

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 26, 2022**

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 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

PLANNING COMMISSION CONSIDERATION AND APPROVAL UNDER PROFFER 6
LANDSCAPING PLAN APPROVAL FOR RZ 85-V-004, 10007 RICHMOND HIGHWAY

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION APPROVE THE LANDSCAPING PLAN, AS INCLUDED IN THE ATTACHMENT OF THE OCTOBER 14, 2022, LETTER FROM THE ZONING EVALUATION DIVISION, AS REQUIRED BY PROFFER 6 OF RZ 85-V-004.

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

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APPROVAL OF MINUTES: JULY 2022

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING SETS OF MINUTES:

- JULY 13, 2022;
- JULY 20, 2022; AND

- JULY 27, 2022.

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

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Commissioner Niedzielski-Eichner announced his intent to defer the public hearing for RZ 2021-PR-0030, Fairfax County School Board, at the Planning Commission meeting on November 2, 2022, due to the emergence of an administrative matter.

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PCA 2003-PR-022-03 (RZPA 2022-PR-00017) V METRO, LLC; V METRO W, LLC AND METRO W, LLC (Decisions Only)

(The public hearing on these applications were held on October 19, 2022.)

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2003-PR-022-03, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 26, 2022.

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

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RZ 2021-LE-019 - TOWNS AT VILLA PARK, LLC

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION INDEFINITELY DEFER THE PUBLIC HEARING FOR RZ 2021-LE-019.

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

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. FDPA 2010-PR-021-04 (RZPA 2022-PR-00022) - CAPITAL ONE, NATIONAL ASSOCIATION
2. FDP 2011-PR-009 (RZPA 2022-PR-00023) CONCURRENT WITH SE 2022-PR-00023 - 1820 DOLLEY MADISON, LLC
3. SE 2022-HM-00025 - TRINE UNIVERSITY
4. RZ 2022-MA-00001 – PLAZA 500 PROPERTY OWNER, L.P.

This order was accepted without objection.

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FDPA 2010-PR-021-04 (RZPA 2022-PR-00022) - CAPITAL ONE, NATIONAL ASSOCIATION- FDPA Appl. to amend the final development plan for RZ 2010-PR-021 to permit a quasi-public park and indoor and outdoor commercial recreation uses. Located in the N.W. quadrant of intersection of Dolley Madison Blvd. and Scott's Crossing Rd. on approx. 3.39 ac. of land zoned PTC and HC. Providence District. Tax Map 29-4 ((5)) 1D. PROVIDENCE DISTRICT. PUBLIC HEARING.

Gregory A. Riegler, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated October 3, 2022.

There were no disclosures from the Commission.

Commissioner Niedzielski-Eichner requested that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. Commissioner Cortina objected, stating that she had questions on the application for staff and the applicant.

Jerrell Timberlake, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application FDPA 2010-PR-021-04.

Mr. Riegler gave a presentation on the subject application.

There was a discussion between Mr. Riegler, Mr. Timberlake, and Commissioner Cortina on the following:

- Clarification on the presence of a flood plain located within the boundaries of the subject property;
- Explanation of the applicant's proposed underground stormwater management plan;
- The applicant stated that they are not proposing any encroachment into the Resource Protection Area (RPA) or floodplain beyond what is currently approved;
- Concerns related to the absence of tree preservation on Block D of the subject property;
- Confirmation that there was no deviation between the subject application and the previously approved application, CDPA 2010-PR-021-02, with regards to tree preservation; and
- Clarification on the interim use of the proposed culvert and the final condition of the culvert.

The discussion resulted in no changes to the subject application.

There were no listed speakers, no speakers from the public, no 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 APPROVE FDPA 2010-PR-021-04, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 25, 2022.

Commissioner Ulfelder seconded the motion, which carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

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FDP 2011-PR-009 (RZPA 2022-PR-00023) - 1820 DOLLEY MADISON, LLC- FDP Appl. to approve the final development plan for RZ 2011-PR-009 to permit a quasi-public park, playground, and/or athletic field. Located in the N.E. quadrant of intersection of Dolley Madison Blvd. and Scott's Crossing Rd. on approx. 2.86 ac. of land zoned PTC and HC. Providence District. Tax Map 29-4 ((5)) 9 (pt.), 9A (pt.), and 10A (pt.). (Concurrent with SE 2022-PR-00023). PROVIDENCE DISTRICT. PUBLIC HEARING.

