

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 8, 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, Franconia District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: Walter C. Clarke, Mount Vernon District

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The meeting was called to order at 7:33 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

Commissioner Sargeant announced that Planning Commissioners had received electronic copies of the minutes for the October 2022 meetings. He then stated that he intended to move approval of those minutes at the January 11, 2023 Planning Commission meeting. He encouraged Commissioners to review the minutes and send any edits or corrections to staff.

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RZ/FDP 2021-BR-018 – MARY H. DAY

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2021-BR-018 TO A DATE CERTAIN OF FEBRUARY 15, 2023.

Commissioner Sargeant seconded the motion, which carried by a vote of 10-0. Commissioner Clarke was absent from the meeting and Commissioner Strandlie was not present for the vote.

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SEA 93-Y-032-02 CONCURRENT WITH PCA 86-S-083-06 – MCDONALD'S CORPORATION

Commissioner Spain MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 93-Y-032-02 AND PCA 86-S-083-06 TO A DATE CERTAIN OF APRIL 26, 2023.

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

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 RE: MINOR AND EDITORIAL REVISIONS
2. PROPOSED COUNTY CODE AMENDMENTS REGARDING COUNTY CODE AMENDMENTS FOR CONSISTENCY WITH NEW CHAPTER 112.1
3. PA 2022-III-FC2 - RESIDENCES AT GOVERNMENT CENTER
4. PA 2022-IV-MV1 - BEACON OF GROVETON

This order was accepted without objection.

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PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 REGARDING MINOR AND EDITORIAL REVISIONS – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows:

- (1) Correct typographical errors, correct or add cross references, and make other minor, editorial revisions.
- (2) Clarify that the parking reduction fee that does not apply to Commercial Revitalization Districts is found in Appendix Q of the County Code.
- (3) Replace references to mobile home with manufactured home.
- (4) Replace the term yard with setback in wherever the term yard was used to mean the minimum distance a building or structure must be separated from the lot lines.
- (5) Specify that a wireless facility is not subject to lot size and bulk regulations.

PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 December 8, 2022
REGARDING MINOR AND EDITORIAL REVISIONS

- (6) Revise the standards for a residence for manager or employee to clarify that one such accessory residence is allowed with a nonresidential use with an administrative permit, and to allow a nonresidential use to have more than one residence for a manager or employee only with approval of another special exception or special permit use.
- (7) Clarify that short-term lodging is not permitted on a lot with an accessory living unit.
- (8) Clarify that for corner lots developed with a single-family detached dwelling as of July 1, 2021, the minimum side setback dimension is used to determine rear setback coverage limitations.
- (9) Clarify the sight distance area that must remain clear of structures on corner lots.
- (10) For a through lot, clarify that the two yards between the principal building and the abutting public streets are front yards.
- (11) Increase the maximum allowed footcandles (fc) for recreational tennis courts from 40 to 50 fc.
- (12) Specify that the limitations on the amount of driveway surfacing apply only on lots that are 36,000 square feet or less and developed with a single-family detached dwelling.
- (13) Clarify that the owners of property subject to the approval of an original application must receive written notice of a proposed amendment.
- (14) Clarify that a minor modification is allowed for a PRC plan.
- (15) Establish a fee of \$4,090 [advertised range: \$910 - \$16,375] for a special permit application for a Special Event.
- (16) Under nonconformities, revise the provision for reconstruction of a dwelling to clarify where the dwelling may be reconstructed relative to its original location and the lot line(s).
- (17) Revise the definition of a lot to specify that it must be a contiguous parcel(s) of land.
- (18) Revise the provisions for an Agricultural Operation to specify that the use includes housing of livestock;

PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 December 8, 2022
REGARDING MINOR AND EDITORIAL REVISIONS

(19) Revise the provisions for a Riding or Boarding Stable and a Limited Riding or Boarding Stable to specify that where seven or more acres are devoted to activities meeting the definition of an agricultural operation, the use is an Agricultural Operation.

