

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JANUARY 28, 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: None

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The Planning Commission conducted a wholly electronic meeting because to the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was conducted by way of video conferencing and the public was able to view the meeting on Channel 16, livestreaming on the Fairfax County website, or live audio over the phone. 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 from Conference Room 11 in the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax, VA 22035.

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 her residence in the Mason District;
- Mary D. Cortina participated from her residence in the Braddock District;
- John A. Carter participated from the Hunter Mill District office, 1801 Cameron Glen Drive, Reston, VA 20190;

- Daniel G. Lagana participated from the 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, 2<sup>nd</sup> 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; and
- Candice Bennett participated from the Conference Room 11 at the Fairfax County Government Center, located at 12000 Government Center Parkway, Fairfax, Virginia, 22035.

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:

- THE PLANNING COMMISSION CERTIFY FOR THE RECORD THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS COMMISSION AND THAT A QUORUM HAS BEEN ACHIEVED;
- THE PLANNING COMMISSION CERTIFY THAT THE STATE OF EMERGENCY CAUSED THE COVID-19 PANDEMIC MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR APPLICANTS, STAFF, AND THE PUBLIC TO PHYSICAL ATTEND ANY SUCH MEETING IN PERSON. AND THAT AS SUCH, AN IN-PERSON MEETING CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY. FURTHER MOVE THAT THE

PLANNING COMMISSION CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE COUNTY'S VIDEO CONFERENCE SYSTEM, AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16 OR ITS LIVE STREAMING, MAY LISTEN TO LIVE AUDIO OF THIS MEETING AT 703-324-5300, AND MAY PARTICIPATE IN PUBLIC HEARINGS BY TELEPHONE, BY YOUTUBE VIDEO SUBMISSION, OR BY WRITTEN TESTIMONY; AND

- THE PLANNING COMMISSION CERTIFY THAT ALL MATTERS ADDRESSED ON THE AGENDA CONCERN THE EMERGENCY AND ARE NECESSARY FOR CONTINUITY IN FAIRFAX COUNTY GOVERNMENT, AND THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS ON MAY 12, 2020. AND/OR ARE WITHIN THE PURVIEW OF AMENDMENT 28 OF HOUSE BILL 29, AS APPROVED BY GOVERNOR RALPH NORTHAM ON APRIL 24, 2020.

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

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

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COMMISSION MATTERS

Chairman Murphy announced that the election of Planning Commission Officers would occur at the February 3, 2021 meeting. He also added that the deadline to submit Commission Disclosure forms would be on February 1, 2021.

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Chairman Murphy stated that Commissioners Bennett and Sargeant had been coordinating on the Zoning Ordinance Modernization Project (zMOD), which was the sole subject matter of the meeting. He indicated that Commissioner Sargeant would make a motion on this item at the conclusion of the public hearing.

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Commissioner Sargeant announced that the Commission received draft minutes from Planning Commission meetings from July, September, and October 2020. He then stated that he intended to move approval of these minutes during the Planning Commission meeting scheduled on February 10, 2021. He also asked that Commissioners review the minutes and submit any changes to Jacob Caporaletti, Clerk to the Planning Commission.

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Prior to establishing the order of the agenda, Commissioner Sargeant announced that Zoning Ordinance Modernization Project has captured the attention of many citizens and civic

associations. He went on to state that there were over 40 speakers who were scheduled to testify tonight. Commissioner Sargeant indicated that the format of the meeting would include a presentation of zMOD by staff followed by the public hearing in which citizens could testify. He asked that the Commission hold off on questions and comments until the next Planning Commission meeting scheduled for February 3, 2021. He also announced his intent to defer the decision only for the Zoning Ordinance Modernization Project, to a date certain of February 10, 2021.

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#### ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. Zoning Ordinance Modernization Project (ZMOD)

This order was accepted without objection.

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*ZONING ORDINANCE MODERNIZATION PROJECT – repeal of Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax and the replacement with a new Zoning Ordinance (Chapter 112.1) to promote the health, safety, and general welfare of the public. COUNTYWIDE. PUBLIC HEARING.*

There were no disclosures from the Commission.

