with the city's urban forester. Should the applicant not be able to plant at the subject site, then the applicant will contribute up to \$10,000 to the city for off-site plantings. Is there a second? Second. A motion has been made by Council Member Bates and seconded by Council Member Hardy Chandler.

[01:50:05] is there any discussion on the motion councilmember Bates I just want to add that this is the result of discussion with the applicant last week a lengthy discussion at the end of which the result of which was that they expressed willingness to try to increase the tree canopy in accordance with this motion which I hope can somewhat alleviate some of the concerns that have been expressed over green space and tree canopy.

[01:50:43] But overall, I believe that this is a much more efficient use of the site than the current use, certainly, and than the by-right use. Thank you. Any other discussion on the motion? Okay. Hearing none, a roll call vote.

[01:51:01] Council Member Amos? Aye. Council Member Hall? No. Council Member Hardy-Chandler? Aye. Council Member Peterson? No. Councilmember Bates aye councilman McQuillan no May I read the

mayor votes aye motion passed four to three is there a motion for a certificate of appropriate appropriateness Councilmember Bates, thank you See I move that the City Council approve the request of the hill a Davies family LLC for a certificate of appropriateness in accordance with section

[01:51:39] 110 - 6.5 point six point B of the city code on the premises known as the Davies property more particularly described as an identified as 4131 Chainbridge Road. Tax map 57-4-02-040 with the following conditions. One, the proposed development shall be in general conformance with the plans and renderings. Two, the applicant shall secure all required zoning approvals and permits prior to construction. Three, landscaping is subject to change per urban forest or comments at site plan approval stage. Four, the applicant shall use standing seam metal on the roof along University

[01:52:14] Drive. Is there a second? Second. A motion has been made by Councilmember Bates and seconded by Councilmember Hardy Chandler. Is there any discussion on the motion? Seeing none, a roll call vote. Councilmember Amos? Aye. Councilmember Hall? No. Councilmember Hardy Chandler? Aye. Councilmember Peterson? No. Councilmember Bates? Aye. Councilmember McQuillan? No. Mayor Reed? The mayor votes aye. Motion passed four to three. We will go to our next public hearing item, which is a public

[01:52:48] hearing and council action on a request from combined courthouse llc for nine special exceptions for residential use standards density building height sidewalks street trees lot coverage interior clear height and via vehicular cross connectivity to allow an upper story mixed-use building that consists of 315 multi-family units and approximately 12 000 square feet of ground floor retail on the the premises identified as 10300 Willard Way. I'll recognize Claire Schweiger, our city planner,

[01:53:22] to provide a staff presentation. Good evening, Mayor and Council. Tonight, I'm presenting on a request for special exceptions for redevelopment of the Courthouse Plaza Shopping Center. We're currently in the public hearing phase of the development review process. Council and Planning Commission held briefings, and Council held two work sessions with the applicant prior to this public hearing. The subject site is in the Courthouse Plaza Shopping Center, located at 10300 Willard Way. This 8.73 acre site is anchored by Safeway and the development was originally

[01:53:55] approved in 1978. The subject site is bounded by University Drive to the west and Blinnem Boulevard to the east. The primary uses surrounding the site are commercial and office uses and one residential property, the Flats on University, to the north of the subject site. Properties to the north, south, and west are zoned CR Commercial Retail with office and retail uses. The Flats on University to the north is zoned PDR, Planned Development Residential. There's one split-zoned CR, Commercial Retail, and CO, Commercial Office property to the east containing the office uses.

[01:54:37] The subject property and all properties to the south, east, west, and the flats to the north are within the Old Town Fairfax Transition Overlay District. The applicant proposes to develop a six-story mixed-use building with 315 residential units and ground floor commercial space. The applicant is proposing a 6,700 square foot green space, a residential amenity courtyard, two new streets, Street 1 and Street 2 shown here. Proposed Street 1 is accessible from University Drive and Street 2 connects proposed Street 1 to Democracy Lane and goes in between the new building and the

[01:55:15] existing Safeway. They're proposing sidewalks, street trees, stormwater management, a total of 710 parking spaces across new above-grade structured parking, new street parking, and the existing surface parking lot. A total of 42 bike parking spaces. They're proposing a hardscape and landscape area,

bookending the eastern side of the existing building. There are three primary access points to the site at the intersection of University Drive and Proposed

[01:55:50] Street 1, at the intersection of Blinnem Boulevard and Willard Way, and at the intersection of University Drive and Democracy Lane. There's one secondary access point to the site from Plaza Drive. The proposed landscape plan includes a mix of trees, shrubs, herbaceous plantings, and grasses along and within the perimeter of the parking lot, within the park, along University Drive, Democracy Lane, proposed Street 1, proposed Street 2, and within the residential amenity courtyard. On the left is the briefing plan. So this is what was originally proposed before an

[01:56:26] application was submitted, and on the right is the current proposal. In 2023, the Planning Commission and City Council held pre-application briefings to discuss the proposed phase development with phase one including a development of 300 residential units and 66,000 square feet of commercial and restaurant space, and phase two including a development of 600 residential units and 62,000 square feet of commercial and restaurant space with a grocery store anchor.

[01:56:52] There were also plans to develop a vacant pad site to the south. The proposal presented at the briefing was significantly different than what the applicant submitted in the formal application. So later in 2023, when the applicant submitted a formal land use application, this application removed phase two and heavily modified phase one. I'll discuss the current proposal in detail soon, but one thing worth mentioning is that the applicant did not end up including the site to the south where there's currently a building with no roof as part of this application. And for this

[01:57:29] application, the applicant chose not to rezone the property and instead chose to move forward by right development with special exceptions. Since the initial submittal, there have been five resubmissions of the plan, and now the proposed plan is shown here on the right. The applicant is requesting nine special exceptions, and I'll go into detail on each of these later in my presentation. So assuming that the applicant provides 12,000 square feet of commercial space on the ground floor of the new building. The total number of parking spaces required is 648 spaces.

[01:58:07] The applicant is providing parking in the garage along proposed streets one and two and within the existing service parking lot. And I've outlined the parking in red on this slide. They're also providing, proposing 42 bike spaces and 20 are required and those are highlighted in green.

[01:58:34] Primary vehicular access to the site is from University Drive at Proposed Street 1 and Democracy Lane, and from Blenheim Boulevard at Willard Way. Secondary vehicular access is from Plaza Drive. The applicant is proposing two new streets, one new street called Proposed Street 1, starting at University Drive and heading east, providing a secondary connection to Willard Way through the existing parking lot and connecting to Blenheim Boulevard.

[01:58:59] The connection from Proposed Street 1 to Willard is a secondary connection. The drive aisle in front of Safeway was not designed as a street, and this is what the applicant is proposing as one of the main connection points east to west. Street 1 would connect to another new street, proposed Street 2, which would connect north to Democracy Lane, and Democracy Lane provides access to the parking garage.

[01:59:21] The applicant is requesting a special exception not to provide access to a parcel to the south, Parcel 1, and I'll get into that more later. The applicant is proposing new sidewalks along Democracy Lane

and proposed Streets 1 and 2.

[01:59:38] The applicant is proposing to widen the sidewalk along University Drive to 10 feet in most places. The applicant has requested a special exception for sidewalk width along University Drive, where the sidewalk would narrow due to a conflict with a signal pole. The applicant is proposing to widen the sidewalk along Blenheim Boulevard to 10 feet.

[01:59:59] The special exception for sidewalk width would also apply to Democracy Lane and propose Streets 1 and 2, where the sidewalk isn't consistently 10 feet wide. Because the applicant is not providing the east to west street, nor are they including their adjacent property in this application, there is a lack of pedestrian connectivity along the southern portion of the site.

[02:00:18] The proposed east to west pedestrian path, shown here in green, is not ideal because it is much less direct than what the small area plan shows, and there is a pinch point in front of Safeway that narrows the sidewalk to approximately 36 inches. The applicant is requesting a special exception not to provide sidewalks on both sides of the streets.

[02:00:39] The applicant is not providing sidewalks to the south of Proposed Street 1 or to the east of Proposed Street 2. The applicant is proposing trees, shrubs, herbaceous plantings, and grasses along University Drive, Democracy Lane, Proposed Streets 1 and 2, and along Blinnem Boulevard.

[02:00:58] The applicant is proposing trees within the green space in the amenity courtyard and is preserving some trees within the parking lot. The applicant removed seven trees along Blinnem Boulevard last year without obtaining proper tree removal permits. And with this proposal, the applicant is planning to replant the seven trees that were removed.

[02:01:18] And the applicant is providing the required 10% tree canopy. These are the dimensional standards for the CR Commercial Retail and the Transition Overlay District. The applicant is requesting a special exception for lot coverage.

[02:01:34] A maximum of 90% is permitted, and the applicant is proposing 90.8%. The applicant is proposing a building coverage of 39.8%, and the maximum in the Transition Overlay District is 80%. The applicant is requesting a special exception for building height.

[02:01:50] The maximum height in the transition overlay district is 48 feet, and the applicant is proposing a maximum of 71 feet, or 6 stories. The applicant is requesting a special exception for density. The maximum density in the transition district is 24 dwelling units per acre, and the applicant is requesting a maximum density of 36 dwelling units per acre.

[02:02:10] The original development predates stormwater regulations, but the applicant is providing a jellyfish stormwater filter that will be the stormwater best management practice for the new development. The small area plan and the zoning ordinance require all on-site overhead utilities to be undergrounded.

[02:02:33] There are no existing overhead utilities on the property, but following the precedent that the Flat Zone University set, the applicant is offering a condition of approval to contribute \$305,000 toward future undergrounding along University Drive.

[02:02:52] The future land use designation for the subject property and all surrounding properties is Activity Center. This place type applies to locations in the city where pedestrian-oriented mixed-use

development is strongly encouraged. Each activity center in the city has a small area plan, which provides guidance on a neighborhood level for development in the activity center place type.

[02:03:13] The guidance provides specifics on the desired mix of uses, recommended height and density, building typologies, street locations, multimodal connections, infrastructure improvements, parking, and open space. The small area plan then is further broken down into sub-districts.

[02:03:32] So the subject property is located in the Old Town North Sub-District. In this area, the small area plan generally supports breaking up large blocks, larger scale buildings, retail nodes, large new green space, wider sidewalks, street trees, and curbless street design, and a six-story height maximum.

[02:03:50] Getting even more granular for this specific site, the small area plan recommends new construction of residential, commercial, and mixed-use buildings, a six-story height limit, a grocery store, new publicly accessible open space, above-grade structured and underground parking, and retail frontage oriented toward new streets and public open space.

[02:04:15] So next, I'll go into the specifics of each of these elements and how the proposal compares to these expectations. The small area plan supports breaking up large super blocks in the Old Town North sub-district to help support a more walkable pedestrian experience.

[02:04:34] New street designs within the activities center should reflect the active street street sections laid out in the small area plan. On the left is the street hierarchy laid out in the small area plan, and the light green shows which streets are active streets.

[02:04:51] University Drive and proposed streets 1 and 2 are all designated as active streets in the small area plan. The small area plan outlines design elements that would help support active streets. And the image in the middle is showing active streets with retail, and the image on the right is showing active streets with residential.

[02:05:10] The small area plan suggests nodes of retail in specific locations within the activity center. The small area plan envisions retail extending from east to west, generally in the location of proposed street 1, and north to south, generally in the location of proposed street 2.

[02:05:27] The applicant proposes retail along proposed street 2, but has included an alternative not to provide retail along proposed street 1, and retail is not recommended along University Drive. The applicant proposes an option to provide retail at the corner of University Drive and proposed Street 1 and at the corner of proposed Street 1 and proposed Street 2.

[02:05:48] The applicant proposes retail along Street 2, which is recommended by the small area plan. This slide is showing the proposed Street 1 frontage, which is the new street at the southwest corner of the subject property. This is one of the streets the small area plan envisions as a retail active street.

[02:06:06] Highlighted in orange is where the applicant proposes a mural. applicant has added a condition of approval to incorporate public art along this wall. As this is a historic property, the applicant also proposes another condition of approval that the applicant would contribute up to \$10,000 toward the design and installation of commemorative signage or art, and this wall could be a location where this is provided.

[02:06:29] And while this would improve the pedestrian experience along proposed street one, it's not following the small area plans guidance to provide an active space where outdoor sales, cafe seating,

signage, and other retail could occur. The applicant proposes an option not to provide retail along this frontage by using the retail shown here at either end of the frontage as residential leasing space.

[02:06:50] And the applicant could have adjusted the grade along this street to provide a more vibrant pedestrian experience, but opted not to. And this slide is showing the University Drive frontage. This is one of the streets the small area plan envisions as a residential active street.

[02:07:06] The small area plan gives guidance on design elements that could create an interactive and vibrant outdoor space along residential active streets. Some of these elements are outward-focused urban design with porches, balconies, and stoops that can create publicly interactive outdoor spaces for the residential use.

[02:07:23] And while there are some balconies, this frontage is largely lacking the design elements mentioned in the Small Area Plan. The Small Area Plan recommends retail in nodes of no more than two to three urban blocks, and University Drive is not a recommended retail location.

[02:07:40] The Small Area Plan supports breaking up large superblocks in Old Town North to facilitate traffic flow. The small area plan proposes new streets, shown in white on this slide. The comprehensive plan recommends that all new streets are complete streets with sidewalks, landscaping, aligned at regular landscaping, and then streets that are aligned at regular intersections and connected to a larger grid.

[02:08:06] The applicant is proposing two new streets, and the new north to south street would break up the large superblock on the site. However, the new streets turn into drive lanes ending in the existing parking lot and don't connect to a larger street grid. The new streets are not designed as active streets or complete streets.

[02:08:30] The small area plan supports breaking up large super blocks in Old Town North and Old Town South to help support a more walkable experience. The block sizes are smaller in scale, helping to foster a better pedestrian experience while also helping facilitate traffic concerns. University Drive, Proposed Street 1, and Proposed Street 2 are designated active streets in the small area plan.

[02:08:52] Along active streets, the small area plan envisions vibrant streetscapes that create visual interest for pedestrians. The small area plan encourages a more pedestrian-oriented environment and calls for wider sidewalks to support outdoor seating, street trees, and a curbside street design to promote a more vibrant, redeveloped retail area.

[02:09:10] And as I mentioned on the site circulation slide, the applicant is requesting a special exception for sidewalk width and for sidewalk location. The Old Town Small Area Plan calls for a variety of green spaces, from trails and natural spaces to neighborhood parks and plazas.

[02:09:28] The Small Area Plan also recommends a new large connected green space starting from the subject site and extending north towards Layton Hall, and that's shown here in yellow. The applicant is proposing a 6,700 square foot green space in between proposed Street 2 and the existing Safeway.

[02:09:48] However, the open space as proposed deadends into a building and loading zone instead of being designed in a manner to connect to a larger future network of publicly accessible open space as recommended in the small area plan. The applicant chose not to reconfigure the existing service drive or parking lot and thus chose not to provide the open space in the amount or location prescribed by the small area plan and falling short of the plan's vision for open space.

[02:10:13] The proposed open space is not the location prescribed by the small area plan and it leads to the Flats and University, a relatively new development that's not likely to redevelop in the near future, creating a dead end for the proposed green space rather than the connected open space shown in the small area plan.

[02:10:29] The applicant does, however, propose a condition of approval to contribute \$367 per residential unit to the city for use in planning, designing, or construction of recreational amenities in the city. The small area plan encourages a mix of uses in the activity center.

[02:10:51] In the near term, the small area plan expects an increase of 1,250 residential units, and the applicant is proposing 315. In the near term, the small area plan expects an increase of 60,000 gross square feet of new retail and to fill 20,000 square feet of currently vacant retail space.

[02:11:09] The applicant is proposing approximately 5,000 to 12,000 square feet of retail and is proposing to demolish roughly 25,000 square feet of retail. If 12,000 square feet of retail is provided, then there would be a decrease of approximately 13,000 square feet on the site.

[02:11:26] The applicant is requesting a special exception to allow more than 25% of the ground floor of an upper-story residential mixed-use building to be residential uses. By requesting this special exception, the applicant is limiting the amount of retail that could be provided in the new building.

[02:11:45] So, to sum it up, the plan is compatible with the small area plan in that it is proposing a mixed-use development with new residential and retail. The proposed open space is adjacent to retail. the height is proposed at the recommended six stories and there is some new open space proposed on the subject property the plan is not compatible with the small area plan and that it does not propose urban design features envisioned for active streets it doesn't propose a new east to west street connection from university drive to blenheim boulevard it doesn't propose retail and locations prescribed by the small area plan it doesn't provide open space in the amount or

[02:12:23] location prescribed by the plan and the proposed open space does not connect to a larger network The pedestrian facilities are not what the small area plan envisions in terms of width or location, and they don't connect to a larger pedestrian network. So now I'll get into the special exceptions.

