

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 29, 2020**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John C. Ulfelder, Vice Chairman, Dranesville District
Timothy J. Sargeant, Secretary, Commissioner At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: None

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The Planning Commission conducted a wholly electronic meeting using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or have the public present. The meeting was accessible to the public via Channel 16, live online video stream, and live audio. Testimony from the public could be provided through a phone call, recorded video, or submission of written testimony by mail or electronic means.

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The meeting was called to order at 7:30 p.m. by Chairman Peter F. Murphy.

The attending Commissioners attended the meeting from the following locations:

- John C. Ulfelder participated from the Dranesville District office, 397 Herndon Pkwy, Suite 110, Herndon, VA 20170;
- Timothy J. Sargeant participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Julie M. Strandlie participated from the Mason District office, 6507 Columbia Pike, Annandale, VA 22003;
- Mary D. Cortina participated from the Braddock District office, 9002 Burke Lake Road, Burke, VA 22015;
- John A. Carter participated from the Hunter Mill District office, 1801 Cameron Glen Drive, Reston, VA 20190;

- Daniel G. Lagana participated from the Braddock District office, 9002 Burke Lake Road, Burke, VA 22015;
- Walter C. Clarke participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Phillip A. Niedzielski-Eichner participated from the Providence District office, 3001 Vaden Drive, 2nd Floor, Fairfax, VA 22031;
- Evelyn S. Spain participated from the Sully District office, 4900 Stonecroft Boulevard, Chantilly, VA 20151;
- Andres Jimenez participated from the Mason District office, 6507 Columbia Pike, Annandale, VA 22003;
- Candice Bennett participated from the Springfield District office, 6140 Rolling Road, Springfield, VA 22152; and
- Murphy Peter F. Murphy participated from the Springfield District office, 6140 Rolling Road, Springfield, VA 22152.

Upon verifying the attendance of each Commissioner from their respective location, the meeting proceeded with Commission matters.

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COMMISSION MATTERS

Chairman Murphy relinquished duties of the virtual Chair and the virtual gavel to Vice Chairman Ulfelder.

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PRELIMINARY MOTIONS FOR CONDUCTING ELECTRONIC MEETING

Commissioner Murphy MOVED THE FOLLOWING:

- THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS COMMISSION;
- THAT THE STATE OF THE EMERGENCY CAUSED BY THE COVID-19 PANDEMIC MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR THE PUBIC TO PHYSICALLY ATTEND ANY SUCH MEETING. AND THAT AS SUCH, FOR AS USUAL PROCEDURES, WHICH REQUIRE THE PHYSICAL ASSEMBLY OF THIS

COMMISSION AND THE PHYSICAL PRESENCE OF THE PUBLIC CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY.

- THAT THE PLANNING COMMISSION CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE COUNTY'S VIDEO CONFERENCING SYSTEM AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16, OR ITS LIVE STREAM, OR LISTENING TO ITS LIVE AUDIO; AND
- THAT ALL THE MATTERS ADDRESSED ON TODAY'S AGENDA MUST ADDRESS THE EMERGENCY ITSELF AND ARE NECESSARY FOR THE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT, AND OR ARE STATUTORILY REQUIRED OR NECESSARY TO CONTINUE OPERATIONS AND THE DISCHARGE OF THE PLANNING COMMISSION'S LAWFUL PURPOSES, DUTIES, AND RESPONSIBILITIES.

Commissioner Sargeant seconded the motions, which carried by a vote of 12-0.

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Chairman Murphy resumed the duties of the virtual Chair and the virtual gavel.

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RZ/FDP 2019-SU-010/PCA 78-S-063-10/PCA 81-S-076 – K. HOVNANIAN AT THE BOULEVARDS AT WESTFIELDS, LLC

(Decision Only) (Public Hearing on these applications was held on July 15, 2020)

Commissioner Spain MOVED THE FOLLOWING:

- THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 78-S-063-10;
- THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 81-S-076;
- THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2019-SU-010 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, CDP 2019-SU-010, SUBJECT TO PROFFERS DATED JULY 29, 2020;
- THAT THE PLANNING COMMISSION APPROVE FDP 2019-SU-010, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 30, 2020; AND
- THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVES THE WAIVERS AND MODIFICATIONS CONTAINED

IN THE HANDOUT DATED JULY 29, 2020, WHICH WILL BE MADE PART OF THE RECORD.

