

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, DECEMBER 06, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
Julie M. Strandlie, Mason District  
Phillip A. Niedzielski-Eichner, Providence District  
Mary D. Cortina, Commissioner At-Large

ABSENT: James T. Migliaccio, Lee District  
Walter C. Clarke, Mount Vernon District  
Donté Tanner, Sully District

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The meeting was called to order at 7:38 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

Commissioner Hart announced that the Commission would conduct a workshop regarding the Zoning Ordinance Amendment, Article 6, Reston PRC District on January 10, 2019, at 7:30 p.m. in the Board Auditorium.

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Zoning Ordinance Amendment Article 6 – Density Provisions for Reston PRC District  
(Public hearing scheduled for January 23, 2019)

*(Start Verbatim Transcript)*

Commissioner Hart: Secondly, I have a motion. Just read it?

Chairman Murphy: Yeah.

Commissioner Hart: At a regular meeting of the Planning Commission of Fairfax County, Virginia, held in the Board Auditorium in the Government Center building, Fairfax, Virginia, on December 6<sup>th</sup>, 2018, at which meeting a quorum was present the following resolution was adopted:

- WHEREAS THE PROPOSED ZONING ORDINANCE AMENDMENT FOR THE RESTON PLANNED RESIDENTIAL COMMUNITY DISTRICT IS A MATTER OF PUBLIC IMPORTANCE; AND
- WHEREAS THERE IS EXTENSIVE COMMUNITY INTEREST IN THIS PROPOSAL; AND
- WHEREAS THIS COMMISSION ANTICIPATES AN EXCEPTIONALLY LARGE NUMBER OF SPEAKERS WILL ATTEND THE PUBLIC HEARING CONCERNING THIS PROPOSAL; AND
- WHEREAS THE PUBLIC HEARING IS AN OPPORTUNITY FOR COMMUNITY MEMBERS TO EXPRESS THEIR VIEWS ON THE PROPOSAL; AND
- WHEREAS ADDITIONAL TIME FOR THE PUBLIC HEARING WILL FACILITATE ROBUST COMMUNITY INPUT.

NOW THEREFORE, BE IT RESOLVED, FOR THE FOREGOING REASONS THE PLANNING COMMISSION DIRECTS THAT THE PUBLIC HEARING SET FOR JANUARY 23<sup>rd</sup>, 2019, WILL BEGIN AT 7:00 P.M.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion and the resolution? If not, I would recommend that we unanimously approve this resolution and that it be forwarded to the appropriate sources so the advertisement can be correct. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioners Clarke, Migliaccio, and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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Commissioner Strandlie recognized Boy Scout Troop 150, with Annandale United Methodist Church, who were in attendance to fulfill a requirement for the Citizen in the Community Badge.

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Commissioner Strandlie announced that due to an issue with the affidavit the public hearing for Special Exception 2018-MA-005, Christopher Land LLC., has been deferred from December 6, 2018 to January 9, 2019.

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ARTICLES 2 AND 20 COMMONLY ACCEPTED PETS (Decision Only)  
(The public hearing on this application was held on November 29, 2018.)

*(Start Verbatim Transcript)*

Commissioner Cortina: Thank you, Mr. Chairman. I would like to thank the residents and county staff who came to testify at the public hearing on November 29th, 2018, during – including the Director of the Animal Shelter, Carol Diviney – Karen Diviney, I'm sorry. And, I'd also like to thank Casey Judge in the Department of Planning and Zoning for her work on this amendment. There are divergent views in our community on this amendment, particularly adding the African Pygmy Hedgehog to the list of commonly accepted pets in Fairfax County. A concern was voiced that allowing hedgehogs would support exotic species as pets, particularly ones that are fads and that most people are not prepared to give them the special care, environment, and handling that they need, resulting in cruelty and/or abandonment at the county animal shelter. Cited also is the position of the US Humane Society against wild or exotic pets and the risk of zoonotic infectious diseases, that spread from animals to humans, especially salmonella. On the other side of this issue are residents who testified and wrote letters in favor of the – the amendment. Their argument is that all animals require care, and quoting one resident, "if a responsible pet owner can provide the necessary attention and lifestyle it needs to be healthy and well-cared for, that person should be able to keep a hedgehog." Planning and Zoning staff also support this amendment. Hedgehogs have not been imported into the country for several decades and USDA-licensed breeders would be the primary source, if not exclusive source, for county residents to purchase hedgehogs rather than pet stores. This would likely dampen the impulse purchases. Hedgehogs cannot survive in our climate so they're not a threat to the environment or native species. The Health Department has no special objection as the potential for disease is not higher than for other commonly accepted pets currently allowed in Fairfax County Code, such as turtles and other reptiles, and they advise hand-washing after handling pets. Staff also found that Arlington and Loudoun counties, which allow hedgehogs, do not have a problem with abandonment at their shelters. As a compromise position, it was suggested the Planning Commission consider a special permit for the hedgehog. However, Planning and Zoning staff is opposed to such a measure as the pet ownership of a hedgehog is not a land use matter and planning staff are not animal care experts. Along with the \$465 fee, and the time of both staff and residents to go through the process, I agree with staff's position. I understand the concerns raised by the Animal Services Commission, the Animal Shelter, and the US Humane Society with regard to expanding the allowable pet list to include wild or exotic species. However, I find from the testimony from residents and support the staff's position to advance this amendment to the Board of Supervisors. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMONLY ACCEPTED PETS.

