

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 6, 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
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 meeting was called to order at 7:30 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

RZ/FDP 2020-MV-017 - CHRISTOPHER LAND, LLC

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ/FDP 2020-MV-017, CHRISTOPHER LAND, LLC, TO A DATE CERTAIN OF OCTOBER 20, 2021.

Commissioner Cortina seconded the motion, which carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

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FDP 2018-HM-020 - APA PROPERTIES NO. 6, L.P.

(Decision Only) (Planning Commission hearing on this application was held on September 22, 2021)

Commissioner Carter MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, FOR FDP 2018-HM-020 TO A DATE CERTAIN OF OCTOBER 20, 2021.

Commissioner Niedzielski-Eichner seconded the motion, which carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

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CSPA 2004-PR-044-03 - MACW TYSONS, LLC
(Decision Only) (Public Hearing on this application was held on September 29, 2021)

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 2004-PR-004-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 4, 2021.

Commissioner Ulfelder seconded the motion which carried by a vote of 8-2-1. Commissioners Cortina and Strandlie voted in opposition. Commissioner Sargeant abstained from the vote. Commissioner Bennett was not present for the vote.

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PA 2020-00029 (PA 2020-II-M1) - 7700 LEESBURG PIKE
(Decision Only) (Public Hearing on this application was held on September 29, 2021)

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE FOR PLAN AMENDMENT 2020-II-M1, AS SHOWN ON A HANDOUT DATED OCTOBER 6, 2021.

Commissioners Cortina and Niedzielski-Eichner seconded the motion which carried by a vote of 10-0-1. Commissioner Sargeant abstained from the vote. Commissioner Bennett was not present for the vote.

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Commissioner Carter announced the Policy and Procedures Committee meeting would be held on Thursday, October 7, 2021, at 7:30 p.m. in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to review proposed changes to the Planning Commission’s bylaws.

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Commissioner Strandlie announced the Schools Committee met on Thursday, September 23, 2021, at 7:30 p.m. in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. The Department of Planning and Development, Fairfax County Public Schools, and the Office of the County Attorney’s staff gave a presentation on the 2232 process for Fairfax County school facilities.

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ORDER OF THE AGENDA

Commissioner Sargeant established the following order of the agenda:

1. PA 2020-00004 (PA 2013-CW-9CP) - COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL (INITIATED THROUGH 2013 WORK PROGRAM)
2. RZ/FDP 2020-PR-008 CONCURRENT WITH RZ 2020 PR-009 AND FDP 2020-PR-009 - WESTPARK CORPORATE CENTER, L.L.C.
3. RZ 2020-PR-009 AND FDP 2020-PR-009 CONCURRENT WITH RZ/FDP 2020-PR-008 - TMG 8400 WESTPARK DRIVE, L.P. AND SILVERSTONE TYSONS, LP
4. FDP 2014-MA-023-02 - DRI/WP ALTA CROSSROADS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

This order was accepted without objection.

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PA 2020-00004 (PA 2013-CW-9CP) - COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL (INITIATED THROUGH 2013 WORK PROGRAM) – a Countywide Plan Amendment that proposes to revise an objective and related policies to the Environment element of the Policy Plan section of the Comprehensive Plan based on State code changes so that tidal shoreline erosion measures reference living shoreline approaches and the related guidance that references best available science and resources. Additionally, a definition for Living Shorelines is proposed to be added to the Glossary of the Comprehensive Plan.
COUNTYWIDE. PUBLIC HEARING.

Katie Hermann, Planning Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended adoption of PA 2013-CW-9CP (PA 2020-00004).

There was a discussion between Ms. Hermann; Kelly Atkinson, Planning Division, Department of Planning and Development; and multiple Commissioners regarding the following:

- The Mount Vernon Council of Citizens Association’s request to explore and adopt policies that would protect the interest of waterfront property owners with existing sea walls or riprap;
- Whether a permit was required for waterfront properties in need of repair;
- Whether the tidal shoreline stabilization option would be implemented as part of the repair process;

COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL
(INITIATED THROUGH 2013 WORK PROGRAM)

- The current conditions of all shorelines within Fairfax County and whether they should be brought into conformance with the proposed Comprehensive Plan language;
- The timeline for implementing the proposed amendment;
- The distinction between minor repairs and maintenance versus major repairs for living shorelines, and instances where building in accordance with County Code would not be applicable for permitted uses;
- The status of Fairfax County's Dyke Marsh living shoreline restoration project;
- The possible use of the Dyke Marsh shoreline restoration project as a guide for shoreline restoration projects that were not on public lands;
- The number of private properties along living shorelines in Fairfax County that have bulkhead or riprap;
- Concerns regarding properties with limited or more compressed backyards to compensate or adjust the slope in order to meet the standards outlined in the proposed plan amendment;
- The number of shoreline properties in Fairfax County that were threatened by erosion, erosion that occurred over a period of time, and the risk levels as a result;
- Whether the Wetlands Zoning Ordinance Amendment considered by the Board of Supervisors was tied to the Comprehensive Plan or was independent from it;
- Staff's efforts to meet with the Mount Vernon Environmental Council of Citizens' Association to discuss their concerns regarding the proposed amendment;
- The public entity with the ability or authority to interpret, offer guidance, and implement the Virginia State Wetlands Zoning Ordinance legislation; and
- Whether a property owner could appeal a decision made by the Wetlands Board.