Commissioner Niedzielski-Eichner seconded the motions, which carried by a vote of 8-1-3. Commissioner Carter voted in opposition. Commissioners Murphy, Strandlie, and Ulfelder abstained from the vote.

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2232-H19-6 – FAIRFAX COUNTY PARK AUTHORITY, LAKE FAIRFAX PARK MASTER PLAN REVISION, 1400 Lake Fairfax Drive, Reston, VA 20190

Commissioner Carter MOVED THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232-H19-6, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Niedzielski-Eichner and Cortina seconded the motion, which carried by a vote of 12-0.

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PROPOSED 2020 ZONING ORDINANCE AMENDMENT WORK PROGRAM (ZOAWP)

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, ENDORSEMENT OF THE ZONING ORDINANCE WORK PROGRAM AS PRESENTED BY LESLIE JOHNSON, AS CONTAINED IN THE MEMORANDUM TO THE BOARD OF SUPERVISORS DATED JULY 15, 2020.

Commissioner Carter seconded the motion, which was carried by a vote of 12-0.

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MINUTES APPROVAL – MARCH AND APRIL 2020

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION APPROVE THE MEETING MINUTES FOR THE FOLLOWING MEETINGS IN 2020:

- MARCH 4,
- MARCH 11,
- MARCH 12, AND
- APRIL 22

Commissioners Clarke and Niedzielski-Eichner seconded the motion, which was carried by a vote of 12-0.

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SE 2019-MA-014 – LORA L. SEEDS

Commissioner Strandlie MOVED THAT THE PUBLIC HEARING FOR THE LORA L. SEEDS CASE, SE 2019-MA-014, BE DEFERRED TO SEPTEMBER 16, 2020.

Commissioner Sargeant seconded the motion, which was carried by a vote of 12-0.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. CSP 2013-LE-008 – SOUTH ALEX SUBSIDIARY LLC
2. CSP 2011-PR-011-03 – TYSONS LW HOTEL ASSOCIATES, L.P.
3. PCA 84-L-020-27/CDPA 84-L-020-08/FDPA 84-L-020-02-16 – KINGSTOWNE PARCEL O LP
4. RZ 2018-PR-010 – JRS@TYSONS, LLC
5. SE 2020-PR-006 – MOHAMED ELRAFAEI D/B/A MINT CAFÉ

The order was accepted without objection.

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CSP 2013-LE-008 – SOUTH ALEX SUBSIDIARY, LLC – Appl. under Sect. 12-304 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2013-LE-008. Located on the S. side of Poag St. and W. and E. side of Red Star Ln., W. of the intersection of Richmond Ave. and N. of Kings Hwy. on approx. 7.38 ac. of land zoned PDH-40, CRD and HC. Tax Map 83-3 ((1)) 7B and 83-3 ((44)) D. LEE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the date file. She stated that staff recommended approval of CSP 2013-LE-008.

Samantha Steketee, Applicant's Agent, Cooley, LLP, gave a presentation on the subject application.

Chairman Murphy called for speakers on the phones, but received no response. There were no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lagana for action on this application.

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Commissioner Lagana MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2013-LE-008, SUBJECT TO THE DEVELOPMENT CONDITIONS MARCH 3, 2020.

Commissioner Cortina seconded the motion, which carried by a vote of 12-0.

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CSP 2011-PR-011-03 – TYSONS LW HOTEL ASSOCIATES, L.P. –
Appl. under Sect(s). 12-304 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2011-PR-011. Located on the N. side of Chain Bridge Rd. and W. side of Colshire Dr., S. of Dolley Madison Blvd. on approx. 32,502 sq. ft. of land zoned PTC and HC. Tax Map 30-3 ((28)) D3. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Alexis Robinson, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated that staff recommended approval of CSP 2011-PR-011-03.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley, and Walsh, P.C, gave a presentation on the subject application.

There was a discussion between Ms. Robinson, Ms. Strobel, and Commissioner Ulfelder regarding the following:

- Staff's response to the McLean Citizens Association's concerns regarding signage in a resolution submitted to the Planning Commission, dated July 1, 2020.

The discussion resulted in no changes to the application.

There being no listed speakers or speakers calling in, Chairman Murphy called for closing remarks from Ms. Strobel, who declined. There were no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on these applications.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2011-PR-011-03, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED JULY 13, 2020.

Commissioner Ulfelder seconded the motion, which carried by a vote of 12-0.