(19) Revise the definition and standard for a Community Swim, Tennis, and Recreation Club to limit membership to primarily residents of a designated area.

(20) Revise the definition of the Animal-Related Services use category to include recreation and exercise, and revise the definition of a kennel to include recreation and exercise areas for dogs and other small domestic animals operated for a fee.

(21) Revise the definition of an accessory structure to include that it must be customarily found in association with the principal building or use. COUNTYWIDE. PUBLIC HEARING.

There were no disclosures from the Commission.

Carmen Bishop, Zoning Administrative Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed Zoning Ordinance Amendments to Chapter 112.1 regarding minor and editorial revisions.

There was a discussion between Ms. Bishop and multiple Commissioners on the following issues:

- Explanation of the proposed Sports Illumination Plan for athletic fields and recreational courts;
- Confirmation that the proposed Sports Illumination Plan complied with the current Zoning Ordinance and the guidelines prescribed by the Fairfax County Park Authority;
- Clarification on the definition of a lot that was contiguous with adjacent parcels;
- Clarification on what was defined as wireless facilities under the proposed amendment; and
- Clarification on the current Zoning Ordinance standards regarding short-term lodging Accessory Living Units (ALU) and how such standards were enforced by the County.

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 Jimenez for action on this case.

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PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 December 8, 2022
REGARDING MINOR AND EDITORIAL REVISIONS

Commissioner Jimenez MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1 FOR MINOR AND EDITORIAL REVISIONS, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 1, 2022, AND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioners Sargeant and Ulfelder seconded the motion, which carried by a vote of 10-0. Commissioner Clarke was absent from the meeting and Commissioner Strandlie was not present for the vote.

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PROPOSED COUNTY CODE AMENDMENTS RE: COUNTY
CODE AMENDMENTS FOR CONSISTENCY WITH NEW
CHAPTER 112.1 – To amend the 1976 Code of the County of
Fairfax, as follows:

- (1) Correct typographical errors, correct or add cross references, edit for plain language, and make other minor, editorial revisions.
- (2) Replace references to Chapter 112 with Chapter 112.1.
- (3) Update references to provisions from the previous Zoning Ordinance, found in various Chapters of the County Code, to the applicable provisions in the new Zoning Ordinance (effective July 1, 2021).
- (4) Remove references to the R-P District.
- (5) Replace references to mobile home with manufactured home.
- (6) Replace references to yard with setback, wherever the term yard was used to mean the minimum distance a building or structure must be separated from the lot lines.
- (7) Replace reference to eating establishments with restaurants, carryout restaurants.
- (8) Replace reference to garment cleaning establishments with personal service establishments.
- (9) Replace reference to pharmacies and drive-in pharmacies with drive-through pharmacies.

- (10) Replace reference to theatres with indoor commercial recreation.
- (11) Replace reference to business service and supply establishments with business service establishments.
- (12) Replace reference to drive-in banks with drive-through financial institutions.
- (13) Replace reference to health clubs with health and exercise facilities.
- (14) Replace reference to temporary special permit with administrative or special permit in the definition of traveling animal exhibition.
- (15) Repeal Chapter 27. – Establishments Permitting Dancing. COUNTYWIDE. PUBLIC HEARING.

There were no disclosures from the Commission.

Jennan Qato, Zoning Administrative Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed County Code Amendments for consistency with the revised language in Chapter 112.1.

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 Jimenez for action on this case.

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Commissioner Jimenez MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED COUNTY CODE AMENDMENTS FOR CONSISTENCY WITH THE NEW CHAPTER 112.1, AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 1, 2022, AND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

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

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PA 2022-III-FC2 - RESIDENCES AT GOVERNMENT CENTER
– To consider proposed revisions to the Comprehensive Plan for

Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 81.86 ac. generally located at 12000 Government Center Parkway (Tax Map # 56-1 ((15)) 14A and 14B) in the Braddock Supervisor District. The site is the Fairfax County Government Center, planned for office mixed-use and public facilities at an intensity of 0.35 floor-area ratio (FAR). The amendment proposes an increase in intensity up to 0.40 FAR to support workforce and affordable housing.
BRADDOCK DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Ryan Stewart, Planning Division, 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 Plan Amendment 2022-III-FC2.

