

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JUNE 20, 2019**

**PRESENT:** Peter F. Murphy, Chairman, Springfield District  
James R. Hart, Commissioner At-Large  
James T. Migliaccio, Lee District  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
Donté Tanner, Sully District

**ABSENT:** Timothy J. Sargeant, Commissioner At-Large  
Julie M. Strandlie, Mason District  
Walter C. Clarke, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Mary D. Cortina, Commissioner At-Large

//

The meeting was called to order at 7:31 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

**COMMISSION MATTERS**

Commissioner Migliaccio announced that Jacob L. Caporaletti, Clerk to the Planning Commission, had distributed minutes from the meetings on November 2018 and December 2018 to the Commissioners. He then announced his intent to move to approve these minutes at the Commission's meeting on Wednesday, June 26, 2019.

//

Commissioner Hart announced that the Planning Commission would be participating in a natural landscaping tour in Fairfax County on Saturday, June 22, 2019 at 9:00 a.m. The bus will meet in front of the Herry Building.

//

Commissioner Migliaccio established the following order of the agenda:

1. FDPA 82-P-069-01-18 - SPECTRUM HEALTHCARE RESOURCES, INC
2. FDPA 82-P-069-10-05 – FIVE OAKS PROPERTIES, LLC
3. RZ 2018-PR-011/SEA 78-D-075-03 – CROWN TYSONS PROPERTIES LLC

The order was accepted without objection.

//

FDPA 82-P-069-01-18- SPECTRUM HEALTHCARE RESOURCES, INC.– Appl. to amend the final development plan for RZ 82-P-069 to permit site modifications and associated changes to development conditions. Located on the E. side of Fair Lakes Court approx. 600 ft. N. of Fair Lakes Pkwy. on approx. 6.25 ac. of land zoned PDC and WS. Springfield District. Tax Map 45-4 ((1)) 25D. (Concurrent with FDPA 82-P-069-10-05). SPRINGFIELD DISTRICT. PUBLIC HEARING.

Since the following case was in the Springfield District, Vice Chairman Hart assumed the chair.

Carlos Montenegro, Applicant's Agent, Carlos M. Montenegro, P.C., reaffirmed the affidavit dated May 20, 2019.

Commissioner Murphy asked that Vice Chairman Hart 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, Vice Chairman Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

*(Start Verbatim Transcript)*

//

Commissioner Murphy: Thank you very much, Mr. Chairman. The applicant, Spectrum Healthcare Resources, LLC, is requesting approval of a final development plan amendment to allow the site modifications for a 6.25-acre site in Fair Lakes. The property is zoned to the planning, PDC District, and is within the Water Supply Protection Overlay District. The FDPA proposes site modifications to accommodate a federal outpatient medical office defined as an office use, which will become a single - the single occupant of the existing 7,695 square-foot building. It is a full level office building and the site modification includes rearrangement of the parking and loading areas, in addition to a have a gatehouse, pedestrian plaza, and security fence. Mr. Chairman, this is a straight-forward application, its.

Emma Estes, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me Mr. Chairman, there is an affidavit for an FDP.

Vice Chairman Hart: Oh.

Ms. Estes: So, I would think that they would want to confirm it. It's Appendix 3.

Vice Chairman Hart: Yeah. Let's do that.

Ms. Estes: The applicant. Thank you.

Vice Chairman Hart: Would a representative of the applicant please come down and reaffirm – identify yourself and reaffirm the affidavit.

Carlos Montenegro, Applicant's Agent, Carlos M. Montenegro, P.C.: Thank you, Mr. Chairman. Carlos Montenegro, here for the applicant, and we reaffirm the affidavit.

Vice Chairman Hart: Thank you.

Mr. Montenegro: Thank you.

Vice Chairman Hart: Without objection, we'll go back to where we left off.

Commissioner Murphy: Okay. Mr. Chairman I agree with the staff recommendation for approval of this application is in conformance with the Comprehensive Plan and the applicable Zoning Ordinances. Also, it went before the Springfield District Land Use Committee and it received unanimous support. So, therefore, Mr. Chairman I would like to move - ask the applicant to please come up - shouldn't have left. Mr. Montenegro would you please confirm for the record the agreement of the final development plan amendment conditions dated June 5<sup>th</sup>, 2019?

Mr. Montenegro: I confirm that.

Commissioner Murphy: Thank you very much. Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-01-18, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 5<sup>TH</sup>, 2019.

Commissioner Migliaccio. Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion of the motion? Seeing none, we'll move to a vote. All those in favor please say aye.

Commissioners: Aye.

Chairman Hart: Those Opposed? That motion carries.

The motion carried by a vote of 7-0. Commissioners Clarke, Cortina, Niedzielski-Eichner, Sargeant, and Strandlie were absent from the meeting.

*(End Verbatim Transcript)*

//

FDPA 82-P-069-10-05 – FIVE OAKS PROPERTIES, LLC – Appl. to amend the final development plans for RZ 82-P-069 to permit university use and associated changes to development conditions. Located in the N.E. quadrant of Fair Lakes Cir. And Fairfax County Pkwy. on approx. 6.9 ac. of land zoned PDC and WS. Springfield District. Tax Map 55-2 ((1)) 11C1. (Concurrent with FDPA 82-P-069-01-18). SPRINGFIELD DISTRICT. PUBLIC HEARING.

Since the following case was in the Springfield District, Vice Chairman Hart assumed the chair.