[02:12:41] I'll talk about what the applicant is requesting, what's existing on the site currently, and what the applicant is proposing. Mixed use is permitted by right in the transition overlay district, subject to specific use standards. And one of these standards is that at least 75% of the ground floor of upper-story residential and mixed-use buildings shall be used solely for non-residential uses.

[02:13:02] The remaining 25% of the first floor may be used for residential uses or residential accessory uses. The applicant proposes more than 25% of the ground floor to be residential uses or accessory uses, and currently all uses on the site are retail.

[02:13:17] The current building area is approximately 83,000 square feet, and the applicant is proposing to demolish 25,000 square feet. The applicant is proposing anywhere from approximately 5,000 to 12,000 square feet of retail within the new building on the ground floor. And if 12,000 square feet of retail is provided, then there would be a net decrease of approximately 13,000 square feet.

[02:13:38] The applicant is proposing approximately 25% of the 1,250 units estimated by the small area plan for the near term. And the applicant has requested this special exception, which would limit the

amount of commercial that could be provided on the ground floor.

[02:14:02] The applicant proposes 36 dwelling units per acre. The small area plan projects an increase of 1,250 residential units in the activity center. And while this is in line with the goals of the small area plan, the applicant has used the entire 8.76 acre site to calculate density, and the applicant is only proposing to improve a portion of the site.

[02:14:25] And this exceeds the maximum permitted in the transition overlay district. The maximum height permitted in the transition overlay district is 48 feet, and the applicant is proposing a maximum height of 71 feet. In the Old Town North sub area, the small area plan recommends a maximum height of six stories, and this building is proposed at six stories. Sidewalks in the transition overlay district are required to be a minimum of 10 feet wide. The applicant is proposing a 10-foot sidewalk along Blenheim Boulevard. The applicant is not proposing 10-foot sidewalks along the entirety of

[02:15:01] University Drive, Democracy Lane, or along proposed streets 1 and 2. Along University Drive, the applicant is providing 10-foot sidewalks, except where a sidewalk narrows to approximately seven feet where a signal pole conflicts with the sidewalk. It looks like my slide got a little off but it's near the corner of University Drive and Democracy Lane. The small area plan recommends wider sidewalks to encourage multimodal transportation. Sidewalks are required on

[02:15:37] both sides of all arterial collector and local streets. The applicant is not providing sidewalks on both sides of proposed streets one and two. The small area plan proposes new street connections to create a more walkable, more walkable blocks with a grid of connected streets. The new proposed streets do not connect to a larger street grid and neither do the new sidewalks. The comprehensive plan envisions all new streets as well-designed complete streets that are aligned at regular intersections for a continuous street grid and the new streets are not aligned at regular intersections.

[02:16:08] The zoning ordinance requires that street trees be planted no more than 15 feet from edge of pavement. The applicant is providing street trees along University Drive, Democracy Lane, proposed streets 1 and 2, and along Blenheim Boulevard. The street trees along University Drive are proposed to be planted more than 15 feet from edge of pavement. Street sections of the small area plans show street trees planted on the street side of the sidewalk, while the applicant is proposing to plant trees on the interior side of the sidewalk. Lot coverage is

[02:16:43] the percentage of lot area that may be covered by buildings and impervious surfaces. The maximum lot coverage permitted in the transition overlay district is 90 percent. The applicant is proposing a lot coverage of 90.8 percent on the site. The existing lot coverage on the subject site is 91.7 percent so the applicant would be reducing lot coverage on the site if the application is approved.

[02:17:04] Mixed use is permitted in the transition overlay district subject to specific use standards and one of these standards is that at least 80 percent of each upper story shall have an interior clear height from floor to ceiling of at least nine feet. Proposed building sections indicate that some floors will have less than nine feet of interior clear height. The zoning ordinance requires vehicular cross-access between abutting non-residential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building

[02:17:39] on one of the lots in order to facilitate traffic flow between lots. The small area plan envisions a connected street grid not only to reduce vehicular traffic flow but also to facilitate a well-connected

pedestrian network. The applicant is not providing vehicular cross-access to lot one and is requesting a special exception to not provide this connection.

[02:18:03] A certificate of appropriateness is required since the site is in the Old Town Fairfax Transition Overlay District. In addition to a recommendation on a certificate of appropriateness, the BAR is required to provide a recommendation for special exception applications on historic district and transition overlay district properties.

[02:18:20] The proposed building's height and massing is substantially larger than the flats, and staff recommended techniques to break up the massing and height. The elevation along Street 1 lacks architectural elements and includes large areas of brick and metal paneling with limited ground floor transparency.

[02:18:40] Artwork, as the applicant is proposing, is not suitable as a replacement for quality architectural elements. There's no lighting in the proposed open space, and staff recommended adding lighting to the open space in between Safeway and the proposed building.

[02:18:55] The applicant included renderings of proposed changes to the remaining buildings, but this is not part of the application at this time. The applicant proposes a condition of approval that facade upgrades to the remaining buildings would be considered by the Board of Architectural Review prior to site plan approval.

[02:19:15] At the July 16, 2025 Board of Architectural Review public hearing, the BAR recommended approval to the City Council for both the Certificate of Appropriateness and the special exceptions. So, staff recommends denial of the special exceptions and believes that the application is not generally consistent with the comprehensive plan and the small area plan.

[02:19:41] And staff recommends denial of the certificate of appropriateness and believes that the application does not comply with the approval criteria in the zoning ordinance and is not in general conformance with the design guidelines. So, that concludes my presentation, and I believe the applicant is here to present next, and I'll stand by for questions.

[02:20:00] Thank you very much. I will open the public hearing. Ms. Shinneberry, has this public hearing been properly advertised? Yes, it has. Does the applicant have a presentation that they would like to share? I'm trying to get it open for y'all.

[02:20:19] It's not, I don't know, maybe you guys can open it. I'm clicking on it. It's not, I don't know what's going on. It's weird. Yeah.

[02:20:36] Oh, sorry. Okay, sorry. Good evening, Madam Mayor, members of the council. My name is Colleen Gillis. I'm a Landjuse and Zoning lawyer with Curata Partners.

[02:20:52] I am not, as Clara's last slide said, Molly Novotny. You know Molly Novotny. She is retrieving her daughter from an exchange study, exchange trip over in Europe and cannot be with you this evening. However, she sends her regards, I'm sure, over the tapas and the wine and the great cheese and meat.

[02:21:13] So we're going to get started. I want to start here and talk a little bit just for a moment about combined properties. Combined properties, as you know, has a long history here in the city of developing exceptional projects and being a long-term partner here. They are one of the largest landowners here in the city and are long-term holders. They are not folks who come in, build, and blow. They are here. They

will continue to be here, and the faces that you see here will continue to be here going forward. But ultimately, the way that we look at this application is really as a question of what is your vision for

[02:21:48] this parcel in terms of redeveloping this portion of Old Town. And as we think about it, we want to invite you to not let the ultimate be the enemy of the now. Because what we think we have to offer right now is an incredible catalyst to develop, to start to revitalize an important part of your downtown. We can go to the next slide. Go to the next slide. Clara did a great job of identifying where the site is but let's talk a little bit about the site as it is today this is a 50 year old grocery anchored shopping center 50 years that strikes at my heart I just

[02:22:27] turned 50 two weeks ago you know that's a long time and so it has some age on it and and it's in the transition overlay district which gives it the right to redevelop as a multi-family mixed-use building and that's what we chose to do when we looked at this property you can keep going. So what we did here was we overlaid the small area plan on an overlay of the existing conditions because we think that this really tells the story. When the small area plan was adopted in 2020, it's a dream plan and we get that. We want to dream right alongside the city. But when you

[02:23:03] look at a plan like that, you know, it looks at greenfield development. It's more appropriate for greenfield development and making these changes happen overnight in the context of a variety of different property owners, different uses around the property is quite, quite difficult.

[02:23:19] And so when you look at this, you get the sense for what's going on around the property. We think you need to look at the context here. And even though it calls for mixed use here, look at the context. So we're going to go to the next slide. What you see on the next slide here, and it's a little bit hard to see, I realize, but there are three green arrows.

[02:23:35] These are green arrows that are either being reimagined or replaced with our proposal. And there are four blue arrows. These are arrows that will remain with our proposal or have just recently been introduced, like the one that connects from north to south. The two red Xs, though, are the two that we can't make happen.

[02:23:54] And the reason why is not because Combined doesn't want to figure this out, but because they actually align in a way that is in conflict with our off-site property owners. To make that north-south connection, it will run right into a building. That's not possible.

[02:24:10] You can run a road there, but I'm sure that the people who live in those buildings aren't going to like seeing a road run up right up to the front of their door. Similarly, with the eastern section of the east-west, that alignment of that road runs into Blenheim, and that could be possible. However, its proximity to the traffic signal that provides access to the office condos on the east side of Blenheim makes that impossible. We've got our traffic engineer here and can talk about the proximity and how that creates a conflict. You can keep going. What we've shown here, though, was how our proposed plan works within that context.

[02:24:43] And you can see quite clearly here how the three green arrows align with our plan, how we incorporate the spirit of what was intended by this underlying plan. You can keep going. And then you can see how it also fits within the ultimate small area plan.

[02:24:59] We're not conflicting with anything ultimately that could be done under the small area plan. We're just saying that for right now, this is what's possible. We can keep going. And then this is a side-by-

side of the small area plan on the left and our proposal on the right. Let's talk about the existing shopping center, though, today.

[02:25:15] The shopping center is 8.7 acres, and it is 70 to 75% surface parking and drive aisles. It is, to put it simply, not in any way in keeping with the spirit and vision of the small area plan.

[02:25:33] So what we're talking about doing is taking the portion that's to the left of the dotted line that goes up and down, the area that's designated in red, and demolishing that's 25,000 square feet of retail, and integrating 12,000 square feet of retail into the ground floor of our building.

[02:25:50] In total, once this is developed, and hopefully if you all approve this, there'll be a total of 70,000 square feet of retail, either new or renovated and refreshed retail on the site. I want to stop here and mention something that I think is really important. We've gotten some questions about what's going to happen to the tenants that exist there today, right?

[02:26:10] That's important. We get it. Well, Combined has three other properties here in the city, and we will work with those tenants to figure out if they can come to one of our other centers, or if not, if that doesn't work with their business plans or whatever the case may be, we're also going to make sure that they've got great contacts with economic development here in the city.

[02:26:29] We care about our tenants, and we want to make sure that they are in a position to continue to thrive and serve the city's residents. Keep going. So this is our site plan. Clara talked about it already. This provides for a new mixed-use building on University Drive, interior residential courtyard.

[02:26:44] You can see that kind of in the triangular-shaped area, an integrated parking garage, and we've located the entrance away from the areas of activity, a new pocket park, and new streetscape on both university and enhanced landscaping and new trees on Blenheim.

[02:27:00] So let's talk, we'll do a virtual walk around the building, and it's important, you can keep going. It's important to know, and I know that it was said in the presentation, but I do want to linger on it a bit. This was unanimously recommended for approval last Wednesday night by the BAR, both the special exceptions and the certificate of appropriateness.

[02:27:18] So let's talk about this corner. This corner shows you some ground floor space, and that can either be leasing space or retail. space. This is, you can see also from this image how there's a grade change from along Road 1, which is what you can street 1, you can see on the right side here, from the University Boulevard side all the way up towards the retail center. And that grade change creates some challenges. But we're not, you can keep going, that that wall there, we're not going to leave it as a blank facade and we're going to add murals and arts here to keep it vibrant, keep it active, which is one of those tenets of the small area plan. You can keep going.

[02:27:55] we're going to turn around, and this is the retail that faces the existing Safeway today. And this is important. So this is between, this could accommodate 12,000 square feet of retail, but we are committed, committed to doing 12,000 square feet of retail. I want to make that clear.

[02:28:13] There is no wiggle room for combined. It will be 12,000 square feet of retail, and you can see how it is here. We've located this retail so that it can experience some vibrancy and synergy with the existing and refreshed retail that we intend to, that will remain on the parcel. You can keep looking. Now, this is turning a little bit and looking north towards democracy. That retail I just talked about in the last

slide is on your left, but you can also see the trees that will be planted along Street 2 and adjacent to the Safeway in this location. This park will bridge the old and the new, and we think it's something that could be expanded. One of the things I think is really important here to note is the trees.

[02:28:53] You can go to the next slide. These trees and the trees that you saw on the previous slide are actually part of tree canopy that exceeds the tree canopy that exists on the site today. This tree canopy that exists on the site today is 4,000 square feet fewer than what we would have on this site with the development as you're seeing here.

[02:29:12] And you can see that facade for Safeway will not remain untreated, unarticulated. You can see we're improving that as well. Okay, keep going. So now what we've done is we've turned the corner looking back towards University Boulevard. You've got the flats to the right and our building to the left.

[02:29:29] What I think is really important about this is you see how compatible those heights are. There isn't a significant difference in the heights. Small area plan calls for six stories, but in particular, compatibility matters, and we get that. But this is a great image of how they look very compatible. Now we're going to turn 90 degrees back and look back down towards Street 1.

[02:29:49] And what you get the sense of here is, again, we've prioritized the pedestrian. There is a loading dock here. We've located the loading dock for our apartment building across from the loading dock for Safeway. Safeway needs a loading dock to get our groceries. We need a loading dock to get things up, to get people moved in, et cetera.

[02:30:04] But we've located them in a location so that they're oriented towards one another. And I think it's also important to note that that loading dock, once the apartment building is open, it'll probably be used once a day, twice a day. And it's not trucks coming and going. It's going once, going in, using the elevators inside, and keep going. And now, finally, we're looking at the intersection of Democracy Lane and University Drive. So we've made a full walk around the building, and we think that it's really important to note flats are in the foreground, and the garage access is actually located on this side. So as we talk about all of the energy,

[02:30:41] All of the energy that is existing on Street 2 and on Street 1, this garage access, the daily coming and going, will be on this side so that there isn't conflict with the pedestrian. You can keep going. So it's not just new development of the new apartment building, new mixed-use building.

[02:30:59] This is the existing condition of the shopping center. You know it today. You've, I'm sure, been there maybe in the previous week. Keep going. You can see that it looks like a building that was built in the mid-1970s. We are proposing to refresh this with new architecture that you can see here.

[02:31:17] That architecture is inspired by and building off of the architecture that your BAR recommended unanimously for approval. Keep going. But in addition, with this application, we've proposed a condition of approval and included these two exhibits as attachments from which a future certificate of appropriateness can be prepared and reviewed by the BAR.

[02:31:38] You can see the drive-through. That's okay. You can see the drive-through that's all the way on the east side of the site has been re-envisioned as a pocket park. Again, we can't necessarily at this point redevelop that entire site, but you can see that we are aiming towards something that is future-looking, forward-looking.

[02:31:57] And then finally, this gives you the impression and shows really, really well how we're knitting everything together. This is not just plopping a mixed-use multifamily building on a corner and not thinking about its relationship to what's going around. I think that this is a project that absolutely in all ways thinks about its relationship to what exists today and what will exist in the future.

[02:32:17] And I think this picture does a great job of doing it. Now, I've been talking for a bit, and I want you to know I've only got 10 slides left, so we'll probably try to go pretty quickly through these. So we've already talked. Clara did a good job of identifying those special exception requests. I want to go back to this.

[02:32:33] These special exception requests are needed to deliver the type of high-quality multifamily mixed-use building that you see. So these are not just nice-to-haves. This is because of combined experience and their knowledge of what it takes to deliver something that is high, high quality.

[02:32:50] So let's go through them. So there are two special exceptions for building height and for density. I said it earlier. The small area plan calls for six stories and 1,250 residential units. Unfortunately, the transition overlay district only permits 48 feet. So we need to go high. You can't fit six stories in 48 feet. And so we need that special exception. Additionally, we're asking for a special exception, as Clara said, to not have 80% of our upper floors have floor to ceiling heights of nine feet. I'm going to give you a sense. God bless you. I'm going to give you a

[02:33:26] sense for what we're asking for. We're asking not for nine feet. We're asking for eight feet and 11 inches. And as my grandmother would say, a man on a galloping horse would not notice the difference between eight feet, 11 inches, and nine feet. But that's the standard, and so we needed to ask relief for it, even though it's not going to change the quality of living or the enjoyment of living in that space for the people who live here. Additionally, we're asking for an increase in the density. The transition overlay district, as Clara mentioned, only permits 24 dwelling units to the acre, yet, you know, the small area plan call and the activity centers call for 50 dwelling units

[02:34:05] per acre. So we're asking to increase modestly to 36 dwelling units to the acre, which is consistent in both height and density with some of your recent approvals. The N29 project was approved at 87 feet in height and 87.8 dwelling units to the acre, far more than what we're asking for. And the scout project, the successful scout project that combined developed calls for 85 feet of height and 46 dwelling units to the acre. So we're not asking for the upper limit here. We are asking for something that allows us to make the transition overlay district work okay so we'll talk about ground ground floor occupancy I want to say it again we will be at a at least 12,000 square feet of retail

[02:34:45] and if we need to we need to make that commitment clear we're happy to do that but we will absolutely be at 12,000 square feet of retail in this location so I showed you in an earlier slide that there's some grade between university and street two 15 foot of grade difference when that grade changes, it's very difficult to activate that ground floor in that grade area. That's why we're putting the murals and the artwork in that location. So what we've tried to do here is strike a balance between residential and non-residential development. And I want to point this out, residential units only front on University Boulevard, and the rest of the ground floor space

[02:35:23] is either retail, amenity, or lobby space. It's either retail, amenity, or lobby space. So it is pedestrian activated. But we've also thought very, very carefully about where the best location for retail is, because nothing's worse than having vacant retail to send a signal about the vibrancy of the downtown.

