

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 29, 2021**

PRESENT: Peter F. Murphy, Chairman, Springfield District  
John C. Ulfelder, Vice Chairman, Dranesville District  
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  
Candice Bennett, Commissioner At-Large

ABSENT: Timothy J. Sargeant, Secretary, Commission At-Large  
Evelyn S. Spain, Sully District  
Andres Jimenez, Commissioner At-Large

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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.

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COMMISSION MATTERS

PA 2013-CW-9CP - COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE  
EROSION CONTROL (INITIATED THROUGH 2013 WORK PROGRAM)

On behalf of Commissioner Jimenez, Commissioner Lagana MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PLAN AMENDMENT 2013-CW-9CP, COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL (INITIATED THROUGH 2013 WORK PROGRAM), TO A DATE CERTAIN OF OCTOBER 6, 2021.

Commissioner Bennett seconded the motion, which carried by a vote of 8-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting. Commissioner Strandlie was not present for the vote.

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PCA-81-C-111 - TRUSTEES OF THE ZELINGER FAMILY TRUST DATED FEBRUARY 17,  
2006 (Decision Only) (The public hearing on this application was held on September 22, 2021.)

Commissioner Carter MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-81-C-111, TRUSTEES OF THE ZELINGER FAMILY TRUST DATED FEBRUARY 17, 2006, SUBJECT TO THE EXECUTED PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 28, 2021.

Commissioner Ulfelder seconded the motion, which carried by a vote of 8-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting. Commissioner Strandlie was not present for the vote.

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MINUTES APPROVAL: MARCH /APRIL 2021

On behalf of Commissioner Sargeant, Commissioner Cortina MOVED THAT PLANNING COMMISSION APPROVE THE MINUTES FROM MARCH 2021 AND APRIL 2021.

Commissioner Ulfelder seconded the motion, which carried by a vote of 8-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting. Commissioner Strandlie was not present for the vote.

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Commissioner Ulfelder announced that the Planning Commission's Land Use Process Review Committee was scheduled to meet on Thursday, September 30, 2021, at 7:30 p.m., in the Board Auditorium of the Fairfax County Government Center. The topic on the agenda included added an update from Department of Planning and Development on the Zoning Ordinance Work Plan. Commissioner Ulfelder added that the meeting would be televised on Channel 16 and the agenda, as well as other related materials, would be available on the Planning Commission's website on the Land Use Process Review Committee page.

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ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:

1. CSPA 2004-PR-044-03 - MACW TYSONS, LLC
2. SE 2021-PR-001 - FAIRFAX SQUARE, LLC
3. PA 2020-II-M1 - 7700 LEESBURG PIKE

This order was accepted without objection.

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CSPA 2004-PR-044-03 - MACW TYSONS, LLC – Appl. to amend the previously approved Comprehensive Sign Plan associated with RZ 2004-PR-044 to permit sign modifications. Located S. of Route 123, E. of International Dr., N. of Route 7, and W. of I-495 on approx. 78.64 ac. of land zoned PDC, SC and HC. Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E, 35F and 39-2 ((1)) 2, 4 and 5. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures made by the Commission.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application CSPA 2004-PR-044-03.

Brian Clifford, Applicant's Agent, DLA Piper, gave a presentation on the subject application.

Commissioner Ulfelder stated that upon his initial review of this application, he had concerns with digital signage being a distraction for drivers, which he addressed with staff and the applicant prior to the public hearing. He then indicated that he was satisfied with transportation study and other information provided by staff, noting that he intended to vote for approval.

There was a discussion between Ms. Tsai, Hillary Zahn, Applicant's Agent Matrix, and multiple Commissioners on the following:

- Concerns regarding safety hazards due to potential distraction to drivers caused by digital signage;
- Concerns with digital sign content potentially mimicking that billboard advertisements;
- Clarification that Fairfax County did not have authority to regulate content of signage;
- Clarification on the applicant's commitment to limit the content of the signage to mall marketing for tenants and mall events;
- Clarification that certain signage was intended for vehicular wayfinding;
- Concerns regarding the extent to which the digital signage could achieve adequate placemaking for the site;
- Concerns regarding the frequency with which the content on the digital signage would change;
- Confirmation that all sign content would be reviewed to ensure compliance with appropriate County standards;
- Clarification that digital signage was reviewed on a case-by-case basis and that the Virginia Department of Transportation was involved in that review due to the mall's proximity to Interstate 495;
- Discussion on alternative signage to digital signage; and
- Clarification on the scope of the development conditions to ensure compliance with current zoning ordinance standards regarding the brightness and glare of signage.

The discussion resulted in no changes to the subject application.

There being no listed speakers, Chairman Murphy called for virtual speakers and speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further 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 action on this case.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR CSPA 2004-PR-044-03, MACW TYSONS, LLC, TO A DATE CERTAIN OF OCTOBER 6, 2021.

Commissioner Strandlie seconded the motion, which carried by a vote of 9-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting.

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SE 2021-PR-001 - FAIRFAX SQUARE, LLC - Appl. to permit a waiver of certain sign regulations. Located at 8045, 8065 and 8075 Leesburg Pike, Tysons, 22102 on approx. 7.7 ac. of land zoned C-7, SC and HC. Tax Map 39-2 ((2)) 106 (pt.). PROVIDENCE DISTRICT. PUBLIC HEARING.

Lori R. Greenlief, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 23, 2021.

