

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 24, 2021**

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
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: Phillip A. Niedzielski-Eichner, Providence District

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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:

- Murphy Peter F. Murphy participated from Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035;
- 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 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 Lee District office, 6121 Franconia Road, Alexandria, VA 22310. Commissioner Lagana was not present for the vote;
- Walter C. Clarke participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Evelyn S. Spain participated from the Sully District office, 4900 Stonecroft Boulevard, Chantilly, VA 20151;
- Andres Jimenez participated from his residence; and
- Candice Bennett participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310.

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;
- THE PLANNING COMMISSION CERTIFY THAT THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC, MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR APPLICANTS, STAFF, AND THE PUBLIC TO PHYSICALLY ATTEND ANY SUCH MEETING IN PERSON. AND THAT AS SUCH, AN IN-PERSON MEETING CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY;

- THE PLANNING COMMISSION CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE COUNTY'S VIDEO CONFERENCING SYSTEM AND THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16, OR ITS LIVE STREAM, MAY LISTENING TO LIVE AUDIO OF THIS MEETING AT 703-324-5300, AND MAY PARTICIPATE IN PUBLIC HEARINGS BY TELEPHONE, YOUTUBE VIDEO SUBMISSION, OR WITTEN TESTIMONY; AND
- THE PLANNING COMMISSION CERTIFY THAT ALL MATTERS ADDRESSED ON TODAY'S AGENDA CONCERNING THE EMERGENCY ITSELF AND ARE NECESSARY FOR THE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT UNDER THE ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS ON MAY 12, 2020, AND OR ARE WITHIN THE PREVUE OF AMENDMENT 28 TO HOUSE BILL 29, AS APPROVED BY THE GOVERNOR OF VIRGINIA ON APRIL 24, 2020.

Commissioner Sargeant seconded the motions, which carried by a vote of 10-0. Commissioner Niedzielski-Eichner was absent from the meeting. Commissioner Lagana was not present for the vote.

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

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Chairman Murphy announced the Planning Commission received committee assignments from Jill Cooper, Director of the Department of Clerk Services. Seeing the Commission had no questions or comments regarding the committee assignments or selection process, Chairman Murphy requested ratification of the 2021 Committee Appointments.

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RATIFICATION OF THE 2021 COMMITTEE APPOINTMENTS

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RATIFY THE 2021 PLANNING COMMISSION COMMITTEE ASSIGNMENTS AS DISTRIBUTED ELECTRONICALLY ON FEBRUARY 24, 2021, BY JILL COOPER, DIRECTOR OF THE DEPARTMENT OF CLERK SERVICES.

Commissioner Sargeant seconded the motion, which carried by a vote of 10-0. Commissioner Niedzielski-Eichner was absent from the meeting. Commissioner Lagana was not present for the vote.

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ZONING ORDINANCE MODERNIZATION PROJECT

(Public Hearing on this item was held on January 28, 2021; Question and Answer session held on February 3, 2021; Decision Only was held on February 10, 2021)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR THE PROPOSED ZONING ORDINANCE MODERNIZATION PROJECT TO A DATE CERTAIN OF MARCH 3, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Clarke seconded the motion, which carried by a vote of 10-0. Commissioner Niedzielski-Eichner was absent from the meeting. Commissioner Lagana was not present for the vote.

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ZONING ORDINANCE MODERNIZATION PROJECT (FLAGS AND FLAGPOLES)
(Public Hearing on this item was held on February 10, 2021)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON THE PROPOSED REVISIONS FOR THE ZONING ORDINANCE MODERNIZATION PROJECT, FLAGS AND FLAGPOLES, TO A DATE CERTAIN OF MARCH 3, 2021, WITH RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Clarke seconded the motion, which carried by a vote of 10-0. Commissioner Niedzielski-Eichner was absent from the meeting. Commissioner Lagana was not present for the vote.

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Commissioner Sargeant announced the Capital Improvement Program (CIP) Committee would meet on Thursday, February 25, 2021, at 6:30 p.m., electronically to review the process for considering CIP proposals from various County departments and agencies. The meeting was accessible to the public via Channel 16, live online video stream, and live audio. Testimony from the public could be provided calling 703-324-5300, recorded video, or submission of written testimony by mail or electronic means.