You can keep going. So this next one is really, really quite nuanced. So there are overlapping requirements here. The transition overlay district calls for new buildings to be no farther than 10 feet away from the curb. But unfortunately, in this location, our existing utilities span more than 10 feet. And the sidewalk must be at least 10 feet wide. So we're asking for

[02:36:02] a special exception for new street trees to be 18 feet back from edge of curb so that we can avoid those utilities and to create what we think is an appropriate streetscape here. Okay, these next few slides speak to in detail the streetscape around the building. And Clara mentioned that there are some places where we're not quite meeting that full width, but those are in very limited locations and they are to accommodate some of this alignment and this architecture.

[02:36:29] So let's talk first about this. This is Street 1, and we are building the northern half of Street 1. We're building the section of the road, but only the northern portion of the sidewalk with. And so we need a special exception because we want the future development of the parcel to our cell to actually add that sidewalk.

[02:36:48] They will want a sidewalk on their property so that it leads to their uses. If we put it on our property, it starts to create some challenges. But the TOD also calls for 10-foot sidewalks, but the small area plans calls for a more fluid streetscape. So what you can see here is a little bit more of that fluidity but continuous streetscape all along.

[02:37:05] You can go to the next slide. We hope that these slides show you how we're balancing both the treed environment, the landscape environment, with the sidewalk and the incorporation of ADA-accessible tree grates to create an expanded walking area. So we've tried to get creative here so that we can make this all work in this location.

[02:37:24] Again, redevelopment in an already developed environment is challenging. It'd be a lot easier if it were Greenfield, but we've had to make some of these tradeoffs to make something like this work and meet the objective of your small area plan. And this is something similar here talking about, I'm happy to go back to any of these slides should it be helpful.

[02:37:41] The next special exception has to do with lot coverage and interparcel access. So let's talk about lot coverage for a second. Right now, our lot coverage is 91.7%. We're in excess of what the TOD asks for today, and the zoning ordinance would ask for it to be 90%.

[02:38:01] We're going to reduce it by almost a percent from 91.7 to 90.8%, but we can't yet get all the way down to 90%. Notwithstanding the increase in the tree canopy, notwithstanding the addition of the park, we still can't quite get there.

[02:38:17] We're on our way, but we need this special exception until we can fully realize that full reduction. And then finally, with regards to the connection to the South, what staff is asking for is a connection from Street 1, right below that multifamily mixed-use building, to go right into the parcel to the South.

[02:38:35] But we don't own that parcel to the South, and just forcing a connection there is proving difficult, if not impossible. That said, we wanted to reflect and respond to the spirit of that request. And that's why you can see the blue arrow to the right of the red circle.

[02:38:51] And that still allows that porousness of transportation to go from north to south, a little bit to the east of our parcel. And we can do that because we control that property to the south. You can go to the next one. So this is our site plan.

[02:39:07] You can go to the next one. And this is the building that we really hope to build here. Let me conclude by saying really quickly, this is a plan that our team is very, very proud of. We've worked on it for over two years. It hasn't been always easy, but we've been grateful to work with staff and to work through this process.

[02:39:23] And I know that we've been talking to a number of you. We're proud of this. It's taken effort. And this is, if Molly were here and not enjoying Europe, she would tell you that this is a plan and this redevelopment is something that at least four mayors have asked her or combined properties to actually take a look at and to do something like what you see tonight.

[02:39:46] And so I get it. I get that it's not ticking every single box perfectly, but this is a redevelopment. And therefore, there are some challenges here. We're trying to do the best with what we've got, and we think that this could be an incredible catalyst to the future redevelopment of this portion of Old Town North.

[02:40:04] And with that, I and the team stand ready to answer whatever questions you have. Thank you so much for that presentation. At this time, I will ask the clerk to call up people who have requested to speak, And maybe we will glean from some of those comments some additional comments and questions for both the applicant and staff.

[02:40:25] Ms. Shinneberry? Our first speaker is Emily Bresson.

[02:40:38] Hello. My name is Emily Bresson. I live at 4123 Orchard Drive for 32 years now. Kind of hard to believe. I recently posted on Nextdoor.

[02:40:57] I just wanted to get a feel from everybody of what they think about this building, which has been slightly updated but not much, next to our old town and, in fact, in the old town zone. And I got a good, resounding, please don't do this.

[02:41:19] About two days ago, I took a general poll of the next door post. We had 18 who were for it, most of whom were out of town. centerville vienna etc 59 were for it a couple of those were out of town too but i'm just saying i'm sorry i said that wrong i said that wrong 18 were for the development 59 were against it when this was brought up two three years ago it was resoundingly put down and requested that we leave

[02:41:57] the Safeway lot alone in a community outreach, and at which point the city council at the time and the developer at the time backed off of it. So I was really dismayed to find it up again for consideration. This would be near our beautiful library. This would be in our old town area. It just doesn't belong there it is there's no reason it should be over four floors okay this is this is

[02:42:35] not old town what i think the general consensus is that i'm getting from the community from my outreach on next door is a counter proposal which we all sort of like of leaving the the strip mall there, renovating it. We all agree it needs renovation. And adding, the parking lot's huge.

[02:43:01] We could add retail space along University and the back of that parking lot so easily. We don't need all of this. If we are looking at 1,250 units, we're looking at a potential of 2,500 cars. All of these units would have a potential of one to two people. We have two

[02:43:34] cars in our household. You probably have two cars in your household. So we could potentially have double the number of units, cars, going out on two local roads. We are asking you, please, please vote against this. Please. Our next speaker is Mariana Fournier.

[02:44:04] Mariana Fournier, I've lived in the city for 47 years. What you're proposing is a massive urbanization of our city. And there is a significant number of us who don't love concrete and steel and buildings towering over us. Please remember why people moved here to begin with.

[02:44:37] We are not motivated by corporate greed or a desire to push, push, push development that will kill the character of our city. You simply cannot go forward with this unless you get significant citizen input. It would be unconscionable. If you approve this project tonight, it will be

[02:45:16] viewed as a blatant disregard of our city design guidelines and will open us to massive overdevelopment. How much traffic can we put on Blenheim Boulevard? Remember, it's our city too.

[02:45:41] thank you our next speaker is michael elrich good evening michael erlich i live in farcroft on daniel's runway um so i'm here to talk about something aligned with this but i didn't know that until today because i over the past six weeks have left two or three messages for i think the office of city planning and development to talk about the old joe's pizza and pasta

[02:46:19] with no response. I've been a resident of Fairfax City for 23 years, and one of the things I love about Fairfax City is how responsive it is, and I did not experience that. So when I called today, I spoke with someone, Nancy. After chatting, I ended up finding that she's a former student of mine. She was extremely helpful and said, you should come speak tonight. So I'm going to go through the few notes that I made. That place has been vacant for at least, what, 20 years now?

[02:46:52] And it looked better when it was vacant with a roof on it. We have now had to look at this with these boards supporting it for months and months and months. How much longer do we have to look at that? This, as you've heard several times, this is our city.

[02:47:11] I love living in Fairfax City. I don't love that. I walk my dogs by it every night. I'm choral director. And I thought, you know what? I would love to buy that place and turn it into my rehearsal hall. That would be awesome. Make it something useful. But the way it is now, it's just an eyesore.

[02:47:29] I did learn that the issue with the trees being removed has been addressed. I understand that if this is the same company, remove them without permission. That leads me to wonder, what else is going to be done without permission?

[02:47:44] You know, ask forgiveness later? No, those trees could have stayed. There's no reason to have taken them down. So I understand that that is being dealt with, and I appreciate it. The traffic issue that this would cause, two days a week I volunteer at the adult detention center.

[02:48:04] My class time is at 4.30. Already at 4 o'clock to 4.15, there's a lot of traffic to go down Blenheim and then turn on and head toward the adult detention center. How much more traffic is this going to add? How is that going to be controlled?

[02:48:20] I haven't heard that yet. But the original point and my original intent in being here is what is going to happen with that building, Joe's Pizza and Pasta, and how long do we have to look at it? Because frankly, and I didn't hear that addressed in the plan. So thank you for your time. Our next speaker is Brenda Coleman.

[02:48:47] Hi, I'm Brenda Coleman. I'm from 10316 Ford Road in Fairfax. A few of the same issues that I spoke of before, with the real urgency of emergency vehicles, there's only two lanes on University.

[02:49:15] there's only two lanes on Blenheim, there's only two lanes on Leighton Hall, and yet we're going to introduce how many more people within walking distance of these places? And if there is a flood, because I did mention it earlier, we've been having so much rain, and I understand there was flooding at Mosby Woods last week, how is everybody going to escape? How is everybody going to get out to somewhere safer. I mean, I think we really, really should consider that

[02:49:49] before removing all the soil that would absorb it. My other thing is, I went to the workshop at Scout about this, I guess it was about a year ago. And at the time, we told them, it looks like a dorm. Please make it a little more charming so it fits in with our city.

[02:50:16] The other thing we told them is we'd like some shops, okay, but we were told at the time that those shops could not accommodate a restaurant because they didn't have all the facilities, the exits and everything else, that those shops would have boutique fitness type things.

[02:50:36] I don't know if that's still true, but I think that should be explored. But my biggest thing is that six floors with 1,200 units, plus 1,200 units, It's just too small a space, and we live in a suburban area because we want to.

[02:50:55] We don't want to live in Boston. Thank you. Our next speaker is Jim Gillespie. Good evening, Mayor Reed and members of the council.

[02:51:15] Jim Gillespie at 3604 Colony Road. This project is, I think, I could say fairly in my backyard, and I wanted to reiterate a couple of things I said earlier about the desperate need for housing we have here in Northern Virginia, in our community, that is a fact. It is a demand-side issue, a supply-side issue. Sooner or later, with more housing, prices start to come down and we have more affordability. I've heard 1,200 units. I think it's 315, I'm pretty sure. Of those, 19

[02:51:55] would be affordable to households of less than 70 percent of AMI. And as somebody who lives in that area, I did want to address, it's no surprise that Joe's Pizza has been vacant for 20 years. This shopping center has been deteriorating the entire time I have lived here since 1995.

[02:52:17] It is not going to just magically turn around to become a vital place. This is the kind of project that will bring new residents, it will bring new customers. It will take an eyesore in our city and turn it into something very beneficial. I will note that not very many years ago when the flats were proposed, we heard many of the same arguments. The sky will fall. Traffic

[02:52:47] will stop on University Drive. The flats have been here several years. It is a wonderful addition to our community. None of the terrible things that were predicted when the flats were built have come to pass. As a matter of fact, as a regular shopper to the Safeway, we now have a lot of new customers at the Safeway thanks to the flats. So I hope you'll seriously consider this

[02:53:17] project and approve it. Thank you. Our next speaker is Emma Chatton. Good evening. My name is Reverend Emma Chatton. I'm the pastor of the Metropolitan Community Church of Northern Virginia located at 10383 Democracy Square directly behind the Safeway. I'm feeling a little bit behind the eight ball though. I got this letter on July, well the letter's dated July the 11th and I got it the 16th.

[02:53:55] And I went ahead and downloaded the documents, and I've got some here tonight. This is a lot. It's a lot to cover. Kudos, a great presentation, a lot of work represented here. I do respect that. But in looking over it, I do have some concerns, and they're the concerns of construction, concerns of traffic, and concerns of density.

[02:54:19] And I recognize the density has to happen in order to make this project economically viable for the developers. Now, nine special exemptions, that's a lot. That's a lot. Zoning happens for a reason, in order to preserve the character of a neighborhood.

[02:54:38] A couple of exceptions can happen and have happened over the years, the flats and everything else. And this has served to improve. But nine of the exemptions, that's a lot of them. And so this concerns me in terms of being almost in a concrete canyon at some point where we're located.

[02:55:00] And this may never come about, but a lot of thought has been invested in this. And so I think I would like to invest a lot of thought in going through this a little bit more detailed. And ultimately, I think that we need to challenge the builders to be a bit more creative.

[02:55:20] I think that that's important, to do something that's in keeping with the neighborhood and doesn't overshadow or tower over and isn't just concrete. So I would like to challenge the builders in that respect. Thank you for listening to me.

[02:55:38] That's all the speakers who signed up prior to the meeting. Is there anybody else in the room that would like to speak on this item? Step forward. Hi, good evening. My name is Brian Edmonds. I'm actually a resident of Burke, Virginia, but I am a property owner at 3921 University Drive, which is immediately adjacent to the proposed project.

[02:56:00] We're basically at the corner of Proposed Street 1 and University Drive. I have two major concerns as a business owner there. We're a church. We already have significant stormwater issues to the side of the building. I can't imagine those issues are going to get any better with all the new development taking place where there's a parking lot now.

[02:56:24] The other big concern is overflow parking. So we also are a church, so most of our parishioners are there. We're using the building on Saturday and Sunday, which also happens to be the time when most people think it's okay to just park wherever they want to park, right?

[02:56:40] So we already have a lot of issues during the town events and festivals and things like that. they're great events but a lot of times we have overflow parking and it's very difficult for our parishioners to find a place to park we have just a very limited number of spots in front of the church so my fear is that with the development the likelihood of that happening it just goes up drastically so thank you is there anybody else in the room that I'd like to speak on the side

[02:57:07] you may come forward sir yeah martin parr queen anne drive fairfax city since 1977 and first of all this project absolutely way too dense for the area that it is planned for it's out of character to what's there and the young lady who was doing the presentation very

[02:57:44] good presentation but mentioned appropriateness probably about 40 times well backed up next to old town new development is not appropriate it shouldn't be it's not for the people that have been here and have really committed to keeping this a town atmosphere not a city and some of the architecture

that she has presented here my gosh lackluster it's like no imagination and any of the people that have been working on it have they ever even seen Fairfax City

[02:58:22] I mean it's just absolutely out of character and I'm hoping that you all have wisdom enough to reject it. Madam Mayor, it worried me a great deal when you said that you have a responsibility to people in the future. Well, actually, the council has a responsibility to the people that are here right now. We're the ones you work for, and I'd like to see you work for us here and now. I understand planning for the future of gross development like this could be put out on the

[02:59:01] shopping center on the west end of town but it has no it'll kill old town it really really will say think please think and responsible to the people here now not in the future i understand planning but your jobs your pay everything comes from the people here right now thank you is there

[02:59:27] anybody else in the room that would like to speak okay come forward ma'am hi i'm mary johnson i live um at providence square and say your avenue and um i would really like to reiterate um the woman's point about please challenge the developers this is not a great project at the moment it is not appropriate it does not look like old town it is far too large and um even though the

[03:00:05] flats were developed and we haven't reached armageddon yet if you continue with this runaway high-density development, we will get there. We will get there. And we do live in a town, and most of us chose to live in a town, not in a concrete jungle city. And that's where you're taking us. That's the direction you're taking us in. So yes, we need housing, but we need responsible housing. You really need to watch the high-density development. It's too much.

[03:00:37] You're just going down a bad path. I would also like to mention that there was, in this presentation, There was no talk about children. There were no proffers that were offered. I don't know if we're not at that stage yet, but the last development actually severely underestimated the amount of children that will end up living there.

[03:00:57] I mean, let's just be real. And the \$20,000 per child, that's a severe underestimate as well. So that may help their education, but I don't think what that takes into account is the overcrowding and the costs that come out of that.