SE 2022-PR-00023 - 1820 DOLLEY MADISON LLC-SE Appl. to permit an increase in height for a containment structure up to a maximum of 80 ft. tall and an increase in fence height up to 16 ft. tall. Located in the N.E. quadrant of intersection of Dolley Madison Blvd. and Scott's Crossing Rd. on approx. 6.9 ac. of land zoned PTC and HC. Providence District. Tax Map 29-4 ((5)) 9 (pt.), 9A (pt.), and 10A (pt.). (Concurrent with FDP 2011-PR-009 (RZPA 2022-PR-00023)). PROVIDENCE DISTRICT. PUBLIC HEARING.

Gregory A. Riegle, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated September 21, 2022.

There were no disclosures from the Commission.

Jerrell Timberlake, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications FDP 2011-PR-009 and SE 2022-PR-00023.

Mr. Riegle declined to give a presentation and concurred with staff's recommendations.

There was a discussion between Mr. Riegle, Mr. Timberlake, and Commissioner Cortina on the following:

- Confirmation that the residents of Gates of McLean made inquiries about the access to the baseball field located within Capital One East Park (formerly known as Frances Park);
- Confirmation that access to the baseball field would be communicated once the scheduling for construction was finalized;
- Clarification on the location of the proposed connector road to the site;
- Clarification on the route vehicles would utilize to access the site;
- Explanation of summer and travel baseball league usage of local baseball fields;
- The applicant's coordination efforts with Fairfax County Public Schools to accommodate school baseball and softball programs;
- Confirmation that the proposed connector road was previously approved through a CDP application; and
- Concerns related to the use of the Resource Protection Area (RPA) for active recreation and amenities; and
- Concerns about the inconsistencies between the intent of the proposed development and the Comprehensive Plan.

The discussion resulted in no changes to the subject application, but Commissioner Cortina noted her intent to abstain from the vote due to the concerns she voiced.

There were no listed speakers, no speakers from the public, no 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 cases.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-009, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 17, 2022.

Commissioner Ulfelder seconded the motion, which carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2022-PR-00023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 12, 2022

Commissioner Ulfelder seconded the motion, which carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF SUBSECTION 4102.5.Z(3)(E) OF THE ZONING ORDINANCE TO PERMIT THE

CONTAINMENT NETTING TO REMAIN WHEN THE BALLFIELD IS NOT IN USE
DURING THE OFFSEASON.

Commissioner Ulfelder seconded the motion, which carried by a vote of 11-0-1. Commissioner Cortina abstained from the vote.

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SE 2022-HM-00025 - TRINE UNIVERSITY - SE Appl. to permit a college or university use in a portion of an existing office building. Located at 1881 Campus Commons Dr., Reston, 20191 on approx. 6.50 ac. of land zoned I-3. Hunter Mill District. Tax Map 26-2 ((1)) 10. HUNTER MILL DISTRICT. PUBLIC HEARING.

Lori R. Greenlief, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated September 14, 2022.

There were no disclosures from the Commission.

Commissioner Carter requested that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he 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 Carter for action on this application.

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Commissioner Carter MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2022-HM-00025, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 11, 2022.

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

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RZ 2022-MA-00001 - PLAZA 500 PROPERTY OWNER, L.P. - RZ Appl. to rezone from I-3 and I-5 to I-5 to permit warehouse and other permitted uses in the I-5 district with an overall Floor Area Ratio (FAR) of 0.34. Located at 6295 Edsall Rd., Alexandria, 22312 on approx. 34.18 ac. of land. Comp. Plan Rec: Industrial. Mason District. Tax Map 81-2 ((1)) 7. MASON DISTRICT. PUBLIC HEARING.

Robert D. Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated September 29, 2022.

There were no disclosures from the Commission.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended of application RZ 2022-MA-00001, but requested the inclusion of a proffer that precluded the use of a data center on the site without approval of a Proffered Condition Amendment.

