

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JUNE 9, 2021**

PRESENT: Peter F. Murphy, Chairman, Springfield District  
John C. Ulfelder, Vice Chairman, Dranesville District  
Timothy J. Sargeant, Secretary, Commission 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: Walter C. Clarke, Mount Vernon District  
Andres Jimenez, Commissioner At-Large

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The meeting was called to order at 7:34 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

Chairman Murphy welcomed Commissioners and the public back to the Board Auditorium.

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Chairman Murphy noted that certain participants in the meeting were scheduled to arrive late due to a traffic accident on the Fairfax County Parkway.

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Chairman Murphy welcomed Commissioner Ulfelder back from his extended leave.

Commissioner Ulfelder announced his intent to defer the public hearing for SE 2020-DR-022, Turner Farmhouse Foundation, to the Planning Commission meeting scheduled for July 14, 2021. He added that this application would go before the Board of Supervisors for public hearing on July 27, 2021.

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PA 2018-II-M1 – MCLEAN COMMUNITY BUSINESS CENTER (CBC) STUDY  
(Decision Only) (The public hearing on this application was held on April 28, 2021)

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE TO THE STAFF RECOMMENDATION FOR COMPREHENSIVE PLAN AMENDMENT 2018-II-M1, AS SHOWN ON THE HANDOUT DATED JUNE 9, 2021.

Commissioner Lagana seconded the motion, which carried by a vote of 10-0. Commissioners Clarke and Jimenez were absent from the meeting.

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO DIRECT STAFF TO PRIORITIZE THE STUDY AND EVALUATE OPTIONS FOR A TRANSPORTATION PILOT PROJECT TO SUPPORT PLACE-MAKING EFFORTS IN THE MCLEAN COMMUNITY BUSINESS CENTER BY CREATING A MORE PEDESTRIAN AND BICYCLE FRIENDLY TRANSPORTATION STREET NETWORK AND STREET DESIGNS THAT RESULTS IN SLOWER VEHICLE SPEEDS. THE PILOT COULD INCLUDE TECHNIQUES LIKE NARROW VEHICULAR LANES, THE ADDITION OF ON-STREET PARKING, TIME-OF-DAY PARKING, AND INTERIM CHANGES TO ROAD CONFIGURATION. THIS STUDY SHOULD INCLUDE NECESSARY PUBLIC OUTREACH WITH EFFECTIVE STAKEHOLDERS. THE PILOT PROJECT STUDY AREA SHOULD GENERALLY ENCOMPASS THE AREA ALONG OLD DOMINION DRIVE, FROM THE BEVERLY ROAD INTERSECTION TO THE CORNER LANE INTERSECTION AND ALONG CHAIN BRIDGE ROAD, FROM THE OLD CHAIN BRIDGE ROAD INTERSECTION TO THE TENNYSON DRIVE AND INGLESIDE AVENUE INTERSECTIONS. THE COUNTY EXECUTIVE SHOULD INCLUDE \$250,000.00 AS A CONSIDERATION ITEM IN THE NEXT QUARTEY BUDGET REVIEW TO FUND THESE ACTIVITIES. THE STUDY WILL DEFINE IMPLEMENTATION STEPS AND COSTS, WHICH WOULD BE ASSUMED TO BE MINIMAL AS THERE WOULD BE NO MAJOR CONSTRUCTION WORK, SUCH AS CURB RELOCATIONS.

Commissioner Carter seconded the motion, which carried by a vote of 10-0. Commissioners Clarke and Jimenez were absent from the meeting.

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Chairman Murphy announced the passing of Senator John Warner and Milton Peterson, the developer from Peterson Company. Chairman Murphy noted that he attended Mr. Peterson’s service and shared that he and his wife established the Peterson Family Foundation in 1997, which primarily supported health, education, and human services. He then briefly described Mr. Peterson’s achievements and services throughout the community.

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Commissioner Ulfelder thanked the staff for all their hard work on PA 2018-II-M1, Mclean Community Business Center (CBC) Study. He recognized their commitment in attending all task

force meetings along with various community meetings and working with citizens and addressing all the questions and concerns that were raised.

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Commissioner Niedzielski-Eichner asked the Commission for clarification on the vote for the follow-on motion for PA 2018-II-M1. The vote was not recorded so the Chairman called on the Commission for a vote and the follow-on motion, which was seconded by Commissioner Carter, carried by a vote of 10-0. Commissioners Clarke and Jimenez were absent from the meeting.