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SE 2020-DR-012 - TRI-STATE CHAIN BRIDGE, LLC

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2020-DR-012, TRI-STATE CHAIN BRIDGE, LLC TO MARCH 3, 2021.

Commissioner Sargeant seconded the motion, which carried by a vote of 10-0. Commissioner Niedzielski-Eichner was absent from the meeting. Commissioner Lagana was not present for the vote.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. CSP-B-993 - L/L CIRCLE TOWERS RESIDENTIAL ASSOCIATION LLC
2. FDPA 78-C-118-22 - KULDEEP AJIT SAWANT
3. SE 2020-DR-014 (ASSOC. W/ SP 2020-DR-064) - MODERN MEDIA DESIGN, CORP.
4. CODE AMENDMENT - PROPOSED AMENDMENTS TO CHAPTERS 107 (PROBLEM SOILS), 112 (ZONING ORDINANCE), AND 122 (TREE CONSERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) TO REMOVE THE TREE COMMISSION AND GEOTECHNICAL REVIEW BOARD PROVISIONS FROM ARTICLE 19 OF THE ZONING ORDINANCE AND INCORPORATE THEM INTO CHAPTERS 122 AND 107 OF THE COUNTY CODE

This order was accepted without objection.

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This application was located in the Springfield District therefore, Chairman Murphy relinquished the Chair to Vice Chairman Ulfelder.

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CSP-B-993 - L/L CIRCLE TOWERS RESIDENTIAL ASSOCIATION LLC, - Appl. under Sect(s). 12-304 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ-B-993. Located on the S. side of Lee Hwy., E. of Blake Lane, Fairfax, 22031 on approx. 16.06 ac. of land zoned PDH-12 and HC. Tax Map 48-3 ((1)) 53 and 48-4 ((1)) 3, 3A1 and 3B1. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Cortina asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Cortina for action on this case.

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Commissioner Cortina MOVED THAT THE PLANNING COMMISSION APPROVE CSP B-993, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 10, 2021.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Niedzielski-Eichner was absent from the meeting.

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FDPA 78-C-118-22 - KULDEEP AJIT SAWANT - Appl. to amend the final development plans for FDP 78-C-118 to allow an addition 5.9 ft. from rear lot line and existing deck to remain 2.3 ft. from rear lot line and associated changes to development conditions. Located at the terminus of Brightfield Lane, Herndon, 20171 on approx. 6,722 sq. ft. of land zoned PDH-2 and WS. Tax Map 35-1 ((4)) (4) 35. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Kuldeep Ajit Sawant, Applicant, reaffirmed the affidavit dated August 18, 2020.

Sharon Williams, 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 FDPA 78-C-118-22.

Mr. Sawant declined a presentation on the subject application, concurred with staff's presentation, and agreed to the proposed development conditions dated February 9, 2021.

There being no listed speakers, Chairman Murphy called for virtual speakers, but received no response; therefore, he noted that 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 Spain for action on this application.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 78-C-118-22, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 9, 2021.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Niedzielski-Eichner was absent from the meeting.

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SE 2020-DR-014 - MODERN MEDIA DESIGN, CORP., - Appl. under Sect. 3-304 of the Zoning Ordinance to permit office in a residential district. Located at 1566 Chain Bridge Rd., McLean, 22101 on approx. 15,125 sq. ft. of land zoned R-3, CRD and SC. Tax Map 30-4 ((2)) (6) 41. (Assoc. with SP 2020-DR-064). DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Lori R. Greenlief, Applicant's Agent, McGuireWoods LLP reaffirmed the affidavit dated February 9, 2021.

Joseph Onyebuchi, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. He stated that staff recommended approval of SE 2020-DR-014.

Ms. Greenlief gave a presentation on the subject application.

There was a discussion between Mr. Onyebuchi, Ms. Greenlief, and multiple Commissioners regarding the following:

- The hours of operation for the volleyball court;
- Concerns regarding exterior lighting fixtures on the volleyball court; and
- Whether there was a cap on the number of employee guests.

The discussion resulted in the applicant's agreement to add language that would specify the volleyball court's hours of use from 9:00 a.m. to 9:00 p.m.

There being no listed speakers, Chairman Murphy called for virtual speakers and recited rules for testimony.