Carlos Montenegro, Applicant's Agent, Carlos M. Montenegro, P.C., reaffirmed the affidavit dated May 20, 2019.

Commissioner Murphy asked that Vice Chairman Hart 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, Vice Chairman Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

*(Start Verbatim Transcript)*

//

Commissioner Murphy: Thank you, Mr. Chairman. The applicant, Five Oaks Properties, LLC, seeks to amend the Final Development Plan associated with RZ-82-P-069, to include a college or university as a permitted secondary use for the existing office building on the 6.9-acre subject property. The applicant is also retaining the right to occupy this building with the previously-approved office use. No new construction is proposed in conjunction with this request. Therefore, Mr. Chairman I'd like the applicant to please come down. Would you please confirm for the record your agreement to the Final Development Plan Amendment Conditions dated June 5<sup>th</sup>, 2019?

Carlos Montenegro, Applicant's Agent, Carlos M. Montenegro, P.C: I confirm that agreement.

Commissioner Murphy. Thank you very much. Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDPA 82-P-069-10-05, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 5<sup>TH</sup>, 2019.

Commissioner Migliaccio. Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Any discussion of the motion? Seeing none, we'll move to a vote. All those in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 7-0. Commissioners Clarke, Cortina, Niedzielski-Eichner, Sargeant, and Strandlie were absent from the meeting.

*(End Verbatim Transcript)*

//

RZ 2018-PR-011- CROWN TYSONS PROPERTIES LLC– Appl. to rezone from I-4 and HC to C-7 an HC to permit a vehicle sale, rental and ancillary service establishment with an overall Floor Area Ratio (FAR) of 0.80. Located on the N. side of Leesburg Pk.

approx. 600 ft. E of the interchange with the Dulles Airport Access and Toll Rd. on approx. 3.6 ac. of land. Comp. Plan Rec: Retail and Other. Providence District. Tax Map 29-1 ((1)) 17A. (Concurrent with SEA 78-D-075-03)). PROVIDENCE DISTRICT. PUBLIC HEARING.

SEA 78-D-075-03- CROWN TYSONS PROPERTIES LLC- Appl. under Sect(s). 4-704 of the Zoning Ordinance to amend SE 78-D-075 previously approved for a vehicle sale, rental and ancillary service establishment to add land area, modify development conditions and permit site and building modifications. Located at 8600 Leesburg Pike, McLean, 22101 and 8602 and 8610 Leesburg Pike, Vienna 22182, on approx. 12.31 ac. of land zoned C-7 and HC. Providence District. Tax Map 29-1 ((1)) 15, 16 and 17A. (Concurrent with RZ 2018-PR-011). PROVIDENCE DISTRICT. PUBLIC HEARING.

Chairman Murphy resumed the chair.

Lynne Strobel, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, & Walsh, PC, reaffirmed the affidavit dated December 27, 2018.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Strobel's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Daniel Creed, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ 2018-PR-011 and SEA 78-D-075-03.

There was a discussion between Mr. Creed and Commissioner Hart on the language of "shall or will" versus "must" in Development Condition 9.

The discussion resulted in changing the word "will" to "must" in Development Condition 9.

Ms. Strobel gave a presentation on the subject applications.

There was a discussion between Ms. Strobel and Commissioner Hart on the language in proffer 2G, change "rack" singular to "racks" plural.

The discussion resulted in the applicant agreeing to make the change in language.

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

*(Start Verbatim Transcript)*

//

Commissioner Carter: Okay. Again, this is RZ 2018-PR-011 and SEA 78-D-075-03, Crown Tysons Properties, LLC. Mr. Chairman, let's get – I request the applicant to confirm for the record their agreement to the proposed development conditions dated June 5<sup>th</sup>, with the two changes suggested by Commissioner Hart. One was Condition 9, change the shall to must, and the other is Proffer 2G, to make rocks plural.

Lynne Strobel, Applicant's Agent, Walsh Colucci Lubeley & Walsh: Thank you. Again, Lynne Strobel, I represent the applicant. The applicant is in agreement with the development conditions and I will make that modification to the proposed proffers. Thank you.

Commissioner Carter: Okay, this is a pretty straightforward case. It is an interim use. If you remember about six months ago, we did an interim use across the street, in front of Walmart. It was four small retail buildings, which are now finished. This area could use some improvements so I think this would be a good addition, despite its interim. It has a streetscape already completed and so I'm ready to move approval, and so I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-PR-011, SUBJECT TO EXECUTION OF PROFFER CONDITIONS DATED JUNE 4<sup>TH</sup>, 2019.

Commissioner Tanner. Second.

Chairman Murphy: Seconded by Mr. Tanner. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-PR-011, say aye.

Commissioners: Aye.

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

Commissioner Carter: Okay. Secondly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 78-D-075-03, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 5, 2019.

Commissioner Tanner. Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 78-D-075-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Carter: And thirdly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS, AS LISTED IN THE HANDOUT AND AS DISCUSSED HERE DATED AND DISTRIBUTED JUNE 20<sup>TH</sup>, 2019.

Commissioner Tanner. Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 7-0. Commissioners Clarke, Cortina, Niedzielski-Eichner, Sargeant, and Strandlie were absent from the meeting.

*(End Verbatim Transcript)*

//

The meeting was adjourned at 7:55 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 552, Fairfax, VA 22035.

Minutes by: Keisha Strand

Approved on: December 11, 2019

*Jacob Caporaletti*

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

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22 day of January 2020, by  
Jacob Caporaletti.

*Dorothy M. Steele*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