Leslie Johnson, Zoning Administration Division (ZAD), Department of Planning and Development (DPD), made an opening statement in which she thanked DPD staff, the Commission, and various stakeholders for their efforts in the review and development of the Zoning Ordinance Modernization Project (zMOD). She also noted the importance of zMOD, the timeline for review, and the various concerns that had been raised over the course of the review process.

Carmen Bishop, ZAD, DPD, and Casey Judge, ZAD, DPD, presented the zMOD Public Hearing Draft dated November 24, 2020 and subsequently edited on January 19, 2021, a copy of which is in the date file. They noted that staff recommended adoption of zMOD.

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

Adrienne Whyte, 6704 West Falls Way, Falls Church, VA, representing the Ellison Heights-Mount Daniel Civic Association, spoke in opposition of zMOD. A copy of Ms. Whyte's written statement is in the date file.

Fran Wallingford, 3311 Mantua Drive, Fairfax, VA, representing the Pine Ridge Civic Association spoke in opposition of zMOD. A copy of Ms. Wallingford's written statement is in the date file.

Gail Nittle, 7520 Havelock Street, Springfield, VA, representing the Springfield Civic Association spoke in opposition of zMOD. She voiced concerns about the negative impacts incurred by permitting accessory living units and home-based businesses on the character, parking, and quality of life of residents within single-family neighborhoods. Ms. Nittle also voiced concerns about enforcement mechanisms for the revised standards articulated in zMOD and the removal of the public hearing process for approving certain uses.

Rob Jackson, 6728 Baron Road, McLean, VA, representing the McLean Citizens Association voiced concerns regarding zMOD. A copy of Mr. Jackson's written statement is in the date file.

Jeffery Parnes, 3153 Ramesses Court, Oak Hill, VA, representing the Sully District Council of Citizens Associations spoke in opposition of zMOD. A copy of Mr. Parnes's written statement is in the date file.

Clyde Miller, 3436 Skyview Terrace, Falls Church, VA, representing the Holmes Run Valley Citizens Association spoke in opposition to zMOD. A copy of Mr. Miller's written statement is in the date file.

Debbie Smith, 3127 Juniper Lane, Falls Church, VA, representing the Mason District Council of Community Associations spoke in opposition of zMOD. A copy of Ms. Smith's written statement is in the date file.

Jody Bennett, 1459 Hunter Mill Road, Vienna, VA, representing the Hunter Mill Defense League spoke in opposition to zMOD. A copy of Ms. Bennett's written statement is in the date file.

Jehanne Arslan, 11000 Carter Cooper Way, Oakton, VA, spoke in opposition to zMOD. A copy of Ms. Arslan's written statement is in the date file.

Kevin MacWhorter, Attorney, DLA Piper, 2755 Greenway Boulevard Falls Church, VA, representing Custom Stone Scaping, voiced concerns about the impact of zMOD on commercial and construction vehicle operations within C-8 Districts. A copy of Mr. MacWhorter's presentation is in the date file.

Craig Blakeley, 4936 Sunset Lane, Annandale, VA, spoke in opposition to zMOD. A copy of Mr. Blakeley's written statement is in the date file.

Sheila Dunheimer, 10505 William Terry Drive, Vienna, VA, spoke in opposition to zMOD. A copy of Ms. Dunheimer's written statement is in the date file.

Steve Del Bianco, 1920 Virginia Avenue, McLean, VA, representing Franklin Area Citizens Association spoke in opposition to zMOD. He added that he was the principal drafter of the

McLean Citizens Association's resolution statement, which had been previously presented by Mr. Rob Jackson. A copy of the written statement is in the date file.

James Hart, 6504 Trillium House Lane, Centreville, VA, spoke in opposition to zMOD. A copy of Mr. Hart's written statement is in the date file.

Jeff Flading, 16780 Sudley Road, Centreville, VA, representing Fairfax National Estates spoke in opposition to zMOD. A copy of Mr. Flading's written statement is in the date file.

Commissioner Niedzielski-Eichner made a comment about a reoccurring concern within multiple testimonies regarding the appropriateness of proceeding with zMOD during the COVID-19 pandemic and the suggestion that the pandemic was being used as rationale to move on items without a public hearing. He added that, though in-person participation was not permitted at this hearing, he stated that appropriate testimony had been provided through the remote options available, which informed his judgment.