Winifred Pizzano, 1540 Bruton Court, McLean, stated the Board of Directors of the Stoneleigh Homeowners Association supported the proposed project because of the following:

- Improvements made to the streetscape;
- No noticeable change in the traffic volume or noise levels;
- There were businesses along Chain Bridge Road located within the McLean Community Business Center (CBC), and the residents supported those businesses; and
- The McLean Planning Committee supported the proposed project.

Miachel Markovich, 1684 Chain Bridge Road, McLean, supported the proposed project because of the ongoing upgrades made to the property, its curb appeal, and the proposed upgrades to the volleyball court. Mr. Markovich stated the applicant was a good neighbor and requested the Planning Commission recommend approval.

There being no additional speakers, Chairman Murphy called for further comments or questions from the Commission.

Commissioner Ulfelder stated that development condition Number 15 was no longer applicable because the Board of Zoning Appeals approved the special permit application for the garage. Catharine Lewis, Zoning Evaluation Division, Department of Planning and Development concurred and indicated that the development conditions would be amended to reflect same.

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 Ulfelder for action on this application.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF SE 2020-DR-014, SUBJECT TO THE PROPOSED CONDITIONS DATED FEBRUARY 19, 2021, AND CONTAINED IN APPENDIX 1 OF THE STAFF REPORT, ALONG WITH CHANGES DISCUSSED AT THE MEETING.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Niedzielski-Eichner was absent from the meeting.

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CODE AMENDMENT - PROPOSED AMENDMENTS TO CHAPTERS 107 (PROBLEM SOILS), 112 (ZONING ORDINANCE), AND 122 (TREE CONSERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) TO REMOVE THE TREE COMMISSION AND GEOTECHNICAL REVIEW BOARD PROVISIONS FROM ARTICLE 19 OF THE ZONING ORDINANCE AND INCORPORATE THEM INTO CHAPTERS 122 AND 107 OF THE COUNTY CODE, RESPECTIVELY –

The Planning Commission will hold a public hearing on the matter of amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) related Geotechnical Review Board and Tree Commission Provisions. The proposed amendments remove the Tree Commission and GRB provisions (Parts 5 and 6 of Article 19 of the Zoning Ordinance) and incorporate them into a new Article 9 of Chapter 122 (Tree Conservation Ordinance) and Article 3 of Chapter 107 (Problem Soils). Minor edits are proposed to clarify ordinance provisions and update organization names. COUNTYWIDE. PUBLIC HEARING.

Thakur Dhakal, Site Code Research & Development Branch, land Development Services, presented the staff report, a copy is in the date file. He stated that staff recommended adoption of this item.

There was a discussion between Mr. Dhakal, Jan Shaw Leavitt, and multiple Commissioners regarding the following:

- Confirmation that staff received a letter from the Tree Commission regarding this item;

PROPOSED AMENDMENTS TO CHAPTERS 107 (PROBLEM SOILS), 112 (ZONING ORDINANCE), AND 122 (TREE CONSERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) TO REMOVE THE TREE COMMISSION AND GEOTECHNICAL REVIEW BOARD PROVISIONS FROM ARTICLE 19 OF THE ZONING ORDINANCE AND INCORPORATE THEM INTO CHAPTERS 122 AND 107 OF THE COUNTY CODE, RESPECTIVELY

- Changes to the Geotechnical Review Board language of the staff report, Page 4, (c) Membership 1. Line 15 in which State of Virginia should be replaced with Commonwealth of Virginia; and
- Changes to the Geotechnical Review Board language of the staff report, Page 4, (c) Membership 2. Line 17 from “Candidates or nominees are solicited from the following professional organizations...” to must be solicited from the following professional organizations.

The discussion in changes to the Geotechnical Review Board language of the staff report, Page 4, (c) Membership 1. Line 15 and Page 4, (c) Membership 2. Line 17.

There being no listed speakers, Chairman Murphy called for virtual speakers, but received no response; therefore, he noted that 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 Bennett for action on this application.

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Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO CHAPTERS 107, PROBLEM SOILS, 112, ZONING ORDINANCE, AND 122, TREE CONSERVATION ORDINANCE OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA COUNTY CODE, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 26, 2021.

Commissioner Ulfelder seconded the motion, which carried by a vote of 11-0. Commissioner Niedzielski-Eichner was absent from the meeting.

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The meeting was adjourned at 8:23 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: 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.

Dorothy M. Steele

Signature of Notary

Notary Seal



Notary registration number: 7114113

Commission expiration: January 31, 2024