There was a discussion between Mr. Stewart, Megan Van Dam, Department of Housing and Community Development, and multiple Commissioners on the following:

- Confirmation that the current floor-area ratio (FAR) of 0.45 was planned for office mixed-use and staff recommended retaining that intensity while adding a development option for residential mixed use;
- Concerns for the impact of a future metro station that would be located near Random Hills on the current proposed density for the site;
- Explanation of a study of the Fairfax County Government Center and Visioning project that was authorized by the Board of Supervisors in the Summer of 2022 with the intent to further investigate concerns related to the FAR and density of development around the subject area;
- The scope and intent of the proposed amendment, which was limited to pursuing opportunities for affordable housing;
- Concern regarding the extent to which the density of the proposed development option would encourage additional investments in infrastructure throughout the area;
- Recommendation for the removal of language referring to homogenous office buildings in the Tysons Corner area;

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Commissioner Strandlie arrived at 8:19 p.m.

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- The various benefits for replanning and redeveloping the Government Center campus and the importance of considering how the area had developed into technology hub; and
- A request to include detailed graphics in visioning project presentation for the surrounding area.

There was a discussion between Mr. Stewart, Megan Van Dam, Department of Housing and Community Development, Michael Lynskey, Zoning Evaluation Division, DPD, Veronica Merrill, Land Use Planner, DLA Piper, and multiple Commissioners on the following:

- Clarification on the process for calculating the amount of bonus density permitted in a development that included affordable housing;
- Confirmation that there had been a 15,000 square-foot childcare center proposed on the subject property;
- Explanation of the management structure of the proposed childcare center and confirmation that the community it would serve would be determined in the rezoning process;
- Confirmation that a prospective applicant was partnering with Cornerstones, a local non-profit to ensure childcare would be accessible for families with low to moderate income;
- Discussion on the importance of the accessibility to affordable childcare for future residents of affordable housing units and others in the community;
- Clarification on the total number of parking spaces across all lots on the subject property after the construction of the proposed development;
- Concerns related to the location of resident parking to the proposed buildings;
- Confirmation that the parking surrounding the proposed development exceeded the recommendations stated in the current Zoning Ordinance by 500 spaces;
- Concerns related to parking accommodations for Fast-Tran busses at the Government Center;
- The extent to which the proposal reflected the goals of the One Fairfax Policy.

The discussion resulted in Commissioner Carter recommending that language referring to development in Tysons as homogenous office building be removed.

There were no listed speakers. Therefore, Chairman Murphy recognized the first speaker from the audience and recited the rules for public testimony.

Andrea Serio 11804 Rockaway Lane, Fairfax, VA, representing Carriage Park Condominiums. She voiced concerns regarding the impact of the proposed development opinion on the noise, traffic, overcrowding of public schools, and associated school bus congestion for surrounding communities. Ms. Serio noted that she supported the expansion of affordable housing, but questioned whether the location was appropriate. She also voiced concerns about the impact of affordable housing on the property values of existing residents.

Michelle Su, 4329 Runabout Lane, Fairfax, VA voiced concerns about the loss of green space. She also aligned herself with concerns brought forth by the previous speaker regarding the proposal's increase of noise, traffic congestion, and negative impact on the property values.

There was brief discussion between Ms. Van Dam and multiple Commissioners on the following:

- Explanation of the scope of the plan amendment process and the details which were to be determined during the rezoning process;

- Explanation that there was a virtual community meeting held in October 2022 during which attendees brought forth similar concerns related to construction noise, traffic congestion, and impact on the property values; and
- Clarification on community outreach efforts in the Dranesville District and the Braddock District.