Nicole Miller, 6203 Hibbling Avenue, Springfield, VA, spoke in opposition to zMOD. A copy of Ms. Miller's written statement is in the date file.

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The Commission went into recess at 10:13 p.m. and reconvened at 10:26 p.m.

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Chairman Murphy announced that the next nine speakers have collectively submitted a 40-minute YouTube video testimony, which both the Planning Commission and the Board of Supervisors had approved.

Dennis Hays, 1398 Old Quincy Lane, Reston, VA, representing Reston Citizens Association, voiced the association's opposition to zMOD. Mr. Hays's statement was part of a collective list of comments submitted by the citizens of the Reston Citizens Association. A copy of the list of comments and concerns is in the date file.

Lynne Mulston, 11472 Links Drive, Reston, VA, representing Citizens for a Planned Reston, voiced the association's opposition to zMOD. Ms. Mulston's statement was part of a collective list of comments submitted by the citizens of the Reston Citizens Association. A copy of the list of comments and concerns is in the date file.

Larry Butler, 12001 Sunrise Valley Drive, Reston, VA, Reston Association, voiced the association's opposition to zMOD. Mr. Butler's statement was part of a collective list of comments submitted by the citizens of the Reston Citizens Association. A copy of the list of comments and concerns is in the date file.

Gary Maupin, 1830 Fountain Drive, Suite 1002, Reston, VA, representing Paramount Unit Owners Association, voiced the association's opposition to zMOD. A copy of Mr. Maupin's written statement is in the date file.

Moira Callaghan, 11213 Longwood Grove Drive, Reston, VA, representing Reclaim Reston, voiced the association's opposition to zMOD. A copy of Ms. Callaghan's written statement is in the date file.

Jennifer Jushchuk, 2010 Upper Lake Drive, Reston, VA, representing Save Our Sunrise, voiced the association's opposition to zMOD. Ms. Jushchuk's statement was part of a collective list of comments submitted by the citizens of the Reston Citizens Association. A copy of the list of comments and concerns is in the date file.

Connie Hartke, 2201 Spyglass Cove Lane, Reston, VA, representing Rescue Reston, voiced the association's opposition to zMOD. A copy of Ms. Hartke's written statement is in the date file.

Tammi Petrine, 2503 Foxcroft Way, Reston, VA, representing Reston 20/20, voiced the association's opposition to zMOD. A copy of Ms. Petrine's written statement is in the date file.

Robert Petrine, 2503 Foxcroft Way, Reston, VA, voiced numerous concerns regarding zMOD. A copy of Mr. Petrine's written statement is in the date file.

Eric Honour, 7905 Schuyler Court, Annandale, VA, spoke in support of zMOD because the revised standards for accessory living units would increase the amount of affordable housing options within the County.

Kathryn Cooper, 6511 Crosswoods Drive, Falls Church, VA, spoke in opposition to zMOD. A copy of Ms. Cooper's written statement is in the date file.

Ryan Daoussi, 3529 Morningside Drive, Fairfax, VA, spoke in opposition to zMOD because of concerns related to increased density in existing residential communities and the impact of such density on parking, emergency vehicle access, public safety, and environmental conditions.

Diana Dzikiewicz, 7905 Schuyler Court, Annandale, VA, spoke in support of zMOD. A copy of Ms. Dzikiewicz's written statement is in the date file.

Jeff Agnew, 3524 Laurel Leaf Lane, Fairfax, VA, representing Providence District Council, voiced the association's opposition to zMOD. A copy of Ms. Paige's written statement is in the date file.

Howard Albers, 3210 Wynford Drive, Fairfax, VA, spoke in opposition to zMOD. A copy of Mr. Albers's written statement is in the date file.

Leslie Paige, 1125 Cameron Road, Alexandria, VA, representing Wellington Civic Association, voiced the association's opposition to zMOD. A copy of Ms. Paige's written statement is in the date file.