The discussion resulted in a request that staff provide to the Commission data on private properties along living shorelines that had bulkhead or riprap. Staff would also provide the Commission with the number of properties located along living shorelines that were threatened by erosion.

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

David Patterson, 3011 Sevor Lane, Alexandria, representing Wessynton Marine Association, addressed concerns regarding the proposed amendment. A copy of Mr. Patterson's statement is in the date file.

COASTAL RESOURCE MANAGEMENT/TIDAL SHORELINE EROSION CONTROL
(INITIATED THROUGH 2013 WORK PROGRAM)

H. Jay Spiegel, P.O. Box 11, Mount Vernon, addressed concerns regarding the proposed amendment. A copy of Mr. Spiegel's statement is in the date file.

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

- Mr. Spiegel's letter dated September 23, 2021, that addressed his concerns for potential requirements to create a slope with a 3 to 1 slope at the edge of a shoreline;
- Staff's analysis of a 3 to 1 slope versus a 10 to 1 slope located at the edge of a shoreline;
- Whether a permit was required to make repairs to minor damages to the frontage of a living shoreline and the necessary permit requirements for repairs; and
- Whether State legislation referenced cost for repairs on living shorelines.

Mark M. Viani, Esq, 2311 Wilson Boulevard, Arlington, addressed concerns regarding the proposed amendment. Mr. Viani stated the proposed legislation would disproportionately impact the Mount Vernon District. He added there were a number of construction projects in the Mount Vernon District and the community was significantly burdened. Mr. Viani requested the proposed plan amendment be delayed allowing the community time to meet and make logistical arrangements, and to present their positions on the plan amendment.

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

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Commissioner Jimenez MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON PLAN AMENDMENT, PA 2013-CW-9CP, TO A DATE CERTAIN OF OCTOBER 20, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Clarke seconded the motion, which carried by a vote of 11-0. Commissioner Spain was not present for the vote.

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RZ/FDP 2020-PR-008 - WESTPARK CORPORATE CENTER, L.L.C.
– Appls. to rezone from C-4, HC and SC to PDC, HC and SC to permit office development with an overall Floor Area Ratio (FAR) of 2.49

and approval of the conceptual and final development plan. Located on the N. Side of Leesburg Pike and W. side of Westpark Drive on approx. 4.41 ac. of land. Comp. Plan Rec: Residential Mixed-Use. Tax Map 29-3 ((1)) 66A3, 66A4. (Concurrent with RZ 2020-PR-009 and FDP 2020-PR-009). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavits dated September 9, 2021, and September 8, 2021.

Katelyn Quinn, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended approval of RZ 2020-PR-008 and FDP 2020-PR-008.

Ms. Baker gave a presentation on the Westpark Drive, L.P. applications.

Ms. Quinn presented the staff report, a copy is in the date file. She stated staff recommended approval of RZ/FDP 2020-PR-009.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., gave a presentation on the Silverstone Tysons, LP application.

There was a discussion between Ms. Quinn, Ms. Baker, and multiple Commissioners regarding the following:

- Whether the proposed buildings supported telecommunication equipment on the roof;
- Efforts made by the applicant to engage with members of the community regarding the proposed development;
- Whether the applicant had criteria for modifications made to Buildings K North, K South, or any building located on Block L, which were part of the extension of the redevelopment;
- Debra Kosch's communication to the Planning Commission dated October 6, 2021, regarding the accumulation of toxic dust outside her window during demolition of the Meridian Property;
- Concerns regarding the traffic impact from the loading dock on Greensboro Drive;
- Meridian's preferred outcome of dealing with the change in grade, retaining wall, and topography of the site;

- The County's preferred outcome of the retaining wall at the proposed site and their interaction between Meridian Property and Greensboro Square on this issue;
- Concerns regarding the interparcel easement to the adjoining parcels and staff's position on making that access visible on the development plans;
- Opportunities to improve accessibility for persons with disabilities going to and from the proposed site;
- John Colby's agreement to meet with the Tysons staff core team to discuss accessibility challenges in the Tysons BORO during which he and his spouse, Lynn Colby, were confronted with as a result of her disability;
- The inconsistency in tree sizes in the final development plan;
- The purpose of the applicant's request for waivers of the streetscape and parking lane;
- The location of open spaces in the Tysons area that were dog friendly;
- The designated emergency access location for pick-up and drop-off at Building J;
- The Tysons Community Circuit pavement design pattern along Westpark Drive;
- Access to crosswalks on both sides south of Boro Place to allow for the success of the retail shops; and
- Access to lower pedestrian oriented street lighting with banners.