There were no disclosures made by the Commission.

Alexis Robinson, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of application SE 2021-PR-001 because of the following:

- The proposal would permit a monument sign with a significantly larger area than the standards prescribed by the Tysons Urban Design Guidelines and the Sign Overlay District by the Zoning Ordinance; and
- The applicant had not adequately justified the need for additional building-mounted signage in a manner that satisfied the criteria for a special exception.

Ms. Greenlief gave a presentation on the subject application wherein she addressed the issues raised by staff as follows:

- The existing office retail development on the site had limited opportunities for signage;
- The applicant's efforts to attract new tenants and preserve existing tenants included providing additional opportunities for signage;
- The building façade and the structure's orientation towards Route 7 made it difficult for certain tenants to identify or advertise their presence on the site;
- The existing signage on the site did not provide adequate wayfinding for incoming vehicles;
- The existing development on the site was subject to unique conditions that warranted additional signage;
- The primary purpose of the proposed signage was to identify the tenants at the site;
- The applicant provided adequate security and surveillance of the site at all hours;

- The subject property could be redeveloped at a later date in a manner that required different signage considerations, but the existing development on the site warranted greater flexibility in providing adequate signage; and
- The Tysons Urban Design Guidelines referenced by staff applied exclusively to redevelopment in Tysons and the subject application did not include such redevelopment.

There was a discussion between Ms. Robinson, Ms. Greenlief; Mary Ann Tsai, ZED, DPD; and multiple Commissioners on the following:

- Explanation on how signage could pose potential pedestrian safety hazards;
- Explanation of how signage would improve visibility and economic viability for business in the subject development;
- The difficulty of locating existing tenants within the proposed office retail development under the existing signage;
- The importance of allowing greater flexibility for businesses and tenants within existing commercial development to ensure their continued viability.
- Explanation of how signage requests for individual businesses were reviewed using the Tyson's design guidelines on a case-by-case basis;
- Efforts to incorporate the design features into the landscape of the development; and
- The need for improving pedestrian walkability throughout the subject property.

The discussion resulted in no changes to the subject application.

There being no listed speakers, Chairman Murphy called for virtual speakers and speakers from the audience 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 Niedzielski-Eichner for action on this case.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2021-PR-001, FAIRFAX SQUARE, LLC, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 15, 2021.

Commissioners Ulfelder and Bennett seconded the motion, which carried by a vote of 9-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting.

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PA 2020-II-M1 - 7700 LEESBURG PIKE – concerns approx. 6.73 ac. generally located on the north side of Leesburg Pike, across from George C. Marshall High School at 7700 Leesburg Pike, Falls Church, VA 22043 (“Tax Map # 39-2 ((1)) 57”) in the Dranesville Supervisor District. The area is planned for Office

Use. The amendment will consider adding an option for residential use at a density of 12-16 dwellings per acre (du/ac) for single family attached dwellings with the provision of high-quality open space as a priority. DRANESVILLE DISTRICT. PUBLIC HEARING.

Stephen Waller, Planning Division, (PD) Department of Planning and Development (DPD) presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of PA 2020-II-M1.

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

Mark Looney, 11951 Freedom Drive, Suite 1400, Cooley, LLP, Nominator and representative of EYA, the contract purchaser of the existing office building on the subject property, spoke in support of the plan amendment. He also gave a brief presentation on the nominator's development plans for the site.

There was a discussion between Mr. Waller; Mr. Looney; Sean Schweitzer, Transportation Planning Division, Fairfax County Department of Transportation; Leanna O'Donnell, PD, DPD; and multiple Commissioners on the following issues:

- The status and timeframe for the prospective bus rapid transit system along Route 7;
- Clarification that the planned widening of Route 7 was not necessary to accommodate the development options outlined in the proposed plan amendment;
- Clarification on outstanding stormwater draining concerns for the Pimmit Hills community;
- Concerns with the ingress and egress of the property;
- Concerns regarding pedestrian safety and access to Marshall High School and the Pimmit Hill community;
- Concerns pertaining to the condition of the existing stream system, the number of restoration projects for the area within the Capital Improvement Plan, and existing stormwater drainage conditions;
- Concerns with vague language utilized in the proposed plan amendment regarding stormwater management provisions;
- Concerns regarding the condition of a stormwater vault along the frontage of Route 7 and a second set of chambers located on the northeastern side of the property, which detained and released stormwater outflow at a slower rate;
- The impact of flooding of the subject property and the surrounding watershed; and
- Clarification on the difference the existing development on the site compared to that of a development under the proposed amendment.

The discussion resulted in no changes to the subject application, but Mr. Waller and Mr. Looney agreed to coordinate with the Commission during the decision only deferral period to modify the language pertaining to stormwater management to address the concerns raised by the Commission.

There being no listed speakers, Chairman Murphy called for virtual speakers and speakers from the audience, 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 Ulfelder for action on this plan amendment.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY TO A DATE CERTAIN OF WEDNESDAY, OCTOBER 6, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR A PLAN AMENDMENT 2020-II-M1, 7700 LEESBURG PIKE.

Commissioner Niedzielski-Eichner seconded the motion, which carried by a vote of 9-0. Commissioners Sargeant, Spain, and Jimenez were absent from the meeting.

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The meeting was adjourned at 9:44 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: February 23, 2022

*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 4 day of March 2022 by  
Jacob Caporaletti.

*Dorothy M. Steele*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