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PCA 84-L-020-27/CDPA 84-L-020-08/FDPA 84-L-020-02-16 – KINGSTOWNE PARCEL O LP – Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ 84-L-020, previously approved for mixed use development, to permit residential development and associated modifications to proffers and site design at a density of 46 dwelling units per acre (du/ac). Located on the S. side of Kingstowne Blvd., E. side of Kingstowne Village Parkway and N. side of Kings Centre Dr., on approx. 7.15 ac. of land zoned PDC, NR. Comp. Plan Rec: Mixed Use Development. Tax Map 91-2 ((1)) 32F. LEE DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed he was employed by Dominion Energy and recused himself from the vote.

Antonio J. Calabrese, Applicant's Agent, DLA Piper LLP (US), reaffirmed the affidavit dated June 3, 2020.

Katelyn Quinn, Zoning Evaluation Division, Department of Planning and Development presented the staff report; a copy is in the date file. She stated that staff recommended approval of PCA 84-L-020-27, CDPA 84-L-020-08, and FDPA 84-L-020-02-16.

Mr. Calabrese gave a presentation on the subject applications.

Chairman Murphy called for speakers on the phone, but received no response; therefore, a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lagana for action on this application.

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Commissioner Lagana MOVED THE FOLLOWING:

- THAT THE PLANNING COMMISSION RECOMMENDED THE BOARD OF SUPERVISORS APPROVAL OF PCA 84-L-020-27, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JULY 20, 2020;
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF CDPA 84-L-020-08;
- THAT THE PLANNING COMMISSION APPROVE FDPA 84-L-020-02-16, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 16, 2020, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 84-L-020-27 AND CDPA 84-L-020-08;

- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS LISTED IN A HANDOUT DATED JULY 29, 2020, THAT WAS DIGITALLY PROVIDED TO THE COMMISSION AND SHALL BE MADE PART OF THE RECORD OF THIS CASE; AND
- THAT THE PLANNING COMMISSION CONCUR WITH STAFF AND RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF A PARKING REDUCTION REQUEST, NUMBER 6105-PKS-011-02, PURSUANT TO PARAGRAPH 5.D., SECTION 11-101 OF THE ZONING ORDINANCE, BASED ON THE PROXIMITY OF A MASS TRANSIT FACILITY, SUBJECT TO THE CONDITIONS DATED OCTOBER 30, 2019, WHICH ARE IN APPENDIX 10 OF THE STAFF REPORT.

Commissioner Cortina seconded the motions, which carried a vote of 11-0. Commissioner Sargeant recused himself from the vote.

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RZ 2018-PR-010 – JRS @TYSONS, LLC – Appl. to rezone from C-5, SC and HC to PTC, SC and HC to permit mixed use development with an overall Floor Area Ratio (FAR) of 6.28, which includes bonus density for workforce housing and approval of the conceptual development plan. Located on the N. side of Watson St. approx. 130 ft. W. of International Dr. on approx. 1.1 ac. of land. Comp. Plan Rec: Commercial/Retail with Option for Residential Mixed Use. Tax Map 29-4 ((2)) 21, 21A and 22. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

John C. McGranahan, Jr., Applicant's Agent, Hunton Andrews Kurth LLP, reaffirmed the affidavit dated July 16, 2020.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Development presented the staff report; a copy is in the date file. She stated that staff recommended approval of RZ 2018-PR-010.

Mr. McGranahan gave a presentation on the subject application.

There was a discussion between Ms. Posusney, Mr. McGranahan, Ms. Lewis, and multiple Commissioners regarding the following:

- The reasons why the installation of a future decking area over a portion of the garage entry drive that abuts the Capital One Bank property was considered a threshold issue;

- The applicant's position concerning the access road being built adjacent to Capital One parcel;
- Staff's position on concerns expressed by the applicant regarding the build-out of a deck over that access road without the participation of Capital One;
- Recommended options for connectivity from the urban park to International Drive;
- Easements required for connectivity to the Capital One parcel;
- Staff's concerns regarding the architectural screening/parapet walls for the medical equipment;
- The applicant's contribution to the planned grid of street west of the proposed development;
- The applicant's agreement to assume responsibility for the maintenance of open spaces located on the east side of the proposed grid street; and
- The applicant's commitment in Proffer 11.B to providing funds for future construction of the elevated deck by the owner of Parcel 35B2, and modifications made to the urban park space extensions and neighboring properties.

The discussion resulted in no changes to the application.