The discussion resulted in the applicant and staff's agreement to provide specifications of types of pavers used for the design pattern of the Community Circuit along Westpark Drive.

Chairman Murphy called the first listed speaker.

Douglas Doolittle, 8360 Greensboro Drive, McLean, representing Rotonda Condominium Unit Owners Association, addressed concerns regarding the proposed applications. A copy of Mr. Doolittle's statement is in the date file.

There was a discussion between Ms. Baker and Commissioner Niedzielski-Eichner regarding Mr. Doolittle's concerns of the removal of earth from the site, coupled with the increased volume of truck traffic on Greensboro Drive, and concerns that the traffic volume would affect the Rotonda's front gate operations and the residents quality of life. Ms. Baker stated the client would work with Mr. Doolittle and the owners association to review the construction management plan's demolition process. She added that the one-way traffic circulation would help mitigate the impact of the residents.

William B. Lawson, 6045 Wilson Boulevard, Arlington, supported the proposed development and stated that there were a number of changes that were made to Greensboro Drive. Mr. Lawson recognized the Rotonda Condominium staff for their work on mitigating the traffic issue on Greensboro Drive.

Chairman Murphy called the subsequent associated case.

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RZ 2020-PR-009 - TMG 8400 WESTPARK DRIVE, L.P. – Appl. to rezone from C-4, SC, and HC to PTC, SC and HC to permit mixed use development with an overall Floor Area Ratio (FAR) of up to 2.71, including bonus density for the provision of affordable housing. Located on the S. side of Greensboro Dr. and W. side of Westpark Dr. on approx. 9.37 ac. of land. Comp. Plan Rec: Residential Mixed-Use. Tax Map 29-3 ((1)) 63B, 66B1 and 66B3. (Concurrent with RZ/FDP 2020-PR-008 and FDP 2020-PR-009). PROVIDENCE DISTRICT. PUBLIC HEARING.

FDP 2020-PR-009 - SILVERSTONE TYSONS, LP, FDP – Appl. to approve the final development plan for RZ 2020-PR-009 to permit a continuing care facility. Located on the N. side of Westpark Dr., W. of Greensboro Dr. and E. of Leesburg Pike on approx. 1.35 ac. of land zoned PTC, SC and HC. Tax Map 29-3 ((1)) 66B3 (pt.). (Concurrent with RZ/FDP 2020-PR-008 and RZ 2020-PR-009). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Brien A. Roche, 8355 Greensboro Drive, McLean, addressed concerns regarding the proposed applications. A copy of Mr. Roche's statement is in the date file.

There was a discussion between Ms. Quinn; Mr. Roche; Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Development; and Commissioner Niedzielski-Eichner regarding the installation of two traffic signals at the intersection of Silver Hill Drive and Greensboro Drive and Mr. Roche's conflict of interest concerns with the relationship between Ms. Quinn and her mother, Robin Antonucci. Commissioner Niedzielski-Eichner made comments regarding Mr. Roche's public allegation and defamation of Ms. Quinn's character. Commissioner Niedzielski-Eichner apologized to Ms. Quinn for the emotional impact on her, as a result of Mr. Roche's comments.

Hilde Kahn, 1650 Silver Hill Drive, Tysons, representing Verse Condominium Association, addressed the following concerns:

- The Verse Condominium's history with the Meridian Property;

- Meridian Property's sincerity for the continuing care facility and the needs of the elderly and disabled persons;
- There were no designated drop-off and pick-up locations at the Verse Condominium site;
- The three designated parking areas were removed and never replaced;
- Delivery trucks and ride share vehicles double parked on the bike lane on Greensboro Drive or blocked traffic on Silver Hill Drive were safety hazards;
- Concerns regarding high traffic volume at a crosswalk at the intersections of Boro Place, Boro Drive, Clover Lane, and Broad Street;
- Concerns regarding traffic speed violations in the Tysons area;
- Suggestion that the traffic impact analysis conducted in July 2019, before the development of the Boro extension, be updated;
- Concerns regarding safety issues at the Westpark crosswalk; and
- Concerns regarding Meridian Property failing to adequately address the lack of elevator access within the Verse Condominium buildings to accommodate persons with disabilities.