Mr. Brant gave a presentation on the subject application.

Commissioner Strandlie stated that she was unable to attend the Mason District Land Use Advisory Committee meeting held on Tuesday, October 25, 2022, due to a prior commitment. She noted that the committee voted 4-3 to not recommend approval of the subject application because granting the I-5 designation of the entire building without the benefit of a conceptual plan would enable the applicant to proceed with a site plan by a by-right basis for the allowable use. Commissioner Strandlie voiced concerns related to the lack of a clear development plan for the subject property and asked Mr. Brant to further elaborate on the applicant's plan for the site.

Mr. Brant stated that the I-5 portion of the building was occupied by industrial, office, institutional, and non-residential uses. He added that historically, the I-3 portion of the building has been difficult to lease and the purpose for seeking to rezone the I-3 district of the subject property to I-5 was to achieve greater flexibility and viability of the overall development. In addition, Mr. Brant indicated that the applicant intended to continue leasing for similar uses that were currently occupying the existing I-5 area of the building.

Mr. O'Donnell stated that staff recommended that any potential use of the site for a data center be vetted in the public forum with a PCA application with a general development plan that demonstrated how a data center would fit into the site. He went on to state that staff would be more comfortable with recommending approval of the subject application with a proffer that would restrict the data center use for the site.

Commissioner Strandlie announced her intent to defer the decision on the application.

Mr. Brant stated that the applicant did not support a proffered condition to restrict the use for a data center due two-thirds of the site being zoned as a I-5 district. Mr. Brant also noted that a data center up to 80,000 square feet was permissible by-right in an I-3 district without any additional approval processes.

The discussion resulted in no changes to the subject application.

There was a discussion between Mr. Brant, Mr. O'Donnell, and multiple Commissioners on the following:

- Confirmation that the I-5 area of the subject site is 20 acres and I-3 area was ten acres, which was located closest to Edsall Road;
- Explanation of the setbacks referenced in Proffered Condition 1-C, as contained in Appendix 1 of the staff report;

- The applicant's justification for a split-zoned building;
- Clarification on the visual impact of the industrial development on the site from neighboring residential community;
- Clarification on the size and supporting structure requirements of a data center that would be permitted by-right on the site in the absence of the subject application;
- The concerns raised by staff and the public regarding the construction of data centers at other sites throughout the County;
- The circumstances under which a data center required additional provisions beyond what was required under the Zoning Ordinance;
- Clarification on the history of the development on the site, how it had been zoned, and why the current zoning had been adopted;
- The other potential industrial uses to the site, aside from a data center;
- The potential impact of the Chesapeake Bay Preservation Ordinance on future uses of the site;
- The amount of the subject property that was located on existing resource protection area (RPA) and the recourse that would be required if the area was further encroached;
- The restrictions and regulations associated with implementing industrial development, such as data centers, within an RPA;
- Concerns regarding the adequacy of existing regulations and policies to limit further encroachment into the RPA within the subject property;
- The applicant's commitment to preserve and limit the impact of future industrial development on the site on the RPA.

The discussion resulted in no changes to the subject application, but the applicant did not object to further discussions with staff to consider the addition of a proffer precluding or limiting the use of a data center on the subject property without approval of a Proffered Condition Amendment.

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

Benjamin van Zyl, 5432 Edsall Ridge Place, representing The Ridges at Edsall spoke in opposition of the subject application for the following reasons:

- The impact of the proposed rezoning on residential use of public spaces, environmental pollutants, and increased vehicular traffic;
- The potential negative impact on property values throughout the area;
- The proposed rezoning from I-3 to I-5 was inconsistent with the current vision and development of the area, which was supported by the Comprehensive Plan;
- Concerns regarding the unsatisfactory commitments from the applicant to deter future use of a data center; and
- Concerns regarding the lack of public input on future uses for the site.

A copy of Mr. Van Zyl's written statement is in the date file.

Sebnem Blanton 5438 Edsall Ridge Place, Alexandria, VA, provided her testimony via telephone wherein she echoed the statement made by Mr. Van Zyle, opposing the proposed application. A copy of Ms. Blanton's written testimony is in the date file.