Commissioner Sargeant: Second.

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

Commissioner Sargeant: Mr. Niedzielski-Eichner.

Chairman Murphy: Yes, Mr. – yes, Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Mr. Chairman, I'm – I will support this motion, but will do so only out of respect for the time and energy of the staff, particularly Ms. Judge, has put into the analysis of the proposed zoning ordinance amendment and report preparation. Also, I commend those who have advocated for this change or in opposition. You have offered thoughtful and well-researched information. I understand that the Board directed staff to undertake this study leading to this proposed amendment. What I don't understand is how adding hedgehogs, chinchillas, and hermit crabs to the list of commonly accepted pets could possibly rise to a priority level that is justified in relation to all the other land use matters that demands staff's professional attention. The staff who spent time on this minor need are in the middle of rewriting the county Zoning Ordinance, for heaven sakes. Call me a curmudgeon, but I support this motion with protest. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yeah, thank you, Mr. Chairman. I appreciate Commissioner Cortina's efforts and that – appreciate this was deferred. I also appreciate the efforts of staff on this. I – I can't support the amendment, as it's – as it's currently worded. The question for us is whether to add these animals to the list of commonly accepted pets. I think on the record before us, given the delicate and sensitive characteristics of hedgehogs, their – their sensitivity to a narrow temperature range, I would conclude that hedgehogs are still an exotic pet and I am persuaded by the input we had from the head of the animal shelter, the Animal Advisory Commission folks, strongly urging us to not do this. I certainly would have been willing to study further whether there is an option between the current toll prohibition on hedgehogs and making them by-right under all circumstances. I don't know if that's feasible or not, but I – I certainly would have been open to that. Because hedgehogs, I think, are something that we would defer to – or I ordinary would defer to professionals or people that knew more about it than I did. I think the head of the animal shelter and the animal advisory folks persuaded me. I won't be able to support this, as worded. Thank you.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I'm sure many of you knew – know of Beatrix Potter, the British children's book writer who is best known, I think, for her turn of the last century book, "The Tale of Peter Rabbit," which I suspect many of you read or have read to you or read to your children. What you may not know is that several years after she published that book, she published a book called, "The Tale of Mrs. Tiggy-Winkle," and Mrs. Tiggy-Winkle was the name of her pet hedgehog. And she not only was a wonderful children's book writer, but she was a naturalist and an environmentalist, and did many things for the English countryside besides write books about – children's books about pets. That was 75 years ago. And I think we should be allowing people, if they can – if they have the ability to have hedgehogs as

pets. When I looked at this, I looked that there were four things for me. One, was public safety. Hedgehogs don't bite. They might nip, but they don't pose a danger that a lion, or tiger, or black mamba does. There's a question of the public health. I think that's been answered. Yes, there are risks of salmonella, but they're small and compared to the similar risks for other – certain other pets that we allow, turtles and so on, and salamanders. There is no direct impact on the environment. If they get out, they aren't going to survive through the winter around here. And I don't expect we would walk out the door and see them roaming across the streets of Fairfax County. The one area, and I think it's the area that Commissioner Hart has focused on, is the one area probably of the most concern, which is animal welfare. It's true that these animals are a little bit difficult to take care of, but the instructions are clear and the people who provide these pets to willing owners do a lot of work to teach them about how to care for them and how to protect them. And I think that for people who are up for that, they can be very nice pets. And I don't think – for that reason, I think I'm gonna support the original motion including hedgehogs as it – accepted that's here in Fairfax County.

Chairman Murphy: Thank you, Ms. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I concur with Commissioner Niedzielski-Eichner about the process that got us here and the prioritization. I would feel much more comfortable if it were the animal control professionals and vets who are coming to ask – asking us to adopt this, but it's not. I also agree and think we should get most of our information from the professionals. One of the main character – one of the main statements of the hearing last week was whether or not there was veterinary care available here. And I called my vet on the way over and we had a discussion. And the recommendation was we don't have the ability to care for them. We don't. And the recommendation was to not – to vote no. We've – I also heard from constituents in our district who are part of the Animal Advisory Network. So, I will be voting no pertaining to hedgehog. I would support the chinchilla and the hermit crab. And perhaps we can come to some accommodation that will see this through or maybe a continual deferral. I would actually be interested to see if the additional correspondence and information that came in persuaded the experts – who testified against this last week – to see if they had changed their – their position. But we don't have time for that, at this point. So, I would support an amendment, but I would vote no on the overall proposal that's crafted.