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Chairman Murphy announced that for attending in-person meetings in the Fairfax County Board Auditorium, masks are optional for people who have had both vaccines in the series and had received their final dose at least two weeks prior to the meeting. He also thanked Michael Liberman and Rebecca Makely for their hard work with the various changes that they have helped coordinate throughout the COVID-19 pandemic.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

- 1. ZONING ORDINANCE AMENDMENT – HISTORIC OVERLAY DISTRICTS (STATE CODE REVISIONS)

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT – HISTORIC OVERLAY DISTRICTS (STATE CODE REVISIONS) – An amendment to Chapter 112.1 (the Zoning Ordinance), adopted March 23, 2021 and effective July 1, 2021, of the 1976 Code of the County of Fairfax, as follows:

(1) Under the authority granted by the General Assembly under SB1457, effective April 7, 2021:

- a. Amend the powers and duties of the Architectural Review Board (“ARB”) to grant additional authority to the ARB to hear and decide applications for any proposed subdivision, including any subdivision plat, plan, or construction plan (collectively, “proposed subdivision”) of any parcel or parcels within a historic overlay district (“HOD”) whose district-specific regulations require such ARB approval.

- b. Amend the administration of Historic Overlay District regulations to require ARB review and approval of any application for a proposed subdivision of any parcel(s) within any HOD whose district-specific regulations require such ARB approval. Require ARB approval to include a determination that the proposed subdivision would be compatible with the historic nature of the HOD and to include consideration of the standards applicable to consideration of zoning applications and site, grading, and sports illumination plans. Clarify when ARB review and approval, rather than review and recommendation, is required of subdivision plats.
- c. Amend the additional Standards for the Wellington Historic Overlay District (WHOD) to require ARB review and approval of any proposed subdivision and to allow the Board to impose or accept conditions and restrictions it deems necessary to ensure any proposed use will be compatible with and not adversely impact any residential area, which may include a condition to allow public access to the WHOD, as permitted by local, state, and federal law.

(COUNTYWIDE). PUBLIC HEARING.

There were no disclosures from the Commission.

Lily Yegazu, Zoning Administration Division (ZAD), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed revisions to amended *Virginia Code § 15.2-2306*: Preservation of historical sites and architectural areas, to add a new subsection (D), contained in Senate Bill SB1457, which was adopted by the General Assembly of Virginia and became effective April 7, 2021.

There was a discussion between Ms. Yegazu; David Stoner, Office of the County Attorney; William Maryland, ZAD, DPD; and multiple Commissioners on the following issues:

- The broader focus and flexibility of the provisions articulated in Senate Bill 1457 (SB 1457);
- Efforts to further public access to an Historic Overlay District (HOD) under the proposed amendment;
- Confirming that SB 1457 would only be applicable to one Historic Overlay, Wellington At River Farm;

- Clarification that the Architectural Review Board (ARB) would have authority to recommend or approve site plats in sub-divisions where an HOD met all the requirements and whether that ruling could be overruled by the Board of Supervisors through an appeal process;
- Clarification on the standards utilized by the ARB for proposed sub-division plans and whether would be consistent with the current HOD policies;
- Clarification on whether the ARB would recommend to the Board of Supervisors and the Planning Commission as part of their process;
- Clarification on that the ARB will continue to review and approve the sub-division plat proposals for HOD, as they do for other building permits;
- Clarification on whether public access to private property from an HOD would be considered on a case-by-case basis to ensure its compliance with local, state, and federal law;
- Concerns about the preservation of HOD by private developers;
- The scope of the ARB's authority and their chain of command;
- Clarification on whether denial by the ARB of an application under the proposed amendment could be appealed to the Board of Supervisors;
- Clarification on the appeal process;
- Clarification on the need for special exception applications to ensure a site's compliance under the proposed amendment;
- The considerations that a private owner of an HOD would take into account in appealing a decision rendered by the ARB;
- The scenarios in which an application for an HOD would be required to undergo a rezoning, zoning ordinance amendment, and/or comprehensive plan amendment application process;
- The requirements prescribed by the State of Virginia for classifying a site as an HOD.