Kristin Palmer, 11715 Scooter Lane, Fairfax, VA stated that she was on the board for the Carriage Park Condominiums. She confirmed that the outreach, which was previously referenced by staff, had been received by the community. Ms. Palmer voiced concern regarding the proposal's impact on green space. She added that the staff presentation was unclear and recommended additional public outreach to clarify the intent of the proposed development option.

There was brief discussion between Ms. Van Dam and multiple Commissioners on the following:

- The efforts by staff to communicate the difficulty, scope, and intent of the proposed amendment to the public;
- how various portions of the subject property that would be impacted by the proposed amendment;
- Clarification on the classification of land bays with that of parcels;
- Clarification on the intent of the proposed amendment regarding the impact on existing green space and environmental conditions around the site; and
- Explanation of the boundaries of the surface parking lot, the sub-units, and land bays.

Deborah Walker, 4189 Lower Park Drive, Fairfax, VA, aligned herself with concerns voiced by previous speakers. She also noted the importance of green space and voiced concerns for the displacement of wildlife. Ms. Walker noted that she supports affordable housing, but requested that the impact on current residents be taken into consideration as well.

There were 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 Cortina for action on this case.

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Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PA 2022-III-FC2 TO A DATE CERTAIN OF JANUARY 11, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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PA 2022-IV-MV1 - BEACON OF GROVETON – Plan Amendment (PA) 2022-IV-MV1, concerns approx. 0.63 ac. generally located at 6858 Richmond Highway and identified as Tax Map Parcel 93-1 ((1)) 98A in the Lee Supervisor District. The subject property is planned for up to 70,000 square feet of nonresidential uses, or to remain as a park under certain conditions. The amendment will consider an option to add an affordable independent living facility with alternative ground floor community-serving uses up to 70,000 square feet in size. Recommendations relating to the transportation network may also be modified. FRANCONIA DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Aaron Klibaner, Planning Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff concluded the proposed plan amendment, concurrent with rezoning application RZ 2022-LE-00055, addressed the need for age-restricted housing for low and moderate-income households within Fairfax County. Therefore, staff recommended adoption of PA 2022-IV-MV1.

Mark M. Viani, Bean, Kinney, and Korman, gave a presentation on behalf of the applicant for application RZ 2022-LE-00055, RH Senior Housing LLC.

There was a discussion between Mr. Klibaner, Megan Van Dam, Department of Housing and Community Development; Mr. Viani, and multiple Commissioners on the following:

- Clarification of the location of non-residential space on the proposed development of the subject property;
- Confirmation that there were no known concerns related to the water and sewer capacity related to the proposed development;
- The extent to which the proposed independent living facility development option was consistent with the character of the surrounding area;
- The importance of providing more affordable senior housing in Fairfax County to enable residents to remain in their community;
- The decline in the demand for office space throughout Fairfax County and the growing demand for independent living facilities;
- The potential impact of the increasing number of office spaces being converted to residential use;
- Concerns regarding the employment opportunities and economic trends for residents of the proposed development option;
- The decline in the need for concentrated suburban office spaces and the associated impact on the development of viable urban centers;
- Clarification on the base plan and redevelopment plan of the subject area;
- Clarification on the alternative proposed redevelopment option, which would include 290 units and reallocate the 70,000 square feet of non-residential, to affordable senior independent housing;

- Clarification on the total amount of residential development and office development recommended for the Beacon/Groveton area;
- Confirmation that the existing development options under the Comprehensive Plan would remain;
- Clarification on the amount of residential and office development that had been constructed throughout the area under the existing language of the Comprehensive Plan;
- Clarification on the portion of the Beacon/Groveton area that would be converted to an independent living facility development;
- Clarification on the amount of existing area that would be reserved for retail space under the proposed development option;
- Explanation of graphic found on Attachment I of the staff reported dated November 17, 2022; and
- Confirmation that the proposed development was compatible with the EMBARK plan.