Tyler Ray, 6186 Veneto Terrace, Alexandria, VA, representing the Bren Pointe Community, voiced opposition to the proposed application on behalf of the 53 residents, who signed a letter urging Planning Commission to deny the proposal dated October 25, 2022. A copy of the letter is in the date file.

There was a discussion between Mr. Ray, Mr. Brent, Mr. O'Donnell, and multiple Commissioners on the following:

- Clarification on the location, zoning, designs, and density of the nearby residential neighborhood, as well when the neighborhood was constructed;
- Concern regarding the increasing demand for industrial development across the nation and the inadequate coordination between City of Alexandria and Fairfax County to meet such demands;
- Clarification on the type of potential disturbances (e.g., noise, or light, etc.) that was anticipated with the change from I-3 to I-5;
- Clarification on the existing industrial development on the site and the truck traffic generated by those uses; and
- Clarification on the ownership status of the subject property.

The discussion resulted in no changes to the subject application.

Rebecca Gomez, 6267 Edsall Road, Alexandria, VA, provided a YouTube testimony, wherein she spoke in opposition to the subject application. Ms. Gomez echoed concerns raised in previous testimonies.

Erika Brooks, 5536 Valmarana Way, Alexandria, VA, provided a YouTube testimony, wherein she echoed the previous statements in opposition to the subject application.

Thomas Karako was the next listed speaker, but Mr. Karako was not present to testify.

Mehreen Husain, 5428 Edsall Ridge Place, Alexandria, VA, spoke in opposition to the subject application, aligning himself with the concerns raised by Mr. Van Zyl. A copy of written testimony is in the date file.

Xavier Warren, 6275 Edsall Road, Alexandria, VA, spoke in opposition to the subject application, echoing concerns raised in previous testimonies related to pedestrian safety and the lack of public input in the review process.

There was a discussion between Mr. Warren, Mr. O'Donnell, and Commissioner Strandlie on the following:

- The community outreach efforts included within the overall land use process for the subject property, as well as other sites;
- The efforts to address the concerns of the community prior to the Planning Commission making a recommendation on the subject application;
- The extent to which the surrounding community had been sufficiently notified of the subject application; and
- The efforts to improve pedestrian safety within the neighboring residential development.

The discussion resulted in no changes to the subject application.

Ethan Heintzelman, 6261 Edsall Road, Alexandria, VA, spoke in opposition to the subject application, voicing concerns related to the potential light and noise pollution associated with the rezoning of an I-3 district to an I-5.

Brian Sterling, 6186 Veneto Terrace Alexandria, VA, spoke in opposition to the subject application. Mr. Sterling echoed concerns raised in previous testimonies.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he recognized the Commission for questions and comments on the proposed application.

There was a discussion between Mr. Brant, Mr. O'Donnell, and multiple Commissioners on the following:

- The Applicant confirmed that the subject property was at 92 percent occupancy rate;
- Explanation of the location of the park land on the site map; and
- Confirmation that the City of Alexandria was contacted regarding this application, but no response was provided.

The discussion resulted in no changes to the subject application.

There were no further comments or questions from the Commission; therefore, Chairman Murphy called for a rebuttal statement from Mr. Brant, who acknowledged the concerns voiced by the Commission and speakers. He reiterated that the importance of the proposed rezoning in retaining meaningful uses for the community. He also reiterated the growing demand for industrial use throughout the County and indicated that the applicant was committed to addressing the concerns raised by the community.

There was a final discussion between Mr. Brant, Mr. O'Donnell, and multiple Commissioners on the following:

- Clarification on the provisions of the noise ordinance with regard to mitigating vehicular noise;
- Clarification on proposed noise mitigation strategies;
- Concerns related to the lack of affordable dwelling units within the development; and
- The importance of the coexistence of residential and industrial spaces.

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 Strandlie for action on this case.

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Commissioner Strandlie MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2022-MA-00001 TO A DATE CERTAIN OF NOVEMBER 16, 2022, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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The meeting was adjourned at 10:13 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: January 11, 2023

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 24 day of January 2023, by ^{3 DNS}

[Handwritten Signature]
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024