[03:01:13] there will be additional trailers there will be maintenance of those trailers you will need to hire additional staff and not just teachers but all the support staff and I don't think that 20,000 per child is going to account for that so and none of that was even mentioned with this project I do agree it's six stories it's too high for the area that it's in I mean that's a really and the facade doesn't match the existing architecture so I really think this needs to go back not to the drawing board but there's a lot of work to be done here so i think approving it tonight

[03:01:51] it's a little irresponsible and i really hope that you think and consider that decision thank you is there anybody else in the room that would like to speak okay seeing that there are no more speakers i will close the public hearing and turn to the council for any questions of either the staff or the applicant council member amos hi well i know we've met extensively especially with staff so I appreciate your flexibility and I was down a couple weeks with illness but there were I appreciate you throwing in the comments about the

[03:02:31] existing businesses I was very concerned about for example chubby squirrel mama's taste that whole section on where exactly I'd end up if relocation assistance was possible so I'm happy to see those

those conversations are happening as I expressed before my main priority have the fact that I live adjacent to this i'm at laden hall apartments so i'm right there i see plenty of people walking down with their safeway shopping carts and leaving them right by laden hall drive so gotta love that but there is prime opportunity in this area for a long-term vision and it can be done really well

[03:03:09] and i know that's something that staff has expressed is really a concern for them in terms of phasing and i think there can be flexibility on both sides but for me personally i need to see a little bit more because this is an economic development hub opportunity that frankly I mean it's right across the street from a parking garage near Old Town Square we have businesses adjacent for example Bollywood Bistro and that complex they need shoppers but they also need the infrastructure which is right there so I I want to see a little bit more in what exactly

[03:03:43] we're heading towards because currently I'm not fully seeing it also I do appreciate the green space component for me personally I would have liked a little bit more and I know that was a council call on that one I think a prior council wanted that roadway there so I understand I would prefer the walkability but I'm biased so I will acknowledge that council member McCullough I do have a few questions first I want to thank you for the presentation you did a great job included a lot of info to go over I do have a question regarding the number of students expected at this

[03:04:19] yeah so we've done the calculations and we estimate that it's about 32 students here now One thing I will contrast these conditions of approval with the last application is that the last application was contributing \$600 per unit, and we're contributing \$1,500 per unit.

[03:04:35] So two and a half times the per unit value is coming with this development as with the last development, which means that the total contribution is approaching a half a million dollars towards schools with this application. So the total, that's the \$1,500 per unit, ends up being like half a million?

[03:04:56] I think, don't quote me on this number, but I did it \$472,500, I think, was the exact number. Okay. Thank you. I got some yes from an engineer, so I know that the lawyer's matter.

[03:05:13] Thank you. Don't trust the lawyer. Thank you. I do have a question regarding parking. Can you explain how that's going to work and if you charge for parking, if that's an additional fee? i mean we are providing ample parking for the residents the residents will park within the building itself we do have 17 on-street parking spaces um seven of which will be designated for short-term parking and then obviously there's there's some sharing opportunity there between our building and the retail that will be there and the existing um in the existing remaining shopping center okay and and will the residents be paying for additionally for parking that's or

[03:05:52] how does that how will that work yeah that's part of their rate that's part of their release rate yeah okay yeah they don't pay extra for it okay so it's just automatic that it's within that okay and then i never saw any information regarding if you guys use real page or any of similar software intending to play to to use real page at this point yeah okay that's good um and then one of the businesses that's in that shopping center is an indoor pickleball court i have heard you know You have sat here and listened to the feedback as well.

[03:06:23] So is that, you had mentioned previously that you might be able to find some, is that? It's premature at this point to start talking to them about relocation, right? If we've got more conversations to

be had with you and your colleagues. And so having conversations and saying, we'd like to talk about moving you someplace else, we'd like to at least get on the other side of this decision.

[03:06:40] Because if this decision doesn't go the way we want it to, we'd really like them not to go anywhere. Totally. But if we're approved, absolutely, as I said earlier, we're going to work closely with those tenants to see if there's a place for them to go in another one of combined properties here in the in the city and if not if that doesn't work out for them for business reasons or other we're going to make sure that they are well connected with economic development here in the city so that they can stay here we we recognize that those are part of the fabric here yeah um so do you have the availability to move them in do you have areas where something like that could be i don't know that we've done the whole analysis yet to determine whether or not

[03:07:16] there is a space. I just didn't know if your space is where somebody had mentioned about restaurants or something not being compatible. Good evening. I'm Aisha Hill with Combined Properties. So if we receive approval, we still have about two years before we get to construction start. So our vacancy may change or there may be something that comes vacant that if we know we need to target 10,000 square feet that we can hold. But it's hard today to pick the place for them for two years from now but it's something that we'll start to work on as soon as we have more finite schedule and timing for construction. I was just curious if your facilities that

[03:07:53] currently offer retail and these kind of services if they have the capacity to do that since I had heard previously from another comment that maybe restaurants weren't able to be. Yes and I'll clarify so I think that comment was based on a previous submitter where we had 5,000 square feet It was focused on University and Street One.

[03:08:15] We now have expanded the retail, and we are providing for shafts and venting for restaurant use. Okay, great to hear. Thank you. You're welcome. I did have one more question regarding the stormwater concerns of the neighbors, and I wanted to hear during the reading, I think she mentioned jellyfish or something was the stormwater component that you would be using.

[03:08:39] I'm not going to be your describer of jellyfish, but I will start here, and I think this is really important. is that this is a center that was developed in the mid-1970s, and the stormwater regulations since then have grown exponentially. And I mean, I know that from all of my projects that I work on, that every couple of years the stormwater regulations get a little bit tighter, a little bit tougher.

[03:09:00] It is no overstatement to say that they are radically different today in 2025 than they were in the 1970s. That said, we've also looked at the stormwater runoff and the pre-development stormwater runoff, right, because it's developed under regulations from the 1970s, and the post-development runoff, we are far less done under the post-development runoff circumstance because of the regulations being so much greater.

[03:09:27] But Nikki, will you explain what a jellyfish is? Ensure that we have enough of the phosphorus removal and meet the state VRRM requirements, which is the Virginia runoff reduction method.

[03:09:48] Okay, so that does reduce the runoff... Going on to neighboring properties. Yes. Yes. Thank you. That's it. Thank you. Councilmember Peterson. Thank you Thanks for the time you all spent recently going through things staff question although I'm not sure the right staff are here, but It's related to

economic development, and I think the question is From the economic development standpoint for the city

[03:10:22] What role does this, I'm going to call it a pad, but this site overall play in our economic development vision and strategy for the city? Oh, there you are. You were hiding. You must have been. I'm so sorry.

[03:10:39] So what role does this site play in the vision? in the vision for economic development and in particular i believe you have spoken before about the city's goal to shift more clearly in the direction of commercial development and what role does this property play in that particular goal as well as the overall goal for economic development and what what is the vision in terms of a strategy for this area for that so we are supporting the small area plan that has been adopted by the city council we will always

[03:11:13] encourage development to include as much retail programming as possible and we have had several conversations with this applicant already and they have as they've mentioned increased their retail inclusion I think that's a positive thing that that number has gone up it I mean just numbers are numbers though and it is a smaller number than what exists on the site right now so we will continue supporting the the council objectives of uh you know creating spaces that encourage retail development especially in the center of the small area plans uh and and so that's kind

[03:11:50] of where we are right now well and just to add to that then is it um preferable uh all that said that the percentage of development on this site that is in commercial is greater than the current proposal in front of us because this is adding significant residential to what otherwise could be commercial i'm trying to think carefully on how to answer this because i i think we would support the recommendation of staff the planning staff that has been submitted blanket statement

[03:12:26] but i always want to see more retail and commercial programming sometimes that is not realistic in some sites and and the applicant may have done that analysis to determine that that is the situation at this particular site but you know in a perfect world I will always advocate for more retail and commercial inclusion well and then I'm not sure whether you do this or somebody else does this but with respect to then evaluating commercial potential and the risks associated with vacancy

[03:13:00] etc do you do that have you done that for this site what is the perspective perspective in terms of, as Council Member Amos put it, this serving as an economic development hub? We haven't done it for this site in particular. We had started a commercial retail leakage analysis a number of months ago.

[03:13:20] That project was placed on hold, but we do know that the data is out there that shows we have historically low vacancy rates for our retail programming and office programming, but for our retail leasing at the moment. So we are very bullish on the retail market and leasing capacity in Fairfax City.

[03:13:39] You would be, as a result of that, optimistic about the prospects of this site focusing on that kind of development? I think Fairfax City is the best place for retail business in Northern Virginia. Well, thank you very much.

[03:13:55] I may have another question or two, but let me turn it over to others. Other questions? Council Member Hardy Chandler. Could you go back to, I believe it was slide 27 of your presentation.

[03:14:12] You were talking about, or maybe I would say I invite you to talk a little bit more about attention. Maybe that isn't it. Okay. Rather than the number, the one that shows the rest of the shopping

center and the attention to, look, that one, 22.

[03:14:33] I was close. Can you speak more about the attention to the rest of the site? Yeah, I mean, in terms of the rest of the site, we're looking to refresh the facade and the architecture so that it looks more modern.

[03:14:49] And then also you can see this is targeting redeveloping or replacing that drive-through lane right now that's all impervious with a small pocket park, thereby bookending the existing shopping center or what will be the revised footprint of the existing shopping center with green space on both sides of it.

[03:15:09] Okay. Can you explain a little bit more about the refresh over integration into the plan? Are you curious about the architectural treatments that are- Longer term, just as a curiosity.

[03:15:25] Oh, like what is our future redevelopment of this entire parcel looking like? Is that what your question is? Since that's a concern, that was raised. Yeah. I mean, so we look at this and Combine very much wants to be forthright with the council, doesn't want to come back at some point in the future and say what we thought on July 22nd of 2025 didn't, we were wrong in predicting the future. And so we look at this as the first step in a long-term play and that there are future opportunities for development of the rest of the parcel. However, when we get to that next part of the parcel, let's call it in the mid-2030s,

[03:16:04] it's hard for us at this point to predict and to know with certainty exactly a couple of things. One, what's the small area plan going to call for at that point, right? Will this council or future council change what the small area plan calls for in that location? Number two, what does the market call for? You know, I will say I do this throughout Northern Virginia. What we thought was possible in 2019 isn't necessarily possible just five years later, you know, now that we've gone through COVID. We hope nothing like that happens again. But of course, you know, Combined is in a great place here in the city with creating great places and great retail opportunities.

[03:16:44] We haven't, the reason why we're not coming in with a big vision here is because honestly, we don't know that the market is there for that entire redevelopment at this point. But we intend to come back and to be looking at a redevelopment of that portion of the property. We just couldn't tell you today when and exactly what the market and the small area plan will call for at that time. I wish I could give you a certain answer. This is what it's going to look like, and I'll see you in six and a half years. No one has a crystal ball. Council Member Hull.

[03:17:14] Thank you. Are you at liberty to say what is going into both the McDonald's and the Joe's pizza? Yes. So what's going into the Joe's pizza is teapot. And as long as you're chatting about it, let's let's just talk about that we recognize combine recognized that when the renovations were being made to bring teapot in there that it was it was not being the repairs were not being done the improvements were not being done in a safe or adequate manner so combine stepped back in and said we're taking this over and then went through the proper permitting processes with the city so we expect we're hoping to get permits and start that start that very very soon and then with

[03:17:53] regard to the mcdonald's it's going to be a bakery a bakery called layered um i don't recall the opening date for layered next 30 days it'll be open so okay and teapot is not a coffee or tea place but it is a korean barbecue yep exactly thank you um my next question might be better for staff um so there's nine special exceptions i i think um combined properties and others have highlighted why some of them are technically an exception, like the 9 feet versus the 8 feet 11

[03:18:30] inches. It seems like, and I know I exchanged emails with Brooke earlier about this, and thank you. I didn't actually write back to you saying thank you for all the detailed information, but it seems like the small area plan says one thing, but the zoning guidelines and rules and all of that have not yet caught up with what previous councils said they want in the small area plan.

[03:19:00] And so I think it's frustrating. It's confusing. It seems like in some cases the developer is asking for a lot, but maybe they're really not because the plan is that zoning is going to catch up to what the small area plan says. So again, I know we're kind of new to this as a council overall.

[03:19:21] people are watching at home. Can you kind of just comment on how this evolution is going and why it is a big deal in some cases, why it's not in others, and then also specifically why what you're interpreting from the presentation and from what they want to do is causing staff to suggest denying the plan? Sure. There's a lot of questions, sorry. Yeah, sure. No, you're okay. I'll try to answer all of them. So there are inconsistencies between the small area plan and the zoning ordinance.

[03:19:52] And we know that, and we're currently working on updating our zoning ordinance to better match the small area plans. The applicant has submitted nine special exceptions, which are a lot of special exceptions.

[03:20:09] But for a development of this size, it's not uncommon to have those nine special exceptions. There are two special exceptions that they've requested that are, like you mentioned, within that zone of the inconsistencies between the zoning ordinance and the small area plan.

[03:20:35] And those two are the height requirement and the height special exception request and also maybe the density as well. So those two are two where the small area plan does recommend a higher height maximum and a higher density.

[03:20:57] The rest of the special exceptions are not, they don't fall under that, they don't, it's not coming from a place of these are inconsistencies between the small area plan and the zoning ordinance.

[03:21:12] These are things that the developer or the applicant could remedy if they were to change their plans. And what I look at as a planner when I'm evaluating special exception requests are three things.

[03:21:29] I'm looking at the zoning ordinance, I'm looking at the comprehensive plan, and I'm looking at the small area plan. And that's what I'm comparing the requests to when I'm doing my review. So does that answer your question? I think so.

[03:21:46] I think it just, when you said the height and the density, you're talking about the exterior height of the building itself and not the one inch of the ceiling differential, right? Yeah, correct, yes. Okay. I think one of the things that stuck out to me was the tree, the 15 feet versus the utility lines versus this and that.

[03:22:06] As a planner and as someone who's trying to follow the zoning, the comp plan and the small area plan, what would you have suggested they've done there instead? I would have suggested that they shrink the building size so that they can provide adequate sidewalk widths and streetscape.

[03:22:26] Okay, so when you say that's a choice, that's what you're referring to. Okay, and I know one of the things I had asked about when we met separately was Street 1 and Street 2 and the way the parking is. I think the other thing that really confuses me about this site plan specifically is that the small area plan suggests that it connect to Blenheim and they had their orange X's on where it couldn't be achieved because there was the development across the street.

[03:22:59] What would the city have anticipated seeing there that would have checked those boxes in the correct way? It's hard to say what we would anticipate. We would have anticipated the entire site being brought into this application, whether that's through a phasing plan. It's hard to know what could have been proposed for an East-West connection because the entire site wasn't brought into this proposal.

[03:23:24] Okay. And then when you said, forgive me if I mess up the wording of this, but I think you said something about because the applicant was taking the 8.73 site plan, it brought down some percentage of something. Can you explain, was that with regard to the density of it?

[03:23:44] Yeah, that's in regard to the density. So the density is relatively low. Like if they were to develop the whole site, the density would be higher. So I think right now it's like 36, which is obviously much lower than Davies, which I think was 103 or 106 or something.

[03:24:02] Is that because they're using the parking lot to be their numerator, denominator, and to get those numbers? That is right. That is a byproduct of the zoning ordinance, and that applies citywide, not just to activity centers, that the total acreage of a site or lot, in this case, which is one and the same, is your standard by which you divide the number of units.

[03:24:26] That number of units divided by the acreage, I should say. Okay, so if, and again, correct me if I'm wrong here, but this was 317 units, and I think there was a conversation about 500 and some units on the other side, potentially? Yeah, so the proposal is for 315 units right now.

[03:24:44] I'm not sure. I mentioned it when I was talking about the briefing proposal. I'm not sure what that was. That was never, like I said, that was never actually, like, part of the application. But I think it was, like, an additional 600 units or something like that of residential.

[03:25:03] I did do the calculation. So they're developing approximately three acres of the site. And so on three acres, the density would be 105 dwelling units per acre. Okay. And so then if we were looking at the 315 units plus roughly 500 or 600 other units, then we would use that 8.7 to divide it by the units or vice versa.

[03:25:28] and come up with probably another 100 or so of it. So that 36 is a bit of a skewed number because of the total lot size that we're dealing with. Correct. Okay. I would like to circle back if I could. Yeah, please. The question on the street design, staff has recommended that they explore a street that extends east to west that serves as a safe and navigable route for future residents that can live at this property.

[03:25:56] The way it's designed now terminates in a non-compliant parking lot with multiple collision points. That's why we've asked them to explore roads. It not only completes the road network system that the small area plan envisions, it provides for safety. We have asked that they explore a right-in, right-out concept, which would not necessitate moving the signal at this point, and they rejected that.

[03:26:16] Okay, so if they were exploring a right-in, right-out, it would be, I'm sorry, I'm just trying to act like myself, with Blenheim, then that would be where? It could be full movement at university. At Blenheim, it would be just north of the building without the roof as a landmark.

[03:26:34] Okay. But then right now with Street 1, because I actually thought this was going to potentially be a one-way, and that's why the parking kind of confused me when I met to discuss it with them. So what

you're saying is then people would be able to turn left on a university instead of going over to the light of democracy and leaving that way, right?

[03:26:55] That's true. residents could leave to head south on Blenheim Boulevard to hit Old Town, City Hall, George Mason, or turn right into the property, avoiding the parking lot situation, which would not be improved under this current plan.