The discussion resulted in no changes to the proposed amendment.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Ethel Eaton, 138 The Maine, Williamsburg, VA, representing Preservation Virginia, spoke in support of the proposed amendment because it would further efforts to preserve the historic value of the River Farm site. A copy of Ms. Eaton's written statement is in the date file.

Anne Fafara, 1706 Hackamore Lane, Alexandria, VA, spoke in support of the proposed amendment, echoing remarks from Ms. Eaton regarding the importance of preserving the historic value of the River Farm site and the amendment's role in furthering that effort. A copy of Ms. Fafara's written statement is in the date file.

Laura Francis, 3217 Woodland Lane, Alexandria, VA, representing Hunting Creek Garden Club spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the importance of preserving the historic value of the River Farm site and the amendment's role in furthering that effort. She also noted the environmental benefits of preserving the site.

Katherine Ward, 1029 Gladstone Place, Alexandria, VA, representing Mount Vernon Council of Citizens Association, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the importance of preserving the historic value of the River Farm site and the amendment's role in furthering that effort. She also endorsed efforts to maintain public accessibility to the site while ensuring appropriate compensation to the landowner.

H. Jay Spiegel, P.O. Box 11, Mount Vernon, VA, spoke in opposition to the proposed amendment because it included inappropriate provisions that required the property owner of the River Farm site to provide public access. He then recommended that the decision on the proposed amendment be deferred to permit time for staff to review the potential legal ramifications of the public access requirements. A copy of Mr. Spiegel's statement is in the date file. A copy of Mr. Spiegel's written statement is in the date file.

Commissioner Strandlie asked David Stoner to speak to the Mr. Spiegel's concern. There was a brief discussion wherein Mr. Stoner reiterated that any applications that required public access to an HOD site was required to comply with local, state, and federal law.

John McGranahan, Hunton, representing Andrews & Kurth, LLP, 8405 Greensboro Drive, Suite 140, Tysons, VA, stated that he was speaking on behalf of the American Horticultural Society, who were the property owner of the River Farm site. He spoke in opposition to the proposed amendment, echoing remarks from Mr. Spiegel regarding the inappropriate inclusion of public access requirements for River Farm and the legal ramifications of including such requirements. In addition, Mr. McGranahan noted that the language of the proposed amendment was not adequately clear in delineating the review processes for an HOD site. A copy of Mr. McGranahan's statement is in the date file. A copy of Mr. McGranahan's presentation is in the date file.

There was a discussion between Mr. Stoner, Mr. McGranahan, and Commissioner Ulfelder, on the potential sale of the River Farm site and prospective purchasers of the property.

The discussion resulted in no changes to the proposed amendment.

Keister Evans, 218 North Morris Street, Oxford, MD, representing Save the River Farm Committee, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the importance of preserving the historic value of the River Farm site and the amendment's role in furthering that effort. A copy of Ms. Evans's written statement is in the date file.

Tammy Mannarino, 1059 Dalebrook Drive, spoke in support of the proposed amendment, echoing remarks from previous speakers regarding the importance of preserving the historic value of the River Farm site and the amendment's role in furthering that effort.

There being no more speakers, Chairman Murphy called for a rebuttal statement from staff, who declined.

There was a final discussion between Mr. Mayland, and multiple Commissioners on the following issues:

- Clarification on the process to allow for public access to HOD sites;
- Clarification on whether public access would not be automatically approved with the adoption of the proposed amendment;
- Confirmation that the review for public access to HOD sites would be done on a case-by-case basis, but private landowners retained the right to restrict it;
- Clarification on the impact the proposed amendment on property sales; and
- Concern regarding the imposition of the proposed Zoning Ordinance Amendment onto the sale of HOD properties.

The discussion resulted in no changes to the proposed amendment.

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 Sargeant for action on this case.

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Commissioner Sargeant MOVED TO DEFER THE PLANNING COMMISSION’S DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT, ENTITLED: HISTORIC OVERLAY DISTRICTS AND STATE CODE REVISIONS TO A DATE CERTAIN OF JUNE 16, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Niedzielski-Eichner seconded the motion, which carried by a vote of 10-0. Commissioners Clarke and Jimenez were absent from the meeting.

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The meeting was adjourned at 9:14 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, Virginia 22035.

By Satabdi Samaddar  
Approved on: November 3, 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 5 day of November, 2021, by  
Jacob Caporaletti.

*[Signature]*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