Dino Tsagos, 8360 Greensboro Drive, McLean, opposed the proposed development because of concerns regarding traffic congestion and the number of accidents in the area as a result of the proposed project. Mr. Tsagos also addressed the proposed building's design and compared it to the Rotonda Condominium and other structures in the surrounding area.

Commissioner Sargeant inquired about the Transportation Demand Management (TDM) analysis and asked whether there was a difference in application between the standard TDM analysis for Tysons area and what was originally proposed was resolved. Ms. Quinn stated the issue was resolved and the applicant reverted to the standard language for the TDM proffer.

There were no further speakers, 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 these applications.

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Commissioner Niedzielski-Eichner MOVED THE FOLLOWING:

- THE PLANNING COMMISSION DEFER DECISION ONLY FOR RZ/FDP 2020-PR-008, TO A DATE CERTAIN OF WEDNESDAY, OCTOBER 13, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS; AND

- THE PLANNING COMMISSION DEFER DECISION ONLY FOR RZ 2020-PR-009 AND FDP 2020-PR-009 TO A DATE CERTAIN OF OCTOBER 13, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Sargeant seconded the motions, which carried by a vote of 11-0. Commissioner Spain was not present for the vote.

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FDP 2014-MA-023-02 - DRI/WP ALTA CROSSROADS, LLC, A DELAWARE LIMITED LIABILITY COMPANY – Appl. to approve the final development plan for RZ 2014-MA-023 to permit residential development. Located on the S. side of Columbia Pike and E. side of Moncure Ave. on approx. 4.38 ac. of land zoned PDC, HC, CRD and SC. Tax Map 61-2 ((1)) 114A; 61-2 ((19)) 5B and 11A; 61-4 ((30)) 17. MASON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Mark M. Viani, Esq., Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated July 16, 2021.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended approval of FDP 2014-MA-023-02.

Mr. Viani gave a presentation on the subject application.

There was a discussion between Mr. Viani and Commissioner Cortina regarding the following:

- The proposed interim condition along the Columbia Pike frontage;
- The timeframe for installation of a five-foot-wide cycle track buffer; and
- Improvements to the exterior design of the building and improvements to the pocket park.

The discussion resulted in a deferral of the decision only of the application to respond to the Commission's questions and to mitigate any concerns.

Chairman Murphy called the first listed speaker.

Michael England, 3535 Moncure Avenue, Falls Church, addressed the following concerns regarding the proposed development:

- The traffic impact from the proposed development;

- The sewage line for the proposed development was located at the rear of his property; and
- Concerns of how the construction would impact his home.

There was a discussion between Mr. England, Mr. Viani and multiple Commissioners regarding the following:

- The applicant's commitment to mitigate all traffic impacts on Moncure Avenue and Columbia Pike;
- The applicant's commitment to high quality landscaping within and around the periphery of the site;
- The applicant's commitment to work with the neighboring properties during the construction of the three townhomes, park facilities, and installation of landscaping to assure minimal impact to the adjacent properties;
- The resulting conditions would enhance the value of the neighboring properties and the overall Moncure Avenue community;
- The applicant's commitment to provide a sewer sanitary capacity study to the Wastewater Planning and Monitoring Division of the Department of Public Works and Environmental Services; and
- The applicant's agreement to meet with Mr. England to address any additional concerns.

Kadir John, 3537 Moncure Avenue, Falls Church, addressed concerns regarding the traffic impact from the proposed development.

Mr. Viani reiterated the applicant's commitment to mitigate the traffic impact from the proposed development.

Adam Youseff, 3537 Moncure Avenue, Falls Church, concurred with the previous speakers concerns regarding the traffic impact and parking issues as a result of the proposed development.

There was a discussion between Ms. Williams, Mr. Viani, Mr. Youseff, and Commissioner Strandlie regarding the following:

- There was no parking reduction requirement for the site and residents were allowed to park in the garage of the apartment building or if they resided in a townhome, two parking spaces were allotted to each townhome and a third space at the end of the driveway;
- The top level of the parking garage of the proposed development was underutilized;

- The applicant did not anticipate there would be parking issues as a result of the proposed development;
- The applicant committed to provide stormwater management quality and quantity controls on Parcel A and on the townhomes, with the net effect being a positive impact that would also reduce stormwater management in the area;
- The staff's perception of workforce dwelling units; and
- Improvements were made to the livability of the area and the noise levels were decreased as a result of the removal of light industrial activity from that area.

There were no further speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for actions on these applications.

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Commissioner Strandlie MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON FDP 2014-MA-023-02, DRI/WP ALTA CROSSROADS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO A DATE CERTAIN OF OCTOBER 13, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Spain was not present for the vote.

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The meeting was adjourned at 11:44 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, VA 22035.

Minutes by: Samantha Lawrence

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 Seal



Notary registration number: 7114113

Commission expiration: January 31, 2024