[03:27:11] Okay. And then the way that the curb cutout, I think that they mentioned, will now give access from proposed Street 1 to get into where the Joes and the new teapot are going to be going, right? That exists today in the field. Oh, it does.

[03:27:27] Okay. It does exist today. You have to circumnavigate through that noncompliant site also. Okay. Where staff had pointed out that the code has a requirement is one of the members spoke about a church property. The gentleman spoke to the church property to the south.

[03:27:42] It's that parcel, which is at grade. It lines up with street two, I believe it is. Okay. Yeah, street one. Street one. which typical in any of the development projects that you have been seeing where there's a redevelopment with a parcel an older parcel next door they will stub out to a property line and set forth easements for future considerations when that other property develops that's what we would have expected in this situation okay and so then you also would have expected that they would have done sidewalks on the other side of street one which again probably would have required them to shrink the building down in order to accommodate that yeah they would

[03:28:21] have had to make some sort of accommodation to provide that street most likely um and yeah we would have expected there to be sidewalks on both sides of the street okay okay i think those are all of my questions at the moment thank you for getting into the nitty-gritty with me other questions councilmember peterson yeah i wanted to maybe i'm so sorry director bruno have you come back up again but the reason is that we received a number of comments from people

[03:28:54] who were interested in not only commercial oriented development but really alternative concepts or more creative concepts or as I think people said you know pushing the developer forward and I think it kind of comes back to the economic development strategy that we would have in this area generally and question marks about what that might look like and whether that might change the opportunity set that we might have in a location like this and so for instance there

[03:29:30] was a question about pickleball which happens to be an active participation retail kind of example it's my understanding that that is the form of retail that has been most successful of late. And when you forecast that forward, that's an opportunity set. So I don't know whether there have been, whether there hasn't been a dialogue with the applicant about that kind of strategy that would certainly increase the attractiveness and viability of a place like this to focus even more strongly on retail. So just a question about how much of that kind of conversation has happened

[03:30:07] and whether that is something that could be picked up and pushed forward. So we've had preliminary conversations with combined properties about that and i want to give them credit they actually helped us bring pickleball to that location in the initial instance but yes that you know these experiential types of retail programming are what we see as a priority in our retail strategy we have actually just embarked literally in the last couple of weeks on developing a new retail strategy for the city

we've modified one of our employees to be in charge of developing that retail strategy. So that person would be responsible for working on this with development

[03:30:46] applicants as they come in. But with respect to combined properties, they've been fairly receptive to talking with us about this, as most developers have been as well. So I would give them credit for engaging in that conversation. Well, thanks. And so one other thing that I noticed is in the small area plan is a hundred unit, either a hundred unit hotel or a hundred units of hotel space and i'm curious where hotels fit into the strategy also and that would include micro hotels things that are micro designed aesthetic all that kind of stuff is that

[03:31:23] something that there has been dialogue about as well and does that fit in to this strategy uh we might need a whole night to talk about hotels but uh we have yes it fits into the old town strategy for sure. There are a number of other proposals that are out there, and there are a number of studies that we have done in the past, but I would not say that we've had those conversations as it relates to this project specifically. Okay, all right. Well, thank you so much. I have one more question for the applicant, actually, and this is children. So this proposed

[03:32:02] building, I guess the simplest way to ask it is, in terms of children, what is the plan for them to have on-site playground or recreation or some sort of on-site opportunity? Yeah, so let's just start first and mention 66, roughly two-thirds of our units, will be one bedroom or smaller. So we think that there's not going to be an abundance of small school-aged children here, but there is an interior uh courtyard within within the building itself and so there is an opportunity there we're

[03:32:37] not proposing to do a tot lot necessarily because of the small number of uh children that we would anticipate to live in the building but there will be there will be that space there other questions or comments okay so let me just speaking of many many things um this shopping center has been there for 50 years. Combined Properties has been in the city for at least 50 years. You've got four

[03:33:11] developments here. You spent 14 years working with us on Scout on the Circle. That's a pretty intense long-term relationship with the city. Yeah. So I just want to set the stage for the fact that you are not someone unknown to us, that you've got skin in the game. Yes. You've got a track record of what you've produced. And I don't know, in my recollection, that there has been a major disappointment between the city and combined properties. No. That said, I don't think there's ever been a proposal in this city that did not have opposition. If there is one, I would love for

[03:33:48] someone to tell me what it is. Ms. Zipp, I don't know if, you know, in your 20-year tenure, you can think of something where everyone stood in the street and said, kumbaya, this is exactly what the city wants. So I think we have to be realistic that there's always creative tension between property owners, and you do own this property, between what property owners want to do and what the city would like to see, which was the whole genesis of the small area plan. But we do kind of get wrapped up in this idea that we can simply wish into existence the project we would like to have

[03:34:21] on your property. And we have to acknowledge that this has to be a collaboration between what is financially feasible for you to do in light of what the city would like to have. And I just think that's a baseline expectation we need to set for the city. You own the property. And there's a lot of things you could do and not ask for any exceptions. And maybe we wouldn't like it. So when you come here and say this is our idea based on what you told us you have in mind for the small area plan and we have to negotiate how this is going to work and how it's going to fit and also

[03:35:00] to your point you've got things all around you this is not like when they mowed down when they graded the mosaic and built it from a whole piece of cloth with nothing there we don't have that kind of space in this city so there's always going to be dead-end streets and existing buildings existing traffic lights where they are but I appreciate how you have come to this and how you continue to work on this and I think that there are questions on this dais that are legitimate about what the staff has said is their objection to it but that said I would just like to ask

[03:35:38] people to remember that we are in partnership with developers and right now we are a city of asphalt parking lots lots and lots of asphalt parking lots which are not doing anything for our stormwater runoff for all the people who are concerned about us being drowned by you know weather events um every new development that goes in has engineered stormwater systems that are better than what is there right now today just another reminder about how we need to think about these projects so with that um i'm going to thank you for your presentation um i am going to ask

[03:36:15] if there if there's no other discussion if there is a motion on the floor council member bates thank you um i move to phone i move to defer action on um the uh sorry accident close it here

[03:36:38] um okay i move to defer action on the uh attached resolution to approve the request of combined courthouse llc by molly novotny agent for special exceptions to allow more than 25 percent of the ground floor to be residential uses and or residential accessory uses to allow for greater

[03:37:14] than 24 dwelling units per acre to exceed the maximum height of 40 inches in the old town fairfax transition overlay district to reduce the 10-foot sidewalk requirement to allow street trees to be more than 15 feet from back yes i'm sorry just well it's fine with you reading everything it's it's sufficient to just say if you're if you're moving to defer this item to just simply say that you uh move to defer council consideration and action on the items that are subject to agenda item 7b to a date certain of blank whatever that date would be all right good that sounds and you can you can incorporate that you can incorporate that in as if it's your motion

[03:37:54] but you need to pick a date right so I move to defer consideration of the items associated with of the actions associated with item 7a on the agenda 7b 7b on the agenda to a date certain of October 28th 2025 second a motion has been made by councilmember Bates and seconded by councilmember Amos is there discussion on this motion councilmember Bates yeah I personally would love to see

[03:38:33] this development happen in some regard I would prefer to see the entire site eventually redeveloped but recognize that there are practical considerations that need to be looked at here so in response to concerns from staff as well as some of my colleagues, I would like to try to defer consideration of this to allow for time to see what we can do to try to reach a compromise and perhaps pursue a resolution to this issue

[03:39:10] that we're more comfortable with. And without objection from my colleagues, I'd also like to request that staff in working with the applicant try to see what our options are for requiring the applicant to either construct the envisioned east-west roadway or something you know a bit more acceptable on-site or require a easement and or monetary contribution to do so or a commitment from the applicant that they will do so

[03:39:44] in the future open to other discussion other discussion councilmember Amos no I just wanted to say I echo everything that you just said I think to the mayor's point being good partners is very

important so that does require flexibility not just from the developer from but from the city as well if we do envision this as some type of economic hub or we want to revitalize it we all have to put skin in the game and I do recognize that and I know for example we have shout out to Jennifer from the central Fairfax chamber I know we've talked about this site multiple times and it needs some help it does need some

[03:40:22] help but what that looks like I know you may disagree but I do think that we only get one shot at this. And that'll define how this area looks for at least a few decades. So I'd prefer to take our time and get it right. Other comments? Councilmember Hardy Chandler?

[03:40:39] I just wanted to add there were comments earlier about the location relative to Old Town. I think there are visions that this council and hopefully future councils have about the life of Old Town, new life of Old Town and I do think that the request for deferment is appropriate in this case but just want to recognize number one just the partnership the the relationship with the city and to councilmember Amos's

[03:41:15] point really wanting to work in collaboration for what this looks like so Thank you. Councilmember Peterson? Well, thank you. I think what I've heard from not just public comments this evening, but a lot of incoming comments from email, et cetera, and then discussion is there are a couple of key variables here that I think folks are interested in seeing if we could explore a little bit further, and that is height, density, and the percentage of commercial versus residential here.

[03:41:51] And what's really kind of embedded in that, I think, to incorporate a bit of the dialogue with Director Bruno here, is creative concepts around how to do that, that people have just, I think, felt that we needed to make more progress on.

[03:42:09] So my request would be we explore those variables and how they could be modified to recraft this in a way that might address those concerns. I think as a part of that, what we've also heard from staff and we've heard it from others is a desire to make some more progress on the bigger picture and what this might look like and how a particular piece of this fits into the larger whole. And I would ask also that we try to make progress on that, recognizing that it's an imprecise adventure to fully vision. On the other

[03:42:46] hand, it seems that we could make progress over where we are right now. So those are the things I would hope we would be able to have some progress made on when we come back to reconsider this. Any other comments? Council Member McQuillan? I was just going to basically echo the thoughts of Council Member Peterson.

[03:43:07] I, too, have been hearing a lot from residents about the look, the height. You heard it today, so you know what we're getting, what kind of feedback we're getting. And I think there's a lot of opportunity to come back with something a little bit more creative and in tune with our community. So thank you.

[03:43:23] Any other comments? seeing none a roll call vote real quickly mayor yes just a couple of observations first you've closed the public hearing so when this comes back at the end of October individuals could make comments during general public comment but there's no public hearing secondly I think and I may speak on behalf of staff there's a little bit of curiosity as to sort of what the council wants here I think we've heard the comments but there's a specific application before you this evening and i'll just leave it at that some of the questions that were

[03:43:59] raised go to broader issues of development generally within the city so we'll just throw that out there but there's not a lot of time between now and the end of october so again i'll just remind you you have a specific land use application in front of you but certainly within your rights to uh to defer it to the date certain that you've proposed if that's the will of the council excellent guidance mr lubkerman and i think we will put on our thinking caps to be specific very specific within this application about what additional we might want

[03:44:32] to see i think our colleagues agree council member peterson just to clarify that what do we need to do and when to be responsive to your suggestion well obviously it's it's your prerogative as as council to decide what you want to do with the land use application i would my observation would be having also done this for a number of years is um it is a very open-ended deferral to the end of october um obviously it's not appropriate for the applicant to come up and speak but i would imagine there's probably some confusion on the applicant's part as to what is expected when it

[03:45:11] comes back at the end of october that said you can certainly pass this off to the end of october and have discussions between now and then and see where we go but i would imagine it's possible there might be additional deferrals depending on where these discussions go so just want to remind everybody there's a specific land use application in front of you it's not a comprehensive planning exercise or a small area planning exercise got it okay yes councilmember Hall thank you just hoping for additional clarification you said that the public hearing has been closed so then what would happen in October if this was deferred is there no additional public hearing opportunity no

[03:45:50] well the public could speak under general public comment as our public does frequently right but there wouldn't be a specific opportunity that could be allowed for this again correct depending on the nature of any changes to the application uh you know getting ahead of ourselves there might be a requirement for additional advertising and a possibly a new public hearing but okay although all of that's premature um because we don't really have an idea where this is heading at this point i mean it's being deferred for action right but okay thank you for clarifying that okay now

[03:46:24] are we ready for a roll call vote i think we are council member mcquillan aye council member vates aye council member peterson aye council member hardy chandler aye council member hall no council member amos aye motion passed five to one we will now go to our next public hearing it's a public hearing and council action on proposed amendments to the code of the city of Fairfax chapter 110 and zoning to amend portions of articles and sections contained therein including but not limited to zoning districts and regulations

[03:47:03] site development standards development review and definitions relating to accessory dwelling unit occupancy reducing special use permits and other miscellaneous amendments I'll recognize Eric Foreman city planner to provide a staff presentation well thank you very much This agenda item is a public hearing for this series of zoning text amendments that cover several topics, and in addition to the ones that were announced, there are some other amendments that generally help with the administration of the ordinance, things that clarify inconsistencies,

[03:47:42] correct typographical errors, and so on. Staff has discussed this series of amendments with council, and that was back in June. The Planning Commission discussed these amendments as well in a spring work session and also held a public hearing on this series of amendments last week.

[03:48:03] Now, I won't go into quite as much detail tonight as I did in June's work session, but I'd be glad to expand on anything that might need additional explanation tonight if I gloss over something a little bit quickly. So first up on this list, we'll discuss the potential accessory dwelling unit occupancy amendments.

[03:48:26] And as I'd mentioned in June, and this is getting a little bit ahead of ourselves here. There we go. As I'd mentioned in June, staff has been asked to examine ADU standards in total.

[03:48:45] And that process would include some big topics of things like physical characteristics of accessory dwelling units, where or how they're permitted, and so on. But there's also some existing standards on ADU occupancy, and this particular topic is reasonable to address separately from other ADU issues, because this is a relatively minor change. It's a regulatory-type change. This does not involve changing the physical standards of ADUs. This particular amendment, this is limited to removing

[03:49:22] what some folks consider to be a regulatory hurdle for accessory dwelling unit occupancy. Now, the zoning definition of an accessory dwelling unit is right here. In everyday terms, what this definition says is that an ADU is basically a full dwelling unit that's part of another house, and it's subordinate or accessory to that main house. So that means that an ADU, an accessory dwelling unit is smaller than the main house. Now, aside from this definition, there are also use standards in Section 355 of the ordinance, and those use standards set

[03:50:01] standards for accessory dwelling units. So these include a number of physical standards like measurements, also include some standards for occupancy, and that's what we're talking about tonight. There's three main occupancy standards, and you see them summarized here. It's really the middle one that we're discussing tonight, and these are what we call the age and disability requirements. And what this means is that currently, either the main house or the accessory

[03:50:34] dwelling unit must be occupied by either someone who's age 55 plus or a person with a disability. Now, at our work sessions and at our community, our ADU community meeting, which was in the fall, there was support for removing these requirements.

[03:50:53] And what the thinking there is that this is unnecessarily restrictive, creates a hurdle for both landlords and for tenants, and doing so all without providing really overall benefit for the city as a whole. Now, before I move on, we are also recommending one other change, and it says here, at the bottom, that ADU and the House together, that they're counted together as a single household for determining total occupancy, and that would be in a situation of measuring overcrowding.

[03:51:28] These amendments, what's before you tonight, this does include some text changes to remove some outdated language in this particular subsection as well. We'll get to that in a few slides. I just wanted to point that out a little bit in advance. And the amendments themselves are fairly straightforward.

[03:51:48] This is a whole lot easier to wrap our heads around than the two previous public hearings. This is a matter of striking text that's not necessary. So this right here shows subsection E. That's where the occupancy standards reside.

[03:52:03] And you can see under number two, that's where the age requirement, which is Romanette 1, and the disability requirement, which is Romanette 2, that's where those reside, these amendments propose to strike that language, to delete it, just like what's shown on the slide.

[03:52:22] And that is how the age and disability requirements are proposed to be removed, simply striking the text that is deemed not necessary. Now, this is Romanette 1 and 2. There is a Romanette 3 in this subsection, and that involves what I had mentioned about measuring occupancy, that the house and the accessory dwelling unit are counted together for overcrowding situations.

[03:52:48] Now, I will spend a few moments just to talk about this in detail because it is a little bit complex. I mentioned we're proposing to revise some outdated language in the current text, and we had gone over this at our June work session. But again, this is what it entails, that this subsection says that the combined occupancy of the house and the accessory dwelling unit must contain what's defined as one household.