Chairman Murphy called for speakers and recited rules for testimony.

Paul Kohlenberger, 1234 Ingleside Avenue, McLean, representing McLean Historical Society, supported the proposed development. A copy of Mr. Kohlenberger's statement is in the date file.

Dr. Rajesh Rajpal, 8138 Watson Street, McLean, property owner of See Clearly Vision, an adjacent property from the proposed development. He stated there was no positive coordinated among the adjacent property owners and suggested that no final determination be made on the placement of signage on the new roads in the applicant's submission. Dr. Rajpal said the proposed route moved eastward from its most westward location, as depicted in the original Comprehensive Plan. The flexibility in the road location, which was to be determined later, would allow for better consolidation among the property owners and for future developments.

There was a discussion between Ms. Posusney, Ms. Lewis, and Commissioner Niedzielski-Eichner regarding the following:

- A conceptual development plan portrayal of a proposed grid road in relation to future applications submitted for the proposed area; and

- Staff’s recommendation to the applicant to include the See Clearly Vision property as part of the development.

The discussion resulted in no changes to the application.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. McGranahan, who stated the following:

- The applicant made extensive efforts to acquire the See Clearly Vision property as part of the application;
- The applicant offered above market price to purchase the See Clearly Vision property and was informed the offer was not acceptable;
- There was a definitive location in the application for the site of the grid street; and
- The language regarding stormwater management was approved or determined by the Fairfax County Land Development Services.

Mr. McGranahan’s rebuttal was followed by a discussion by Ms. Lewis and Jeremy Ko, Fairfax County Department of Transportation, regarding staff’s disagreement with the applicant’s characterization that the location of the grid street was definitive. Mr. Ko discussed the site of the grid street, determining factors, and the extent of the modification and curvature of the road.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on this application.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2018-PR-010 TO A DATE CERTAIN OF SEPTEMBER 16, 2020, WITH THE RECORD REMAINING OPEN FOR WRITTEN ELECTRONIC COMMENTS.

Commissioner Ulfelder seconded the motions, which carried by a vote of 12-0.

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SE 2020-PR-006 – MOHAMED ELRAFAEI/D/B/A MINT CAFE –
Appl. under Sect. 4-204 of the Zoning Ordinance to permit a restaurant. Located at 7787 Leesburg Pike, Falls Church, 22043 on approx. 25,287 sq. ft. of land zoned C-2 and HC. Tax Map 39-2 ((1)) 42. PROVIDENCE DISTRICT. PUBLIC HEARING.

Mohamed Elrafaei, Applicant, reaffirm the affidavit dated reaffirmed the affidavit dated February 4, 2020.

Alexis Robinson, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of SE 2020-PR-006.

Mr. Elrafaei gave a presentation on the subject application.

There was a discussion between Mr. Elrafaei and Commissioner Ulfelder regarding the possible usage of sound equipment in the outdoor seating areas. Mr. Elrafaei confirmed there would be no outdoor music or equipment.

The discussion resulted in no changes to the application.

Chairman Murphy called the first listed speaker.

Adam Haddou, 8219 Westwood Mews Court, Vienna, was the first listed speaker. Staff indicated that Mr. Haddou could not be reached via telephone.

Chairman Murphy called for speakers on the phone, but received no response; therefore, he called for closing remarks from Mr. Elrafaei, who declined. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on this application.

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Commissioner Niedzielski-Eichner MOVED THE FOLLOWING:

- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2020-PR-006, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 8, 2020; AND
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT TO THAT SHOWN ON THE SE PLAT.

Commissioner Bennett seconded the motions, which carried by a vote of 12-0.

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Chairman Murphy announced that the Planning Commission would meet virtually on Wednesday, September 16, 2020, at 7:30 p.m.

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Chairman Murphy announced that at the request of Chairman Jeffrey C. McKay, the Planning Commission's Schools Committee would meet with the Schools Committee Board in September of 2020.

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Chairman Murphy announced that a date would be scheduled to reconstitute the Housing Committee. A meeting date would be announced.

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Chairman Murphy announced that a Land Use Process Review Committee meeting would be scheduled to address the Zoning Modification questions. A date of this meeting would be announced.

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The meeting was adjourned at 10:14 p.m.
Peter F. Murphy, Chairman
Timothy J. Sargeant, 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: Samantha Lawrence

Approved on: February 10, 2021

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 12 day of October 2021, by
Jacob Caporaletti.

[Signature]

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