Chairman Murphy: Alright. Ms. Hurley.

Commissioner Hurley: I will be supporting the amendment and I wish to align myself a hundred percent with Commissioner Ulfelder. I don't always do that. Although I also agree. This does seem to be an awful lot of bureaucracy for a little hedgehog.

Chairman Murphy: Is there further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors the adoption of proposed Zoning Ordinance Amendment regarding Commonly Accepted Pets, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion carries. Ms. Strandlie, Mr. Hart, and Mr. Carter vote no. I was on the fence, but after Mr. Ulfelder's bedtime story analogy – I mean, there was only one way to go as far as I was concerned. But for those who have never seen the Planning Commission on television or in person, you never will be surprised at what we are going to discuss.

Commissioner Cortina: Mr. Chairman?

Chairman Murphy: Okay.

Commissioner Cortina: I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M., THE DAY FOLLOWING ADOPTION.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same no? Ms. Strandlie, no. Mr. Hart, no. Mr. Carter?

Commissioner Carter: Yes.

Chairman Murphy: Yes, okay.

Commissioner Cortina: Furthermore, I have two follow-on motions.

Chairman Murphy: Please.

Commissioner Cortina: As a follow-on motion, if the amendment is ultimately adopted by the Board of Supervisors, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE OFFICE OF PUBLIC AFFAIRS INCLUDE A STATEMENT ENCOURAGING PEOPLE TO LEARN MORE ABOUT THE CARE REQUIREMENTS AND SAFE HANDLING IN THE PRESS RELEASE ANNOUNCING THE ADOPTION OF THE AMENDMENT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Is everybody – support that motion? Times up.

Commissioners: Yes.

Chairman Murphy: Okay, motion carries unanimously.

Commissioner Cortina: And I – I FURTHER MOVE, finally, THAT THE PLANNING COMMISSION RECOMMEND ANIMAL CONTROL PROVIDE AN UPDATE, EITHER IN THEIR ANNUAL REPORT OR OTHER COMMUNICATION, ON THE NUMBERS OF THESE TYPES OF ANIMALS RECEIVED BY THE FAIRFAX COUNTY ANIMAL SHELTER WITHIN ONE YEAR OF ADOPTION OF THE AMENDMENT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries unanimous.

*(End Verbatim Transcript)*

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Chairman Murphy announced that tonight was the final Planning Commission meeting for 2018. He commended the Planning Commissioners, staff, and Channel 16 crew for their work over the past year.

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#### ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:

1. FDPA 2011-PR-011-03-01 – CITYLINE PARTNERS, LLC

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FDPA 2011-PR-011-03-01 - CITYLINE PARTNERS, LLC –  
Appl. to amend the final development plans for RZ 2011-PR-011 previously approved for office/retail development to allow interim commercial uses. Located in the S.W. quadrant of the intersection of Colshire Dr. and Colshire Meadow Dr. on approx. 1.66 ac. of land zoned PTC and HC. Tax Map 30-3 ((28)) C3 pt.  
PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated October 22, 2018.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, has two cases with Ms. Strobel's law firm in which there were attorneys representing an adverse party, but noted that this matter and those parties were not related and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Katelyn Antonucci, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application FDPA 2011-PR-011-03-01.

There was a discussion between Katelyn Antonucci, ZED, DPZ; Suzanne Wright, ZED, DPZ; and multiple Commissioners on the following issues:

- The flow of vehicular traffic, pedestrian access, designated parking, and the placement of directional and parking signage for the interim use on the subject property;
- The language for Development Condition 9, Signage, and whether it would be applicable if Article 12 of the Zoning Ordinance were modified; and
- Clarification on Development Condition 7, Timing, regarding the start date for the five-year time limit on the interim use.

The discussion resulted in no changes to the subject application.

Ms. Strobel gave a presentation on the subject application wherein she addressed the following concerns expressed by Commissioners:

- The addition of language to Development Condition 7 that would identify the issuance of the non-Residential Use Permit as the start date for the five-year term limit on the interim use; and
- The concerns of the adjacent property owner, Northrop Grumman, over the applicant's use of a sidewalk on their property, which the applicant planned to address with an easement during site plan review.

There was a discussion between Ms. Strobel and multiple Commissioners on the following issues:

- The applicant's agreement to additional language regarding Development Condition 7;
- The flow of pedestrian and vehicular traffic on-site;
- Clarification of on-site designated parking areas and the mechanisms for identifying those areas for the public;

- The location of wayfinding signs and pedestrian accessibility to the interim use; and
- The location of the sidewalk on the Northrup Grumman property.