[03:53:16] Now, the issue is that the term that's used here is not household, which is a defined term in the ordinance, but it's family. Now, the reason for that is because the term family had been used in the zoning ordinance prior to the 2016 rewrite. This text was simply overlooked as far as updating it back in 2016 to be consistent. So this amendment would change that term to household, and you see it at the bottom. Also eliminate the description of what a household entails. That

[03:53:48] description was actually the definition of family prior to 2016, and instead replace that with a reference referring the reader to the definition. Now the reason I went into a little bit of detail on this specific slide is I just want to make the point known that this does not change any policy, does not change any way of doing things. It just simply, like it says here, revises some language that's now outdated just because it had not been updated in the past. So this and the age and disability are the Accessory Dwelling Unit Occupancy Standards. If there's any questions

[03:54:28] about these, I can take questions now. Are there questions on this particular ordinance council member hall i just want to make sure i understand what you're saying which is that it changes it to household and then the definition of a household is what it says here any number of people related by blood marriage or adoption for unrelated people and then the group home so that that's correct the actual definition in section 9-3 is more wordy than this because it's all connected and a little bit more detailed but that is a summary of the actual definition okay so then in a house that had an adu of which four unrelated people lived in three could live

[03:55:05] in the main house, one can live in the other house, but total of four wherever they might be dispersed. Correct. Okay. Just wanted to clarify. Thank you. Any other questions? Okay. We can move on to our next other major category of potential amendments. And these are amendments to reduce the need for special use permits for certain types of businesses. So just to provide some orientation just to this part of the discussion, all uses are listed in the ordinance's principal

[03:55:38] use table. And there are essentially three types of uses. On one end is permitted uses. At the other end of the spectrum are uses that are not permitted in a given zoning district. But then there's that in-between category. That in-between category is the special use permit. Now, essentially, a business wishing to operate a business that's listed as a special use would file an application with city staff, and ultimately that ends up right here as a public hearing before city council. Now that

[03:56:12] process of opening a business and ending up right here, that's justifiable in a lot of cases because it gives city council the opportunity to exercise discretionary powers and to consider whether allowing certain uses, that those uses might have characteristics that may have impacts on adjacent properties may have adverse impacts on the city overall to take a look at those and to judge whether those

uses should be approved. But requiring that kind of permitting process for businesses that operate largely unobtrusively, that sets up barriers to business creation that

[03:56:51] don't really need to exist. So this series of amendments, this fits into that category. These are types of businesses that currently require special use permits, but tend to be rather unobtrusive uses. And the staff feels that the permitting process would work better in these cases without being a special use. Now, like we talked about in June, these are cases where business models have really evolved from where they were even a decade ago. So we'll go through, we'll take a brief look at each one of them here. The first one here involves the use that's known

[03:57:30] in the ordinance is indoor recreation. The use interpretation that you see up here in the box, this was really intended to apply to big facilities that really could have those kind of unusual operating characteristics that would warrant a special use permit, have large crowds, you know, things that would really warrant special consideration from city council.

[03:57:54] things like bowling alleys, skating rinks, big gyms, and so on. But what we've seen recently is an increase in smaller businesses in this use category, smaller indoor recreation, so things like day spas, things like small gyms. And there's quite a few of these that operate in the city in places like office condos or shopping centers and so on. So those types of businesses in those kind locations, tend to be unobtrusive in their environments. They tend not to attract large

[03:58:26] crowds, have disturbances, and so on. So the amendments here, these seek to remedy that particular situation by setting a minimum size threshold for a use to be considered indoor recreation. And this sets the size threshold at 30,000 square feet. This amendment would maintain the current SUP status for larger uses, and what that means is that things like bowling alleys or skating rinks, larger gyms, and so on would still require a special use permit just like it would

[03:59:03] today, but those smaller uses, so smaller gyms or mixed martial arts studios, day spas, those would simply be considered personal service uses, and on account of that, those businesses would not be required to go through the SUP use because personal service uses are permitted in most commercial zones. The next potential amendment here on this topic involves another example of setting a minimum size threshold. This one is medical care facilities. The use interpretation

[03:59:38] of medical care facilities is here. And as we had talked about in June, it's helpful, I think, to see how this use fits in with other medical type uses. Medical care facilities, this basically falls between medical offices, which are dentists, doctors, and so on, and the more intense use of hospitals. And, you know, like the use interpretation here in the box says medical care facilities includes things like urgent cares or surgical centers. And those kinds of uses can be more

[04:00:12] intense than a doctor's office, not really like a hospital. But as a result of that, it's really in the middle as far as being permitted as well. It is currently permitted. This use is permitted in industrial zones and in the CG zone. It is a special use in CO and CR. Those are the main commercial zones. So this is a special use in most of our commercial areas. Now, it's really urgent cares that have become noteworthy here. Not too long ago, I mean, even when the zoning ordinance was rewritten, urgent cares were considered to be very similar to an emergency

[04:00:48] room. So an intense type of medical use. But really, over the past decade or so, urgent cares have become where a whole lot of people just go for everyday medical care. So we're in a situation now

where most urgent cares operate very similarly to doctor's offices. And doctor's offices and urgent cares have somewhat blended together because a lot of doctors and pediatricians offer urgent care functions, and given all of that, it doesn't seem beneficial to require urgent care facilities to go through a special use permit process when doctor's offices,

[04:01:25] which are very similar in how they operate, just do not. So similar with indoor recreation, this draft amendment, this sets a minimum size threshold for a use to be considered a medical care facility. In this case, the threshold is 10,000 square feet. The reason that this number was chosen is because it's really urgent cares that we're looking at here. Urgent cares, as far as a use, they tend to average about 4,000 square feet. The larger ones, which are standalone facilities, are up around 7,000 square feet. So that 10,000 figure that's recommended,

[04:02:04] This would comfortably include urgent cares. And similar with indoor recreation, there would be no change for larger uses in this category. So things like surgical centers or large facilities that are called urgent cares, over this threshold, over that 10,000 square feet, would still be considered special use permit uses.

[04:02:26] The benefit here of this amendment is that it would reduce that barrier to what's become a very common type of business. So, any questions on medical care or on indoor recreation before we move on to the third special use?

[04:02:43] Questions, questions? No, you did a beautiful job in explaining all of that. Thank you. We'll see if my luck holds out with animal care facilities. This is a little bit more complex than the other two. The current use interpretation for animal care facilities, it's unusual.

[04:03:02] It's rather simple. There it is. It's a place where animals are cared for. It's actually that simplicity that has caused somewhat of a problem because right now, so animal care facilities right now, they're permitted in industrial zones and permitted in CG and a special use in, again, those common commercial zones of CO and CR.

[04:03:24] Now, the issue is that as it's written right now, that simplicity, it's a very broad use. and it really includes two types of businesses, and each of those have very different kinds or different intensities of impacts. Like it says here, these two types really boil down to facilities that involve boarding animals and those that involve veterinary care, veterinarians basically.

[04:03:49] This creates a situation where these two uses with really different impacts both end up being a special use in the zoning ordinance just because they're grouped into the same category. What these amendments do, this separates animal care facilities as we know it now into two new use interpretations, and it also updates what are the current use standards, commercial use standards for animal care, updates those as well.

[04:04:20] And what it means is making veterinary clinics, like it says here on the right, vet clinics would be permitted in most commercial and industrial zones. Now, animal boarding here on the left, we would really consider that to be kennels. This would continue to be a special use in the main commercial zone.

[04:04:40] This would continue to be permitted in industrial zones in CG. This is how the use interpretation for kennels reads. Now, I'll note that the first line here says that this is related to boarding dogs, and we had talked about this in June.

[04:04:59] The reason for this language is that dogs just have certain characteristics that tend to cause adverse impacts on adjoining properties, so barking and odor from animal waste. Now, I'd mentioned in June that we would recommend that a use such as a cat daycare, since that use wouldn't have barking, wouldn't have the waste issues of a kennel, that that use would really be a less intense use and shouldn't be in this kennel category.

[04:05:27] We had recommended language to add to general services to add language of boarding of animals other than dogs. Now, in our work session in June, council questioned whether that particular phrasing could include large animals such as horses.

[04:05:48] Horse stables were not the intent of putting that in general services. So we've reworded that phrase to be, instead of the boarding of animals other than dogs, the boarding of common household pets other than dogs. Pet is a defined term in the city code in the animal section.

[04:06:06] So common household pets would incorporate what we think of without including large animals. So that is a change from the previous version of these amendments. A very long way of saying that a cat daycare, for instance, would be permitted under these amendments as general services in most commercial and industrial zones.

[04:06:30] And here is the use interpretation for veterinary clinics. And again, it says at the bottom here that vet clinics would be permitted in CO, CR, CU, CG, and industrial zones.

[04:06:46] And what this would do, this would eliminate the requirements for veterinarians to go through a special use permit process to open. Now, I'd mentioned a few slides ago that these amendments update what are currently animal care use standards, and these new use standards would apply to both kennels and veterinary clinics.

[04:07:10] We went over these standards individually at the work session in June. What you see here on the screen is the summaries of the actual standards. The full text is in your packets. I'll go over them very briefly here. There are use standards, these first two here, to require a certain degree of sound mitigation measures and also a requirement that the operator control animal waste that's created on-site by the business customers. There's a physical standard, the third one down here, to require the facilities to include ventilation designed to control off-premises odors, and this

[04:07:47] is really for the case of multi-tenant facilities where odor could travel between tenants. And at the bottom, we have standards regarding outdoor areas. These are existing standards in the ordinance. And so, for instance, they say that these kind of areas, if they're provided, must be at least 300 feet from the nearest residence and can be used only during certain hours. Now, in our earlier version that we had discussed in June, the exact condition down here

[04:08:23] said that those outdoor exercise areas, if a business had them, could be used only during daylight hours. City Council had commented that that seemed a bit restrictive to be limited to daylight hours. We've adjusted the hours in this version here to be between the hours of 8 a.m. and 8 p.m. Now, the reason for choosing those particular hours is because that aligns with a similar sound mitigation measure in the zoning ordinance. There is a sound mitigation measure that governs noise generated from lawn and garden equipment.

[04:09:02] That, likewise, is a commercial type of use that could impact residential areas. Those are permitted between 8 a.m. and 8 p.m. For consistency and similarity purposes, it seemed a reasonable time

frame for this outdoor area's use hours as well.

[04:09:23] So I can pause before going on to the end and see if there's any questions about veterinary facilities or kennels. Questions, questions? No, again, you've just hit it out of the park.

[04:09:38] Okay. I think we're good to go here because these last few were relatively minor. There are a few other amendments here proposed to just simplify the ordinance or clarify what's meant by certain sections.

[04:09:54] This is one that involves the use interpretation for restaurants. Currently, the use interpretation for restaurants is long. It's a page long, describes lots of different types of restaurants and their characteristics. All of that detail really is not needed. This amendment here simplifies that ordinance text, removes all of those details about various restaurant types, what's left is a much more concise paragraph of explanation. Full text is in your packets, but it delivers the gist of what a restaurant is without all of this detail. The next topic is another example of simplifying or

[04:10:33] clarifying. So these types of donation containers, these are currently permitted, permitted with conditions, with use standards, but throughout the ordinance, different terms are used to describe these donation bins. So sometimes they're called containers in the ordinance, sometimes boxes, sometimes bins, sometimes facilities. And that just adds confusion for folks who are trying to understand what the city's standards really are for these.

[04:10:59] So these amendments standardize all of that text, consistently call them donation drop-off containers. Also, another part of the issue there is that currently there's no definition of what these containers are. So we're adding a definition to describe these containers. Section 9.3, it goes in that section, just further clarifies the ordinance's intent. And there are some even more miscellaneous items. These are all in your packets. There's some incorrect references in the

[04:11:35] tree removal permit section. This takes care of those references, revises public notice timelines in the zoning ordinance to make those consistent with state legislation that has recently changed. Also update some typographical, formatting, alphabetical issues, and that kind of stuff, and we're all addressing that here. And I had mentioned the Planning Commission held a public hearing on this series of amendments last week, and at that meeting, the commission recommended

[04:12:07] approval of these amendments. And that concludes our presentation tonight. I'm glad to answer any questions about these remaining items or anything else that we've talked about do we have questions councilmember Amos very quick everything in the presentation is great I had there's I have no comments there I do appreciate I know you put in the staff report and got me last time on about the the vape shops and the child care but I know that has been brought up before with council and I just kind of wanted to reiterate if we can get that on a future items list or have that reevaluated I think that's something that I think

[04:12:47] everyone on council kind of agrees needs to be addressed specifically probably more restrictive on vape shops and then making it easier for home daycares so we can revisit that as soon as possible that'd be appreciated we couldn't put those on our next list of amendment items I think the council had talked about religious institutions as well if okay so those those three can go on our next list and we'll be back at you and I have one additional one came up while I was walking my dog and that is permitted parking at Meredith and Warwick which apparently

[04:13:26] was in existence when Paul VI high school was around you had to have a permit to park there but the school no longer exists and so Mr. Fleming who lives at the corner has gotten a ticket by parking his car on his own street across the street in a zone that is permitted parking and so his question is, why do we still have that? And so I think that's valid. And so if we've got a list, I'd like to add that to the list, if we could. We'll get back to you on that one. Thank you so, so much. You know, walking my dog is always an adventure. Anything else from, okay,

[04:14:00] I think we're good. So I will open the public hearing. Ms. Shinneberry, has this public hearing been properly advertised? Yes, it has. We had nobody sign up prior to the meeting. Is there anybody in the room that would like to speak on this agenda item apparently not um thank you for hanging in there with this um okay great i will close the public hearing is there a motion council member hardy chandler i move to approve an ordinance amending chapter 110 zoning to amend

[04:14:35] portions of articles and sections contained therein including zoning districts and regulations site development standards development review and definitions is there a second second a motion has been made by councilmember Hardy Chandler and seconded by councilmember Peterson is there any discussion on the motion seeing none a roll call vote councilmember Amos all right councilmember Hall I councilmember Hardy Chandler all right councilmember Peterson all councilmember Bates all right councilmember McQuillan I motion passed unanimously we will go on the second general public comment is there any

[04:15:11] ANYBODY IN THE ROOM THAT WOULD LIKE TO MAKE A GENERAL PUBLIC COMMENT TONIGHT? ALL RIGHT. WE WILL MOVE ON. APPARENTLY NOT. OKAY. GO TO I AM NOT REQUIRING A PUBLIC HEARING, WE WILL SKIP OVER 9A AND WE'LL GO TO 9B, WHICH IS A CONSIDERATION OF RESOLUTION ON POLICIES AND PROCEDURES REGARDING THE FILLING OF VACANCY ON AND CERTAIN REQUIRED ACTIONS BY CITY COUNCIL APPOINTED BOARDS AND COMMISSIONS.

[04:15:38] I WILL BE PROVIDING THE STAFF PRESENTATION, SO LET ME PUT MY STAFF HANDS. on. Good evening, mayor and council. The city council adopts a resolution for the filling of vacancies for the city council appointed boards and commissions. The city council has been evaluating whether to amend the process. We discussed at the city council work session on July 1st, 2025 of possible changes to consider in the resolution. City council agreed with the with the changing of the reappointment process to all city boards and commissions. The attached resolution to the staff report shows that change this concludes my staff report and i'm happy to

[04:16:15] take any questions are there any questions on this item okay seeing none is there a motion council member hardy chandler i move the city council adopt a resolution of city council policies procedures regarding the filling of vacancies on and certain required actions by city council appointed boards and commissions is there a second second a motion has been made by council member Hardy Chandler and seconded by council member Peterson is there any

[04:16:49] discussion on the motion yes council question for our city attorney is this the same document that I submitted to you as some track edits no so we have copies of some suggested changes that you had forwarded just so you could have them up on the dais and if it's the will of the council then you could simply move to amend to include those changes or if the maker and the seconder agreed you could include them. They are just technical amendments. But they are part of this motion? Right now the motion is to approve

[04:17:29] the item as advertised. So we would need to amend without your changes or anyone else's changes. Okay. So it would be appropriate for someone to make a motion to amend and then if you'd like to speak to it, assuming the mayor recognizes you, that would be the way to proceed.

[04:17:49] Does everybody want a minute to take a look at the changes? Yes, Councilmember Amos.

[04:18:07] Could I get clarification on what through announcement at the next city council means for item number five? Councilmember Peterson? I'm sorry, can you repeat that? For item number five, where it says the city clerk will advertise at least once or until position is filled on the city's website through announcement at the next city council meeting, what do you mean?

[04:18:30] That we would make an announcement of open positions at a council meeting here. so that the public would hear that actually announced. So if I could hear from the, I guess, from Ms. Shinneberry about that.

[04:18:47] Either we could handle that as like a city clerk report out or as an agenda item. It depends on how you guys would like me to address it during a meeting of any recent vacancies or upcoming.

[04:19:13] Council Member McQuillan. Mr. Lefkman, have any other city councils ever done something like that? if so when where do they put it in their meeting so and I'm not gonna be flip I haven't pulled every City Council to see what they do and don't do I do think that we have robust means of advertising vacancies this would add another method for doing that and as Ms. Shinneberry noted I mean there's plenty of opportunities to do it at the end of the meeting either I don't know if we need to add no offense I don't know if we have to add a city clerk report but I

[04:19:50] think even the manager in his report or her report could just simply note any vacancies or we could just list them on the agenda again there's many ways to do this I understand the spirit of what what Councilmember Peterson is asking and we could certainly accomplish that I personally feel it would be more beneficial to have it earlier in the meeting when we have the majority of people here that would hear it and then be able to relay that back to other community members possibly if that's even an option to have it placed in there But I think having it earlier in the meeting when we have people in council chambers to hear it might work out a little better.

