

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 9, 2017**

PRESENT: Peter F. Murphy, Chairman, Springfield District  
Frank A. de la Fe, Vice Chairman, Hunter Mill District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commission At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
James T. Migliaccio, Lee District  
Julie M. Strandlie, Mason District  
Earl L. Flanagan, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Vacant, Sully District  
Vacant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:20 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Planning Commission, Chairman Murphy thanked members of the United States Armed Forces for their service and sacrifice. He also commended those actively serving overseas and their families for their service to their country. In addition, Chairman Murphy announced that a service at the Vietnam Memorial in Washington DC would be conducted to acknowledge those who died in the Vietnam War.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier that evening to discuss the upcoming amendment regarding the building energy provisions in the Green Building portion of the Policy Plan. He then indicated that another meeting to discuss staff's evaluation of the comments on that issue would be conducted at a date to be determined.

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MINUTES APPROVAL FOR SEPTEMBER 2017

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. First, I MOVE APPROVAL OF THE MINUTES OF SEPTEMBER 13, 14, AND 27<sup>TH</sup>.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0.

*(End Verbatim Transcript)*

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ZONING ORDINANCE AMENDMENT – MINOR MODIFICATIONS (ARTICLES 8, 9, 16, 18, AND 20) AND MINOR MODIFICATIONS TO APPROVED ZONINGS AND OTHER RELATED CHANGES (Decision Only)

(The public hearing on this item was held on October 26, 2017.)

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. On October 26<sup>th</sup>, the Commission held a public hearing on a Zoning Ordinance Amendment, Minor Modifications to Approved Zonings and Related Changes, and deferred decision until tonight. I first want to thank the citizens and industry representatives who testified and submitted written comments. We received a number of helpful suggestions, some of which will be reflected in my motions. I also want, very much, to thank our staff team on this case, many of whom are sitting up there right now. Kevin Guinaw, Barbara Byron, Tracy Strunk – our Zoning Administrator, Leslie Johnson – and David Stoner and Laura Gori from the County Attorney's office for their efforts. This is the first amendment in a series under the umbrella, which we will get to know as zMOD, to modernize the zoning ordinance, an enormous project that requires significant outreach and staff deliberation. It will take time, but we have a broad consensus as to the direction we are heading and these proposed changes are a good start. With respect to one of the requests we heard at the public hearing, which falls outside of the advertising, related to whether any of the submission requirements for homeowners associations and/or condominium associations can be waived or modified, I have spoken to staff and been assured that the Zoning Ordinance permits such modifications and waivers, and that staff routinely grants them where the requirements are not necessary for the review of the application. We have also rewritten one section, following the public hearing, to address the changes requested by Reston Association. Other changes requested may fall outside

the scope of the advertising, but may also be considered in the context of upcoming amendments. The text, as – as revised through this Tuesday, has staff's favorable recommendation, with which I concur. Therefore, Mr. Chairman, I will have several motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLES 8, 9, 16, 18, AND 20, MINOR MODIFICATIONS TO APPROVED ZONINGS AND OTHER RELATED CHANGES, AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 26, 2017, WITH THE ADDITIONAL TEXT REVISIONS INCLUDED IN ATTACHMENT B OF THE MEMORANDUM OF THE PLANNING COMMISSION DATED NOVEMBER 7, 2017.

Commissioner Migliaccio: Second.

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

Commissioner Flanagan: Thank you, Mr. Chairman. Yes, I'm going to vote in favor of this motion. But I did take the time in between – after the public hearing – to check on the issue of covenants. And there was one member from a homeowner association that was concerned that the covenants – it didn't cover the issues that – that were being waived, you know, by the Zoning Ordinance, they felt. But I went back to their covenants. I pulled up their covenants and I – they do have the authority within their covenants and I find that to be quite common. But it's quite often that the community wants the Planning Commission to do the heavy lifting. And so the – that's not the case. They have the ability to protect themselves – the homeowners associations – if they so have the desire to do so, legally. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the recommend to the Board of Supervisors that it adopt Articles 8, 9, 16, 18, and 20, Minor Modifications to Approved Zonings and Other Related Changes, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, Mr. Hart.

Commissioner Strandlie: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Strandlie: I was not here. I'd like to abstain.

Chairman Murphy: Okay. Ms. Strandlie abstains, not present for the public hearing.

Commissioner Hart: Second, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROCEDURES FOR MINOR VARIATIONS, AS SET FORTH IN ATTACHMENT A OF THE MEMORANDUM TO THE PLANNING COMMISSION DATED NOVEMBER 7, 2017.

Commissioners Migliaccio and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Ulfelder. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Strandlie abstains.

Commissioner Hart: Third, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT STAFF TO REPORT BACK TO THE PLANNING COMMISSION AND THE BOARD ON THE RESULTS OF THE AMENDMENT IN 18 MONTHS AFTER ADOPTION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

Each motion carried by a vote of 9-0-1. Commissioner Strandlie abstained from the vote.

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2017-SU-020/2232-Y17-34 – MILESTONE LIMITED PARTNERSHIP III; CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
2. SE 2017-SU-015 & PCA/FDPA 2003-SU-035-03 – DD SOUTH RETAIL, LLC

This order was accepted without objection.

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SE 2017-SU-020 – MILESTONE LIMITED PARTNERSHIP III;  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – Appl.  
under Sects. 2-514, 3-C04, 9-104, 9-105 and 10-104 of the Zoning  
Ordinance to permit a telecommunications facility (monopole) and  
increase in fence height. Located at 6309T Bull Run Post Office  
Rd., Centreville, 20120 on approx. 8.43 ac. of land zoned R-C and  
WS. Tax Map 52-2 ((1)) 11E1. (Concurrent with 2232-Y17-34).  
SULLY DISTRICT. PUBLIC HEARING.