Katherine Ward, 1029 Gladstone Place, Alexandria, VA, representing Mount Vernon Council of Citizens Association, voiced the association's opposition to zMOD. A copy of Ms. Ward's written statement is in the date file.

Denver Supinger, 9704 Kingsbridge Drive #304, Fairfax, VA, representing: Fairfax County's Young Adult Advisory Council spoke in support of zMOD. A copy of Ms. Supinger's written statement is in the date file.

Gretchen Walzl, 7917 New Market Road, Alexandria, VA, representing Mount Vernon Council of Citizens' Association, Planning and Zoning Committee, voiced the association's opposition to zMOD, echoing concerns from previous speakers regarding the negative impacts of the revised procedures for permitting accessory living units and home based businesses within single family detached residential communities.

Sonya Breehey, 2902 Marshall Street, Falls Church, VA, representing Coalition for Smarter Growth spoke in support of zMOD. A copy of Ms. Breehey's written statement is in the date file.

Jennifer Falcone, 10323 Georgetown Pike, Great Falls, VA, representing Great Falls Citizens Association, voiced the association's opposition to zMOD. A copy of Ms. Falcone's written statement is in the date file.

Ann Bennett, 3901 Sandalwood Court, Fairfax, VA, representing Great Falls Group of Sierra Club, voiced the association's concerns to zMOD. A copy of Ms. Bennett's written statement is in the date file.

Chris Koerner, 3273 Fox Mill Road, Oakton VA, spoke in opposition to zMOD. A copy of Mr. Koerner's written statement is in the date file.

Matthew Dunne, 8701 Camden Street, Alexandria, VA, representing Fairfax County Federation of Citizens Association, spoke in support of zMOD. A copy of Mr. Dunne's written statement is in the date file.

Diane Boughton, 6214 Hibbling Avenue, Springfield, VA, spoke in opposition to zMOD, echoing concerns from previous speakers regarding the potential impacts of lifting the age restrictions for accessory living units and home-based businesses, as specified in zMOD.

Stephen Chulick, 5608 Virginia Chase Drive, Centreville, VA, representing West Fairfax County Citizens Association, voiced the association's opposition to zMOD. A copy of the written statement is in the date file.

Gordon Dean, 816 Nash Street, Herndon, VA, spoke in support of zMOD. A copy of Mr. Dean's written statement is in the date file.

Deborah Bays, 5124 Chowan Avenue, Alexandria, VA, representing Lincolnia Park Civic Association, voiced the association's opposition to zMOD. A copy of Ms. Bays' written statement is in the date file.

There being no further listed speakers, Chairman Murphy recognized the two speakers who had called in to provide their testimony.



Carol Hawn, 6500 Harvest Mill Court, Centreville, VA, spoke in opposition to zMOD. Ms. Hawn aligned herself with previous speakers who had expressed opposition to the revised procedures for permitting accessory living units in single-family detached residential communities due to concerns about the impact on the character, density, parking, and environment.

Edith MacArthur, 7607 Marion Court, Falls Church, VA, spoke in opposition to zMOD. She aligned herself with concerns with previous speakers on the impacts of permitting accessory living units without a public hearing within single family detached residential communities, the lack of an appropriate enforcement mechanism for such policies, and the appropriateness of proceeding with zMOD during the COVID-19 pandemic.

Chairman Murphy thanked each staff member for their work in coordinating the various components of the meeting.

There being no more speakers, Chairman Murphy closed the public hearing and recognized Commissioner Sargeant for action on this case.

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Commissioner Sargeant MOVED THE FOLLOWING:

- THAT STAFF ALLOT TIME DURING THE WEDNESDAY, FEBRUARY 3, 2021 MEETING FOR THE PLANNING COMMISSION TO ASK QUESTIONS FOR CLARIFICATION ON THE ISSUES AND CONCERNS RAISED REGARDING THE ZONING ORDINANCE MODERNIZATION PROJECT; AND
- THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THE ZONING ORDINANCE MODERNIZATION PROJECT TO A DATE CERTAIN OF FEBRUARY 10, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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The meeting was adjourned at 1:01 a.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.

Minutes by: Satabdi Samaddar

Approved on: June 30, 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.

*[Handwritten Signature]*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