[04:20:29] So if I can make a suggestion, I mean, I think we understand the language in here and I think the language is fine. Perhaps the clerk, perhaps we can come back to you with a suggestion as to how it would appear on the agenda versus trying to wordsmith it or micromanage it here, if that's okay.

[04:20:46] That would be fantastic. Thank you so much. I'm happy to do that. Any other comments or questions? all right um are we prepared to vote on the amended well if i could offer if if the maker is fine with adding these changes um that'd be a sort of a friendly amendment then obviously councilmember peterson seconded it it could just become the motion we'll just treat it that way okay councilmember hardy Chandler i'm fine with the friendly amendment yes okay councilmember

[04:21:21] peterson second okay then we will have any other discussion on this okay then a roll call vote councilmember amos aye councilmember hall aye councilmember hardy-chandler aye councilmember peterson aye councilmember bates aye councilmember mcquillan aye motion passed unanimously we will go now to 9c which is discussion regarding the current pause implemented by the city council on april 8th 2025 to the picket road trail project so there is no staff report on this it's obviously was placed through amending the agenda so um council member peterson direction however they

[04:22:00] want however you all want to proceed councilman peterson thank you uh i guess the short uh request would be that we accommodate um a desire uh for local residents particularly uh scout in the circle and fox colony to have a public meeting to talk about um transportation safety in that area and how the Pickett Road project fits in with that, but also more broadly what their interests and needs are and how potentially they could be addressed

[04:22:34] and whether that relates to the Pickett Road Trail or not. But my sense from having some conversations with representatives and residents is that they are both in the dark and very much interested in being able to talk about their wants and needs in terms of transportation safety in this particular area.

[04:22:55] And I would just note, between those two developments, there are roughly 1,200 residents, which comprises about 5% of the city population. So it's a large group of people who live right near this intersection of 50 and Pickett Road.

[04:23:17] And I don't think they have any particular recollection of hearing about either the Pickett Trail project or more generally options and plans to address transportation safety needs there.

[04:23:36] But they certainly have some concerns that they'd like to express and be able to discuss and figure out how these things really fit together. And so I guess the simple request is just to find a way to accommodate that by having a community meeting, a public meeting, and we can work with local representatives, et cetera, to do that.

[04:23:55] So is there a specific motion that you're making in that regard? Well, my understanding is that, yes, I can make a motion that we work with staff and work with representatives of the community to put together a public meeting by October.

[04:24:15] And if there's a date certain we need in October, we can certainly nail that down to be able to do this. Councilmember Hall? I am in favor of having a community outreach effort with the people that live at the circle.

[04:24:32] I actually probably should have voted no on the amendment changes. I just want to say I am not in favor of any sort of vote tonight on Pickett Trail. I think that I made this mistake previously with regard to the Country Club Connector Trail with it not being put on the agenda.

[04:24:51] And I would like to table the conversation about the trail itself until a later meeting when we have time to notify the public. Okay, there's a motion on the floor. Is there a second on Councilmember Peterson's motion? Second. Okay, a motion's been made by Councilmember Peterson, second by Councilmember McQuillan.

[04:25:12] Is there a discussion on the motion? Councilmember Bates. thank you i'm just not sure what we can accomplish by doing that at this point in the process when we have funding approved for a specific project and um you know as we've just had a work session on this previously and uh staff has been pretty clear about the rescoring process and um the potential for rising costs due to delays and the uncertainty around that.

[04:25:48] And, again, I do not support canceling this project and do not want to do anything to jeopardize the project or the funding for the project. And so I'd defer to my colleagues with any other comments. Council Member Hall.

[04:26:06] I personally don't think that this is one or the other. I think that a conversation should exist that would potentially help the people that live and navigate, from what I understand from speaking with Councilman Peterson, there's a lot of concern about the sidewalk, the safety, the bike lane, the lack of barrier for people that wait for the bus that's on the western side of Pickett.

[04:26:30] I personally don't think that one directly pertains to the other as far as the Pickett Road trail that is being proposed on the eastern side. I don't think one needs to be held up for the other, but I do think it should be a conversation that should exist to maybe have another conversation about how to help on that side of the road, if that's clear, hopefully.

[04:26:55] Councilmember Amos? Just to chime in, considering that Pickett Road is more of a safety concern than some of the other trail projects that we've discussed, for me personally, I would like to do both, do a public information session, and because of how things went last time, continue moving it forward.

[04:27:14] think we can do both simultaneously okay any account mr. Foster I would just like to get Claire excuse me just clarity on the motion what is being asked of asked of staff for at being just so I'm clear this should the motion passed that we we can follow through with what it is that you're wanting councilmember Peterson that you would the staff would help create a public meeting or a community meeting in this area for the residents at fox colony and scout in particular so

[04:27:50] they would have an opportunity to understand the plans that the city has and also so the city can understand the concerns that they have about traffic safety about transportation safety in that area and whether there is anything that can be done that isn't currently being done whether it relates to the trail or not to address their safety needs okay so so i think i got that so when you're talking about plans are you are you referring to specifically the picket road trail or are you

[04:28:25] referring to other plans well at a minimum the picket road trail but there seems to be a pretty significant lack of understanding on the part of the local community about whether anything else is, in fact, proposed to address safety issues there.

[04:28:43] So if there is, it would be great to know. So, yes, I understand we can work to set up a meeting to do those things, yes. Council Member Hardy-Chandler. So I have an additional clarity question. I heard that there is an and here or moving forward with both.

[04:29:01] So what would be the logistics of moving forward with unpausing the trail while getting the information from the community? I'm just concerned about the sequence and the logistics of what that would look like. Is that a question for me? No, it's for those who are talking about the simultaneous.

[04:29:20] So one question, Mark, recognizing that we did get briefed on the procedure for any sort of a project modification for the \$6.5 million allocation for the Pickett Road Trail.

[04:29:37] So clearly that would require some reconsideration. However, I do think that the thing that has certainly gotten the attention of people in the community as they learn more about this is that there's a \$6.5 million level of funding that's available that was ostensibly justified for safety improvements.

[04:30:00] And I think the question they have is, is that the highest and best use of that \$6.5 million, or is that potentially something that could be used for things that they feel are more pressing? And I don't know the answer to that. I think it just deserves a conversation so that before we make a decision to foreclose the

opportunity for any modifications on that, we have a chance to talk with the public about it and get their sense of where their priorities and needs are.

[04:30:27] Council Member Hardy-Chandler and then Mr. Foster. So now I'm hearing a third thing. So I heard the trail and then I heard safety in the region and now I'm hearing a financial question. So it's a little muddier for me as the conversation proceeds. I'm not sure if we're able to offer staff direction on where to go if we're adding elements well so regarding the funding that's first that's for the trail so it's not a pot it's not a pot of money that we can just redirect it's for specific it's for the specific project if we don't do the project it's not like

[04:31:04] that money is still available to us to do other things if you want to have um i would at least based on what I'm hearing I would say that the two things are not mutually exclusive meaning you can if you wish to continue proceeding with the trail you can certainly do that you can also at the same time if you want to have a community meeting to talk about general safety concerns or other transportation projects in the area you can certainly do that if you want to so currently the picket road trail is is by council action we we have paused that we're not doing anything

[04:31:43] and so until council says otherwise that it will remain paused and we won't we won't continue to do any work on it so we can certainly have a community meeting to talk about broader transportation issues in that corridor uh and get public input um but the the the the Just to be clear, I don't want people to think that there's like, oh, that we can talk about \$6 million that can be repurposed for other things, because that's not an option that's available to us.

[04:32:19] Council Member Peterson. So to be clear, repurposing would not be the procedure for this. It would be the NVTa procedure for looking at a project modification or, if necessary, a restart.

[04:32:35] But where this begins is the justification for the project that was provided. In fact, I think it was the first slide was a picture of the sidewalk, the west sidewalk at Pickett Road and the bus stop exactly there and people walking past it.

[04:32:55] And the justification was for spending money to alleviate a safety concern for that area. Well, the local residents, I think, agree there is a safety issue for that in that exact picture. And they think that possibly the first order of business is to address the safety issues right there.

[04:33:16] And so the question mark is whether that becomes a priority that could be explored further with NVTa. And if the answer is no, it can't with respect to the multimodal smart scale funding that we're drawing upon for the 6-5, that's fine.

[04:33:35] That's one answer. But if the answer is actually yes, this is something that could be reconsidered because it's consistent with the smart scale funding for this purpose and the safety justification, then they'd like to know that too. And that means that before we foreclose the opportunity to use that funding for a safety issue that was defined as the driver for this project, we want to have a conversation with folks.

[04:34:02] Well, so certainly, what I would say is you can still do exactly what you're talking about. If you want to have further discussions about residents' concerns about safety or specific issues with that corridor, we can certainly do that.

[04:34:23] If that then identifies projects or things that we want to do that require funding, we can look at sources of funding, whether it's NVT or other things. We can certainly do that as well what we can't do is we have been awarded we went through a specific process for a specific project for smart scale for the picket road trail I wasn't here when that happened how we got there I can't speak to but that's where we are today so if we want to so I just I just want to be clear that it's not as simple as saying we want to do something

[04:35:03] different and the something different could be a very important worthwhile project however we're not going to be able to just say we don't want to do this trail and use these smart scale funds for this alternative but there are certainly if we identify things we want to do there are certainly funding opportunities that we can pursue in order to do any other items that council may wish to do um in that area so Anthony uh Councilman Ramus Anthony's cool uh I'm just going to reiterate my stance I think we should put this get the ball rolling again and move the

[04:35:42] trail forward and simultaneously we can talk to the community do a public information session and if additional items come up see if there are opportunities for more funding I think it's it's an end situation so uh I I'm sticking with the stance that we do both so there is currently a motion on the floor do we want to vote on the motion that motion is in play the city is directed to come up with a public meeting in a specific area for specific communities to address safety concerns in that area it so if we're are

[04:36:16] we ready to do a roll call vote on that council it's a mission a barrier roll call vote councilmember Amos aye councilmember Hall aye councilmember

[04:36:26] Hardy Chandler. Aye. Council Member Peterson. Aye. Council Member Bates. Aye. Council Member McQuillan. Aye. Motion passed unanimously. Council Member Bates. Thank you. I move to reverse the City Council adopted action on April 8th, 2025 that paused the Pickett Road Trail project. Is there a second? Second. A motion's been made by Council Member Bates and seconded by Council Member Hardy Chandler. Is there discussion on the motion? Council Member Hall. I would like to state again for the record

[04:37:08] that I do not think that not having this on the agenda and then voting on it is a good idea. So I would ask that we delay this to our next meeting. Council Member Bates. So first of all, my intention was initially to have this on the advertised agenda, and I had requested that over a week ago.

[04:37:29] One of my colleagues objected to that and did not reverse that objection despite my statement that I intended to vote on this tonight. regardless, because I don't think that it serves a justifiable purpose continuing to delay this project. And additionally, since we're talking about a pause here and not a approval or cancellation of the project, then even simply choosing not to have this vote tonight is essentially equivalent

[04:38:02] to voting against unpausing the project. Additionally, as I recall, this pause was introduced in a similar manner to the cancellation of the Country Club Hills Trail to begin with, and so this is simply reversing that decision anyway. And I will also add that in previous councils, if a request had been made to add something to the agenda, it would have been under the purview of the mayor to add it. That's not what we're doing now, and as I emailed all of you, I supported adding this to the agenda, but that's not what we're doing now. So it would have

[04:38:41] been on the advertised public agenda if we were doing it the way it used to be done that's not what we're doing now so we have a motion on the floor it's been seconded if there's i'm happy to entertain discussion otherwise we will do a roll call vote ms shinnenberry a roll call vote council member hardy chandler i just want to reiterate that i completely agree with council member hall it really is important and this was a concern I expressed about this process that notice is

[04:39:15] important notice is absolutely important and I I'm concerned that the larger picture the essence of why notice it isn't just an agenda issue it is a matter of having the public be aware of topics that are going to come up for discussion so I think there's common ground there so I think This is a challenge for what we're intending to do, exemplified by this particular issue.

[04:39:49] So I just want to express my agreement, but also this is one of the hurdles that is a concern. Councilmember Hull. I do just want to say both Councilmember McQuillan and I both were away on vacation last week, so we were not checking emails as we normally would be.

[04:40:06] So I honestly didn't review the agenda last week. I did kind of everything over the weekend and a lot yesterday and today so I think the process is working and it will work hopefully but I think vacations leading up to this have presented a challenge so I don't think we should use this as the only opportunity or reason why it might not work. Councilmember Peterson. I think this is for Mr. Lubkerman but I'll let Mr. Foster chime in as well is there urgency here that would prevent us from doing what councilmember Paul and I believe

[04:40:45] councilmember Hardy Chandler is suggesting I have no idea about the timing of the project Mr. Foster may have a better idea I assume there's no urgency I mean that I would say that there's not an urgency to to take the vote this evening I would say what I said at the work session which is at some point we've we're paused which means we're doing nothing at some point VDOT's going to ask us what the heck we're doing they have not asked us that yet so it's been if we did this in april it's may june so it's been three months going on four months you're on recess next month

[04:41:21] so you know you're now you're going to be close to five months um with us not moving forward but as far as is there urgency to do it tonight i would say no there's not urgency to do it tonight but we are until council takes a definitive action one way or the other we're just it's just sitting there. Councilmember Hardy Chandler. So I'll rephrase the question. If there is an urgency, what are the consequences of this pause going on longer? Is there an ability to speak to that?

[04:41:56] I would say that, I mean, at some point, VDOT's going to be, you know, we're showing no progress. We, you know, whatever progress, you know, the milestones of getting plans done and so on that you would have for all transportation projects, they have a dashboard that they, I don't know where this project stands on the dashboard, but at some point they will say, why aren't you moving forward and what's the issue that we would have to, you know, respond to. But at this point they have, they've not said anything. And so we're just, they know that this project's been paused

[04:42:34] because we notified them of all the council actions when you took them, just like when you canceled the country club hills so they're they're aware of that as well um and we i we're in the process of closing that out i don't know where that stands but that's that has been moving forward as well so i can't speak to ramifications per se but what i think i think the the ultimate ramification would be similar to um the discussion that you had on the other trail project um regarding you know we've spent money and if we aren't going to follow through with the project

[04:43:13] there will be an expectation of repayment um you know just because so you know i would that's that's the best answer i can give you this evening so again to council member bates's points when this motion was made originally to pause the work on the trails and council country club hills there was no notice given to the public in fact there was no notice given to the mayor That happened as an action that I was not included in.

[04:43:45] So not only was it not on the agenda, I wasn't even given the courtesy of being told it was going to happen. So now, Council Member Bates did ask his colleagues on the council to support putting this on an advertised agenda. And there was not support for it.

[04:44:00] The mayor supported it, but there was no other support from the dais. So I just want to set that table for why this is happening tonight. Whether we think it's an issue of urgency or not urgency, this is where we are.

[04:44:16] So there's a motion on the floor that we need to vote on. We will wait for Council Member McQuillan to return. But there's a motion on the floor, and it can be voted on. And if it is defeated, then we will do something else, or somebody can make another motion.

[04:44:34] Council Member Bates? I just also want to add that this has been paused for, I believe, over three months now. And, you know, and then I, again, a little over a week ago, stated my intention to unpause this or introduce a motion to unpause this tonight.

[04:44:56] And now, tonight, we have a request for community meetings and which, you know, unanimously supported. But I'm just, you know, I made a request to have this on the advertised agenda and said that I was intended to vote on this regardless and that the request was objected to.

[04:45:27] And I'm just now today hearing the justification for that. And I just, you know, I don't see that delaying this vote, given how this is gone, is going to put us in a better position.