2232-Y17-34 – MILESTONE LIMITED PARTNERSHIP III;  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – Appl.  
under Sect(s). 15.2-2204 and 15.2-2232 of the *Code of Virginia* to  
permit a telecommunications facility (monopole). Located at  
6309T Bull Run Post Office Rd., Centreville, 20120 on approx.  
8.43 ac. of land zoned R-C and WS. Tax Map 52-2 ((1)) 11E1.  
(Concurrent with SE 2017-SU-020). SULLY DISTRICT. PUBLIC  
HEARING.

Frank Stearns, Applicant's Agent, Donohue & Stearns, PLC, reaffirmed the affidavit dated October 5, 2017.

Commissioner Sargeant disclosed that he was an employee of Dominion Virginia Power and due to the proximity of the site to a Dominion facility, he would recuse himself from the joint public hearing.

Commissioner Hart asked for additional information on the changes that had been incorporated into the development conditions dated November 9, 2017. Doug Hansen, Planning Division, Department of Planning and Zoning, explained that the Development Condition Number 7 and 8 had been revised to reinforce that subsequent carriers that utilized the site were required to obtain approval of the related telecommunications applications and other associated permits. (A copy of the revised development conditions is in the date file.)

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Hart: Thank you, Mr. Chairman. This is a – this is a straightforward case. It's a very slight relocation of a facility that was already approved. And it has staff's favorable recommendation, with which I concur. Therefore, Mr. Chairman, let me first ask – Mr. Stearns, could you come back to the podium? Could you confirm that your client has read and understood and agrees to the development conditions?

Frank Stearns, Applicant's Agent, Donohue & Stearns, PLC: Dated November 9<sup>th</sup>, 2017? Yes, Mr. Hart.

Commissioner Hart: Thank you. First, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-Y17-34 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND, THEREFORE, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to approve 2232-Y17-34, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF SE 2017-SU-020, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 9, 2017.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-SU-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman.

Each motion carried by a vote of 9-0. Commissioner Sargeant recused himself from the vote.

*(End Verbatim Transcript)*

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PCA/FDPA 2003-SU-035-03 – DD SOUTH RETAIL, LLC –  
Appls. to amend the proffers, conditions and final development  
plan for RZ 2003-SU-035 previously approved for mixed use  
development to permit a commercial/retail, drive-in bank or fast

food restaurant with a drive through and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of .12. Located on the N. side of Historic Sully Way approx. 400 ft. W. of its intersection with Air and Space Museum Pwky. on approx. 1.10 ac. of land zoned PDC, WS, and HD. Comp. Plan Rec: mixed use. Tax Map 34-2 ((1)) 1D. SULLY DISTRICT. PUBLIC HEARING.

SE 2017-SU-015 – DD SOUTH RETAIL, LLC – Appl. under Sect. 6-205 of the Zoning Ordinance to permit a fast food restaurant with a drive through. Located at 3456 Historic Sully Way, Chantilly, 20151 on approx. 1.10 ac. of land zoned PDC, WS, and HD. Tax Map 34-2 ((1)) 1D. (Concurrent with PCA/FDPA 2003-SU-035-03). SULLY DISTRICT. PUBLIC HEARING.

Francis McDermott, Applicant's Agent, Hunton & Williams, LLP, reaffirmed the affidavit dated October 27, 2017.

There were no disclosures by Commission members.

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on these cases.

*(Start Verbatim Transcript)*

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Commissioner Hart: Thank you, Mr. Chairman. Mr. McDermott, could you come back to the podium for just a second? Can you please confirm that the applicant has reviewed and understands and agrees to the development conditions associated with these applications?  
Francis McDermott, Applicant's Agent, Hunton & Williams, LLP: The applicant has and I have.

Commissioner Hart: Thank you.

Mr. McDermott: Thank you.

Commissioner Hart: Mr. Chairman, this is a very straightforward application dealing with a pad site in an existing shopping center. The issues that had originally been identified have both been resolved to staff's satisfaction and I think we're ready to move this forward to the Board. Therefore, first, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PROFFERED CONDITION AMENDMENT 2003-SU-035-03 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2003-SU-035-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Hart.

Commissioner Hart: Secondly, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2003-SU-035-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 26, 2017, AND SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT PCA AND CDPA APPLICATION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to approve FDPA 2003-SU-035-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Third, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2017-SU-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 26, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2017-SU-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Next, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND/OR MODIFICATIONS SHOWN ON THE ATTACHMENT DATED NOVEMBER 9, 2017, which I'm not going to read out loud.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman. I also would like help Ms. Atkinson. Did I mess up here?

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning: No, you didn't mess up. I believe we left something out inadvertently. Kelly Atkinson, Department of Planning and Zoning. We should also make a motion on the proffers that are dated November 3<sup>rd</sup>, 2017.

Commissioner Hart: Okay. While I'm reading from the script here, I WILL MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE – I guess I'm correcting the motion on the PCA.

Ms. Atkinson: The PCA.

Commissioner Hart: CORRECTING THE FIRST MOTION THAT THE APPROVAL OF THE PCA AND ITS CDPA IS SUBJECT TO THE PROFFERS DATED NOVEMBER...

Ms. Atkinson: November 3<sup>rd</sup>.

Commissioner Hart: NOVEMBER 3<sup>RD</sup>, 2017, which I should have said initially.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0.

*(End Verbatim Transcript)*

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The meeting was adjourned at 8:40 p.m.  
Peter F. Murphy, Chairman  
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: March 7, 2018



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John W. Cooper, Clerk to the  
Fairfax County Planning Commission