The discussion resulted in additional language added to Development Condition 7 to clarify the start date for the five-year term limit for the interim use.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Antoinette Guidry, representing Northrup Grumman, 7575 Colshire Drive, McLean, voiced concern regarding the applicant's intent to utilize a sidewalk located on Northrup Grumman's private driveway, which the applicant does not have an easement to, without having an opportunity to review the potential impacts.

Commissioner Hart discussed with Ms. Antonucci the following issues regarding the previous speaker's concern:

- Clarification that an easement was present for the roadway, but not the sidewalk; and
- The applicant's option for pedestrian access to the interim use if the easement were not granted by the adjacent property owner.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel, who responded to the testimony of the speakers wherein she agreed that the applicant would provide pedestrian access to the interim use through an easement at site plan review.

There was further discussion between Ms. Strobel; Ms. Antonucci, DPZ; and Commissioner Eicher regarding language being added to the development conditions to address the sidewalk easement issue.

The discussion resulted in additional language added to the development conditions to address pedestrian access to the interim use.

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Chairman Murphy went into recess at 8:34 p.m. and reconvened in the Board Auditorium at 8:44 p.m.

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Chairman Murphy called for closing remarks from staff, who declined.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this case.

*(Start Verbatim Transcript)*

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. It is my intent to move for approval of this application. The application requests approval of an amendment to the Scotts Run South Final Development Plan that would allow for a variety of active interim uses on vacant land within the Taylor Block, prior to construction of Building C. The site is in a PTC Zone and is currently undeveloped. The proposed interim uses – also known as “pop-up” uses – could include a variety of activities such as retail or craft vendors, festivals, and food and beverage services. A biergarten is a temporary use currently under consideration. These interim uses will not alter the park and open space commitments, previously approved for a full build-out of Scott’s Run South. Done well, creative interim uses such as this application represents, can support place-making and activation in areas of Tysons that are still evolving into a more sustained and dynamic mixed-use environment. The timing for this – for when this site must cease its interim use is when Building C is under construction, so as to be protective of public safety. More specifically, the interim use will end when Building C’s pre-construction meeting is held with the County’s Land Development Services. Finally, I support staff’s conclusion that – in conjunction with the proposed development conditions – the application is in harmony with the Tysons Comprehensive Plan, applicable zoning ordinance provisions, and it generally conforms to the Tysons Urban Design Guidelines. With that, Mr. Chairman, I do request that the applicant confirm for the record of your agreement with the proposed FDPA development conditions, as dated December 5, 2018, and amended as follows:

- The type of use that will be interim, or pop-up, will be varied and may be modified over time. The term “interim” is intended to allow uses in undeveloped areas. Should this time period exceed five years, beginning with the approval of the original non-RUP, the Applicant, six months prior to the end of the fifth year, may request a written determination...” and so on;
- Second of – of amended condition is, as follows: “The applicant will make diligent efforts to obtain” – this is number 12 – “The applicant will make diligent efforts to obtain permission to add the missing link located off-site and appropriate pedestrian access easements within the existing pedestrian network as depicted on Attachment A – or attached Exhibit A”; and
- Then these – in the last – second to last line, moving down, “...and provided prior to issuance of the Non-Residential Use Permit for the proposed interim uses and alternative access provided, as shown on an approved minor site plan.” Scratch, “If permission is granted...” Beginning then with, “Construction – Construction may occur as part of a separate plan and will not be considered site disturbance, as described in Condition 3.

Lynne Strobel, Applicant’s Agent, Walsh, Colucci, Lubeley, & Walsh, P.C.: Yes, the applicant concurs with those conditions, thank you.

Commissioner Niedzielski-Eichner: Okay, very good. Thank you. I MOVE, therefore, THE PLANNING COMMISSION APPROVE FDPA 2011 PR – 2011-PR-011-03-01, SUBJECT TO DEVELOPMENT CONDITIONS DATED DECEMBER 5<sup>TH</sup>, 2018, AS AMENDED PER AGREEMENT OF THE APPLICANT ON DECEMBER 6<sup>TH</sup>, 2018.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2011-PR-011-03-01, as articulated by Mr. Niedzielski-Eichner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 9-0. Commissioners Clarke, Migliaccio, and Tanner were absent from the meeting.)

*(End Verbatim Transcript)*

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The meeting was adjourned at 8:49 p.m.  
Peter F. Murphy, Chairman  
James T. Migliaccio, 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: Teresa Wang

Approved on: June 26, 2019



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Jacob L. Caporaletti, Clerk to the  
Fairfax County Planning Commission

**Toni Michele Denson  
NOTARY PUBLIC  
Howard County, Maryland  
My Commission Expires 6/14/2022**

NOTARY PUBLIC  
HOMEID CONSULTANTS  
2505/4116 29th St  
Commission Expires 01/15/2025

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