[04:45:46] Council Member Peterson? Just one record that might be helpful is when this ball got rolling, May 8, 2018, at a work session, the transportation director said and I quote well she said that that the city would not be going through a public meeting process on this because quote there were no impacted neighbors and it's been a stretch since that happened

[04:46:20] but I I do believe that neighbors would take exception to that and deserve an opportunity to be brought into this process even if it's late in the ball game i wasn't there in 2018 when this happened but in some cases better late than never this project is at 60 design and it's fully funded so what we're voting on is are we going to proceed with that or not and so the vote that we're going to take is going to decide that specific thing council member amos so i'm glad we unanimously supported the public information meeting i would

[04:46:56] like to go ahead i think i can call the question and we can just get back to the motion is that that correct at hand you you can call the question it requires a second and a two-thirds vote to actually call the question so I would suggest you all just simply agree at some point to move on well I would just like to vote not get into semantics so I think we've covered everything we needed to cover mission to bury a roll call vote councilmember Amos aye councilmember Hall we're

[04:47:32] voting to unpause the traverse correct which then would allow an opportunity in the future to continue with the trail or to cancel it or this puts it back on the track of moving forward this puts it back on

the track as that where it was before the april the 8th motion to pause it okay i feel like i learned my lesson of not doing things in it like this so i can you come back to me please council member hardy chandler aye council member peterson no council

[04:48:10] member bates aye council member mcquillan no council member hall no mayor reed the mayor votes aye motion passed four to three future meeting topics i believe is next okay thank you um mayor

[04:48:49] members of council so um this is where we have um to talk about the future topics list um which you've uh was at your seat this is what we currently show as projected items um in the future we'd like to focus specifically on uh september 2nd that is the next regular meeting it's or excuse me it's the next it's a work session but it's it's because you are recessing in august this is your next scheduled time to meet and right now we show

[04:49:29] four items uh which are uh discussion with the school board on the bond uh on school bond renovation timeline there's a pre-application briefing on fairfax square presentation on development proffers which is a follow-up to a council request and then there is a fiscal year 2025 carryover requests and reappropriations which is a normal occurrence every year after we close out and this this is not none of these are action items because it's a work session only

[04:50:04] anything that requires action coming from that would be on a future meeting but those are the four items that are currently scheduled for september the 2nd and if there are additional items that anybody wants us to consider adding now would be the time to bring those up this would This would be for your meeting, not for community meetings or anything else.

[04:50:30] This is specifically, and this is a work session, so this would not be action items. But if there are things that you are wanting further discussion on, and if not, I mean, not that things can't be added later. You just had a discussion about, you know, adding something to the agenda that didn't happen.

[04:50:52] So, you know, this is the new process that we discussed at your recent retreat. And so I believe we are, from staff's perspective, that we are doing what counsel has asked.

[04:51:08] And so you had an instance when the agenda went out, somebody wanted to add something. It did not happen. It was added during the agenda approval process, which is how that should work. So roughly at the end of August, a week before this meeting, we'll do the same thing.

[04:51:30] send out what the proposed agenda is for your work session it should mirror this unless there are changes for example if the fairfax square folks weren't ready or something came up that might get pushed or as an example of something that could happen or if there was something that was super time sensitive that we needed to add but would get on the futures list but you would have a chance to see that so are there any other questions at this point council member hall mr would this be an opportunity for us to have the conversation about at the work

[04:52:05] session to talk about letting people potentially call in or pre record testimony oh yeah and for the benefit and we don't mind I mentioned this councilmember Hall and I had a telephone call earlier today where she mentioned about the video testimony and I indicated that it might be appropriate to have a discussion at a work session about sort of the parameters whether that would be well something the council would want to do want to do but then also whether it would be limited to public hearing items or

to general comment and public hearing items or the like so what i discussed with council member hall was bringing something forward to a work session

[04:52:43] i don't know if september 2nd is time to do that or if you prefer to do it maybe just a little later a little later because i'm actually going to be out of the office at the end of august uh-huh so i don't want to come right back and jump totally understand so so september the 9th although i will not be here on the 9th but i don't think i'm critical to that discussion or the third or the 30th i guess would be the next meeting yeah so whatever the council's preferences for a date we could we could make it so whatever your preference is i'll defer to mrs. shinnaberry on what would be most appropriate with your schedule well we'll let us chat it'll show up on your list

[04:53:19] sometime in september yeah it'll show up thank you yeah um are there other anything else on the second anything council member mcquillan mr amos had or council member amos had requested some discussion or talking about the zoning do we need yeah i think uh the plan would be to staff would need the draft language and stuff so i think that might be on hold right like kind of a timeout so i guess the question would be do you do you want to have a i think part of it from staff perspective is uh have you had a sufficient discussion to know exactly what you want us to

[04:53:59] propose in any amendments so far I don't think we've probably we haven't all actually gotten together to discuss like the logistics but I think it would be helpful to maybe have staff come back to us with draft language or different examples that we can that we can talk about yes councilmember Peterson what is this in reference to the child care and the vape shops the zoning amendments zoning text yeah so so my it's been a while my recollection is vape shops you

[04:54:31] You want, I guess, more restrictions, home daycare, more of an easier and or maybe a by-right use in certain circumstances? For discussion, yeah. For discussion, okay. And so, yeah, Council Member Bates.

[04:54:47] Yeah, and just also places of worship, allowing by-right in some or all cases. And the parking permit, right? Like permitted parking, do we still need that?

[04:55:02] Yes, I think we can probably defer to staff to come back to us when they're ready for a presentation. I'll get with the planning team and see what we – but, yes, that will show up. If it's possible to do it by – have information to do on the second, by the second, we can certainly add that.

[04:55:24] But if it needs more time, but just to be clear, this is going to be – we will show you some potential options for you to discuss, And then from that would be we would come yet again at a future meeting beyond that with actual amendments that you would then have to have a public hearing just like you had tonight, et cetera.

[04:55:47] And planning commission. And planning commission. So, yeah, so multiple steps. Okay. So while we're on the – so I have that with one more thing related to the futures list, if there was no other desires for the second or specific things.

[04:56:09] okay the um so just for clarity um this evening you deferred the um one item uh the the uh on the um courthouse uh combined courthouse project to october 28th so we will absolutely put that on there for for the october 28th however just to reiterate what mr lubkman said what i heard in some of the discussion sort of the desire we will absolutely meet with the applicant and talk to

[04:56:45] talk to them some of the things i heard such as um you know come up with different ideas or different kinds of things that is not an option for october the 28th you have a specific land use application on which you're going to have to act on so can we perhaps talk about one of the of the things you're talking about was like an easement or something with an east-west road, that might, if there's agreement, that might be something that could be included.

[04:57:15] But this idea of changing the height or doing, you know, like it's too tall or some of those other things, they're not going to be able to bring back that as a proposal. One, I think there's not nearly enough time, but B, that's not, that then becomes not the same application which means they would you would have to start the process over in terms of getting it to a public hearing so I just wanted just for clarity sake when the 28th rolls around you're still essentially going to be voting on what was presented this evening there's not there's not

[04:57:50] going to be an option for any real significant changes all and and if I misheard the discussion then I apologize but some of the thoughts I heard that were shared are I would I would say are outside the scope of what could be brought back for you to actually vote on on October the 28th I'll recognize Councilmember Bates who whose interest is of a very specific nature yeah so so I'm sorry to interrupt we have moved off the land use item for this evening so I want us to be very

[04:58:29] careful about having additional public comment about something that's not before you on the agenda and which could potentially risk from a legal standpoint depending on what action the council would take so I think we took what you all said and I made my comments I think we understand I think everybody understands what may or may not be coming forward and there'll be opportunities for additional discussion between now and the end of October but I would prefer we not delve into that application anymore at this point if we could excellent council member Hardy Chandler I wonder if it would be helpful during the work session because the there's a theme of us struggling

[04:59:05] with specific designations for specific projects or specific applications like that keeps coming up as a theme so I'm wondering if for the work session there might just be some sort of a general presentation on some of these parameters that seem to keep coming up for us as assumptions about flexibility that is not there for a municipal project or in that in that way sure and i and thank you for

[04:59:40] bringing that up what i would say is i some of the things in that have come up in previous presentations like pre-application meetings and certain things um a lot of it not all of them but been you know but you know we have the small area plans and so and they and those are adopted by you know currently in effect and those have parameters and so some of the things I hear you discussing are you maybe don't agree with those parameters so like for example if it's encourages as a certain height but well no that's too tall we don't like that height that's really more of a discussion I think then that

[05:00:18] you want to have about whether it's the small area plan the comprehensive plan et cetera, because otherwise we're going to keep having these, you know, you're going to get a development proposal, and as the staff told you, it met, it meets the requirements or it doesn't meet the requirements, and in the case, if it meets the requirements, but yet you're still having questions about or desires about doing something different, that's probably, I would agree that that's certainly a work session topic, and I think that's the

[05:00:49] broader discussion of what council is interested in in these certain things and you know if that's if that's a desire to revisit some of those things we can certainly do that and there'd be a process for

that but when you're dealing with when you actually come up with a land use whether there's a rezoning special exception whatever you're dealing with that specific issue and that's where don't necessarily have the flexibility to make a lot of changes where you do have the flexibility is in the broader context of what do you want to be in the plan or what do you want to you know what what things you're trying to

[05:01:28] encourage so that is what I'm suggesting be a topic for the for the second councilmember Hull I did just want to ask with regard to the pre-application briefing on Fairfax Square at our work I'm sorry to edit a retreat we talked about having the applicant present so that we could ask questions is that going to begin with this september meeting is that like that new policy is going to start mr harden sorry i don't mean to ask the hard questions tonight

[05:02:00] it certainly could be that's the first that i've heard of that you should be coming to our saturday retreats then my goodness what are you doing on a saturday we had actually had planned way back i think it was february or something we were on the agenda at a retreat to talk about the pre-application process but that got deferred i don't think it ever made it back on the agenda um if that's

[05:02:32] the the will of council certainly we could inform um fairfax square that that's a change i think we staff still would like to have the opportunity to talk to to council about that process and kind of step through it and give some background and context um and whether that changes uh you know an applicant speaking or not you know is probably neither here nor there but i think some conversation about it would be useful for the group okay so i i think that the con the i think i'm the one who brought up in conversation but the the concern is that sometimes we ask questions

[05:03:12] that staff doesn't necessarily know but the developers or whoever it is is sitting in the audience they know the answer to that question and and they're not given the opportunity to say yes or no and i think when it comes to a pre-application i just think it would be helpful for council and probably staff as well to understand what that answer really could be or what they were thinking when they didn't design the east-west road or something to at least help us get a little bit more clarity.

[05:03:40] Our hope, I think, or my hope, I don't speak for everyone, but is that then that would help this next step of the process go through maybe a little bit clearer. And it certainly, I think, would help us since we're relatively still new to this. So that was the intention behind the request. And staff would have no objection to having the applicant or potential applicants speak at that moment.

[05:04:02] Previous councils made that choice for reasons, and those are the kind of things that we could elaborate on if we do have a retreat discussion perhaps about it, but certainly staff has no issue with that. And I think what we're talking about, too, I think what you're talking about is not them making a presentation, just being in the room, and if there's a question for which you don't have the answer and they do that they be permitted to answer a specific question not for them to make a presentation but to just give information that we're interested in that the staff can't answer so it's a pretty narrow perspective

[05:04:39] we concern if that's what if you get if you want that as an option what we it's easy enough to do let you know again no presentation on their part but if there's questions that they can answer and again I know just remind council that Those are still general concepts, so there's a lot, and I know we all like to get into the detail sometimes, so sometimes some of the questions we probably want to ask, they're not going to even know the answer because it's going to, the project has not been developed, it's not far enough along to know some of those more potential detailed questions.

[05:05:12] In which case, they will be able to say, we can't answer that question at this time, and then we will all know that it's not a question that can be answered at that time. Okay, council member Peterson just to go back to council member Hardy Chandler's point if I understand it correctly in your response one thing that I do think is a chronic issue is the disconnect between small area plans and public Reception because what we're hearing repeatedly is people reacting negatively to projects that come forward that are

[05:05:51] driven by and consistent with small area plans, but not consistent with their preferences and so just to recognize there's a disconnect here. We've already heard about it. We're going to hear this repetitively going forward, and we're going to be needing to address that, and these things are in conflict, and so we're going to have to be dealing with that conflict as we go forward.

[05:06:16] And, again, this is repetitive, and I expect it to continue to be. So if we could find a way at some point to be able to recognize that and discuss it in some open manner, it would be helpful. okay uh where are we mr foster are we still i'm good uh and uh as far as we we can we can we'll we'll all the things you just said we will work on getting on your futures list and so we it's remember we continually updated uh not necessarily every day but you know as things come and things

[05:06:51] shift so um we'll once we get some of these things i'll say placeholders for them we'll we'll let you know um ahead of time so you can react to that as far as you like the timing or don't like the timing okay councilman peterson well a couple quick things on september 9 consent number one consideration of appointment with three fairfax county parks foundation initial directors i'm not sure how that is being handled who is doing the appointment do we and also the context

[05:07:28] for this is that i spoke with one of the two appointees to the parks and rec foundation said what can we do to help you next and the answer was before you do anything we need three additional appointments and they're looking for two of the three for very specific skill sets and the third they want to discuss further but again their message back to us was you owe us some appointments here before we can really do anything else and so i'd like to get some clarity on what's really

[05:08:00] intended for this consent item miss zip i can double check with um stacy summerfield but i believe the appointments are being done by the um the the directors yeah the the initial directors that are five there's five initial directors that the council has to appoint we're still that the council has to appoint yeah they have to confirm the appointment yeah they have to confirm the appointment you're not doing the appointment you're confirming the

[05:08:35] appointment that's being set by the foundation I believe so we could clarify that because I heard differently from the person who is the director there and they were specific about this so if we could get that cleared up councilmember Bates oh as I recall crab selects the the cohort of the first five and then we confirm them and then after that it becomes essentially independent is that right so we'll get back to you on this issue we understand the question i think we need to

[05:09:13] just check and double check it's uh it's not something we have at the top of our minds just one other quick question on the work session on the ninth the discussion of city policy regarding mixed use development outside activity centers is there any additional clarity on that Why is that there and what do we hope to accomplish by that?

[05:09:41] That is a follow-up to discussion that both the Planning Commission and the City Council had with respect to the Gatewood Plaza proposal on Fairfax Boulevard, expressing interest in whether the city

should reevaluate policy position on residential development in the commercial corridors and so that discussion is subsequently gone back to the planning commission they've had discussion and so this would bring that forward to the council for

[05:10:18] the council to have discussion thank you yes and just one last thing so we talked earlier i think about consulting with the staff liaisons for all of the boards and commissions and committees about things they potentially would like to have us act on and i'm not sure whether we've had a chance to that yet or not but just a reminder that i think we agreed that that could be a part of this process so we would be informed as a council about the board and commission perspectives on that and one

[05:10:52] particular item that needs to be i think cleared up and possibly placed somewhere on this schedule is an interest in a discussion of a green revolving fund that has been under consideration by the Environmental Sustainability Committee.

[05:11:13] So I'd specifically like to see what the thought process is on their part in terms of when that would be considered. Any other additions at this time?

[05:11:35] This is a rolling agenda, so every meeting will give us the opportunity to go through this exercise. So... I have no report out after that. Thank you.

[05:11:52] Okay, so yes, the manager report out and the council comments and committee reports out, report outs. So the manager is... I'm good for this evening, thank you. You're good for this evening. Okay, I'll start on this end. Council Member Amos? No comments, thank you. Council Member Hall?

[05:12:10] No comments. Hope everyone enjoys the rest of their summer, and we'll see you in September. Council Member Hardy Chandler? Once again, I want to shout out the Fairfax Village in the City. There are members who will be participating in a village-to-village training, so we continue to be proud of them proud of other staff who are doing things out in the region have a happy summer councilmember peterson well i'd like everybody to have a good summer but i

[05:12:44] will say that i learned a new word in our neighborhood in cch called yardin yardin this is where you have a garden in your yard right and so there was a little survey of the community to ask people what they liked most about their community, and it was trees and sidewalks and yardins.

[05:13:06] And so the yardins are, in fact, becoming quite the thing. And it really is also interesting because it ties back to a conversation and an activity stream that started in the Environmental Sustainability Committee with the help of the council, and I think possibly we could pick back up again, which is urban agriculture and sustainable urban agriculture encouraging people to grow it at home so we're doing our best over in CCH but and you all can come visit and see even my neighbors got quite the thing going but just to put a little bug in the ear of the folks in the environmental sustainability and us as we restock that committee that this urban agriculture

[05:13:44] thing is for real again the council took action on this and perhaps it would be a good time to take a second look at that councilmember Bates thank you no comments council member mcquilla yes i just want to remind everyone that uh the city of fairfax theater company is presenting the hunchback of notre dame um july 18th to the 26th at katherine johnson middle school we also have um the fairfax forward foundation silent auction which has been extended through uh till this friday or i'm sorry yeah this friday july 25th there's a bunch of

[05:14:21] great items still up for grabs so you'll go to give butter.com backslash it looks like c backslash lasagna dinner backslash auction to take advantage of that opportunity thank you and have a great summer okay well i saw the hunchback of notre dame on sunday and it is a fantastic play and bonnie hobbs did a very nice write-up of the fairfax theater company's production of the hunchback of notre dame very very talented cast i'll be attending the metropolitan washington Council of Governments retreat this Friday and Saturday. Always good to connect with my fellow

[05:14:57] electeds from the D.C. and Maryland. Hopefully we'll come up with amazing things for our region. And just to remind everybody, we're all saying have a happy summer. This is our last meeting until we return for our work session on September 2nd. So we will not be meeting in the month of August. I am going to call it an adjournment at 12 18 a.m. on Wednesday.



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