There were no listed speakers. Therefore, Chairman Murphy recognized the first speaker from the audience and recited the rules for public testimony.

Najib Ahmad, 3007 Preston Avenue, Alexandria, VA spoke in opposition of the proposed plan amendment. He voiced concerns regarding the large volume of traffic congestion at the subject property and the negative consequences to the safety of elderly residents and pedestrians. He also expressed concern regarding the lack of existing development in the area and the economic viability of an independent living facility on the subject property.

There were no additional speakers in the audience or on the telephone. Therefore, Chairman Murphy called on staff for closing remarks.

Ms. Van Dam responded to the concerns brought forth by Mr. Ahmad regarding pedestrian safety. She noted that the change from office use to residential use would decrease the vehicular traffic. She added there would be improvement to the streetscape to mitigate some of the risks for pedestrian safety around the subject property. She added that an independent living facility would improve the overall character of the surrounding area and was consistent with the County's goals to promote aging in place for elderly residents.

Mr. Viani aligned himself with the remarks made by Ms. Van Dam. He also noted that the anticipated decrease in vehicular trips; further implementation of the EMBARK plan; and improvements to the streetscape would help mitigate concerns for pedestrian safety.

There was a final discussion between Mr. Viani and multiple Commissioners on the following:

- The extent to which the independent living facility would be viable prior to the expansion of pedestrian paths and bus rapid transit services for the area;
- The types of tools which could be used to mitigate noise, safety, and traffic concerns would be further evaluated as the development plan progresses;
- The timeline for the approval, construction, and occupancy of an independent living facility on the site;

- Clarification on the location of the cross walk and traffic light, which acted as a safety measure to allow pedestrian access to shopping center; and
- Clarification on location of the crosswalk and the proximity of the existing shopping center to the site.

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 Lagana for action on this case.

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Commissioner Lagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF PA 2022-IV-MV1.

Commissioner Bennett seconded the motion, which carried by a vote 11-0. Commissioner Clarke was absent from the meeting.

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Chairman Murphy announced that this meeting was the last Planning Commission meeting for 2022. He noted it was a productive year for the Commission and he was glad to be able to reconvene in person again. He recognized Jill Cooper, Director of Department of Clerk Services for her outstanding support and leadership. Chairman Murphy also recognized Jacob Caporaletti, Clerk to the Planning Commission for his ongoing support throughout the years and requested his assistance in recognizing each staff member, as his notes deemed illegible.

Mr. Caporaletti recognized both Deputy Clerks; Satabdi Samaddar and Samantha Lawrence, along with Danielle George, Ms. Cooper, and Teresa DeSantis, for her help on the telephones for the Planning Commission public hearings. Mr. Caporaletti also recognized Kevin Jackson, Senior Deputy Clerk, who had joined the Department of Clerk Services earlier this year and has quickly excelled in his role.

Chairman Murphy also recognized staff from Channel 16 and thanked them for all that they do to support the Planning Commission.

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Chairman Murphy announced that Commissioner Strandlie would not be returning Commissioner of the Mason District at the expiration of her term at the end of December 2022. On behalf of the Planning Commission, he thanked Commissioner Strandlie for her service on the Commission.

Commissioner Strandlie made a brief statement on her eight years of service to the Planning Commission and highlighted her various accomplishments. In addition, she thanked and commended her fellow Planning Commissioners, Planning Commission staff, and staff from the Department of Planning and Development.

Commissioners Murphy, Sargeant, Lagana, Cortina, Ulfelder, Bennett, Spain, Niedzielski-Eichner, and Carter each made statements commended Commissioner Strandlie for her service with the Planning Commission.

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The meeting was adjourned at 10:00 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: March 8, 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 30 day of March 2023, by

Dorothy M. Steele
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

