

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, MARCH 15, 2023**

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Providence District  
Evelyn S. Spain, Secretary, Sully District  
Timothy J. Sargeant, Vice Chairman, Commissioner At-Large  
John C. Ulfelder, Parliamentarian, Dranesville District  
Mary D. Cortina, Braddock District  
John A. Carter, Hunter Mill District  
Daniel G. Lagana, Franconia District  
Daren Shumate, Mason District  
Walter C. Clarke, Mount Vernon District  
Peter F. Murphy, Springfield District  
Candice Bennett, Commissioner At-Large

ABSENT: Andres Jimenez, Commissioner At-Large

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The meeting was called to order at 7:31 p.m., by Chairman Phillip A. Niedzielski-Eichner, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

Chairman Niedzielski-Eichner announced that the Planning Commission would receive a presentation from Rachael Flynn, Deputy County Executive, whose responsibilities included overseeing the County's land use planning and development agencies. He added that Ms. Flynn would give a brief overview of the span of her responsibilities and share with the Commission recently compiled population data that captured the state of Fairfax County, as it related to land use and future development.

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Rachael Flynn, Deputy County Executive, gave a presentation on the demographic trends and land use development patterns in Fairfax County, which included the Washington Metropolitan area. The presentation was followed by a discussion between Ms. Flynn and multiple Commissioners. A copy of Ms. Flynn's presentation is in the date file.

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Commissioner Spain announced her intent to move approval of the January and February 2023 meeting minutes at the March 29, 2022 Planning Commission meeting. She added that any edits should be forwarded to staff.

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Commissioner Sargeant announced that the Capital Improvement Program (CIP) Committee would meet on Thursday, March 16, 2023, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, for a discussion on the CIP nominations presented to the Commission on Wednesday, March 1, 2023.

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RZ/FDP 2022-DR-00006 – FCGP-METRO DEVELOPMENT, LLC

(Decision Only) (The public hearing on these applications was held on February 8, 2023; Decision Only from March 8, 2023)

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- APPROVAL OF RZ 2022-DR-00006 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED MARCH 13, 2023;
- APPROVAL OF FDP 2022-DR-00006, SUBJECT TO THE BOARD OF SUPERVISORS’ APPROVAL OF RZ 2022-DR-00006; AND
- APPROVAL OF THE WAIVERS AND MODIFICATIONS LISTED IN A HANDOUT DATED MARCH 14, 2023.

Commissioner Murphy seconded the motion, which was carried by a vote of 11-0. Commissioner Jimenez was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. SE 2021-MV-00018 – OLDE TOWNE PET RESORT SPRINGFIELD LLC
2. AF 2022-SP-00006 (AA 83-S-004-3) – WHITEHALL STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT (JEREMY MARTIN VAZQUEZ TRUST AND NADINE CONSUELO VAZQUEZ REVOCABLE TRUST)
3. SE 2022-SP-00043 – PNC BANK, NA
4. SEA 95-M-029-02 – MCDONALD’S CORPORATION
5. RZ 2022-SU-00014 – STEPHANIE GORSKI NOURSE

This order was accepted without objection.

Chairman Niedzielski-Eichner announced the public hearing procedures for citizens who wished to testify before the Commission.

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SE 2021-MV-00018 - OLDE TOWNE PET RESORT SPRINGFIELD LLC – Appl. to permit the existing outdoor components associated with an existing indoor kennel. Located at 8101 Alban Rd., Springfield, 22150 on approx. 1.67 ac. of land zoned C-6. Tax Map 99-1((17)) 6. (Associated with VC 2022-MV-00003). MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Kathryn A. Taylor, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated March 1, 2023.

Kimia Zolfagharian, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of SE 2021-MV-00018.

Ms. Taylor gave a presentation on the subject application.

There was a discussion between Ms. Zolfagharian; Catherine Lewis, Zoning Evaluation Division, Department of Planning and Development; Ms. Taylor; Albert C. Gilbert, Olde Towne Pet Resort Springfield LLC; and multiple Commissioners regarding the following:

- The date in which the associated variance application would be presented before the Fairfax County Board of Zoning Appeals;
- The total number of serviced county residents in the area;
- The total number of affiliated facilities and their location throughout the region;
- Clarification on the total number of employees at the proposed Springfield location;
- Concerns with the location of the storm drain and pet waste area on the southern side of the property, adjacent to the Accotink Creek;
- The basis of the notice of violation that was issued to the applicant on November 16, 2020;
- Whether the applicant had a waste management plan in place and adhered to it;
- Clarification on the acronym, OTPR;
- Staff's summary of the Department of Public Works and Environmental Services stream protection study on the damages to Fairfax County streams, and the state's requirement for pet waste;

- The County's process for determining whether pet facilities complied with the disposal of pet waste and sediment control;
- The agency responsible for issuing a Notice of Violation to pet facilities; and
- Clarification on the process for the removal of pet waste from a surface area.

There being no listed speakers, no speakers from the audience, no rebuttal from the applicant, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Clarke for actions on this application.

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Commissioner Clarke MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- APPROVAL OF SE 2021-MV-00018, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 14, 2023; AND
- APPROVAL OF A MODIFICATION OF THE 75-FOOT SETBACK FROM THE INTERSTATE HIGHWAY TO THAT AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioners Sargeant and Ulfelder seconded the motions, which was carried by a vote of 11-0. Commissioner Jimenez was absent from the meeting.

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AF 2022-SP-00006 (AA 83-S-004-3) – WHITEHALL STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT (JEREMY MARTIN VAZQUEZ TRUST AND NADINE CONSUELO VAZQUEZ REVOCABLE TRUST) – Appl. authorized by Chapter 114 (County Code), effective June 30, 1983, to permit the renewal of an agricultural and forestal district. Located at 6200, 6390 Newman Rd. and 12523 Popes Head Rd., Fairfax, 22030 approx. 205.30 ac. of land zoned R-C and WS. A&F District Advisory Committee Rec.: Not available. Planning Commission Rec.: Not available. Please call the Planning Division at 703-324-1380 after March 15, 2023, to obtain the recommendations. Tax Map 66-4 ((1)) 29Z and 75-2 ((1)) 19Z and 20Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Sophia Fisher, Planning Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of AF 2022-SP-00006.

## WHITEHALL STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT (JEREMY MARTIN VAZQUEZ TRUST AND NADINE CONSUELO VAZQUEZ REVOCABLE TRUST)

Nadine Consuelo Vazquez, Applicant, gave a presentation on the subject application.

During Ms. Vazquez's testimony, Chairman Niedzielski-Eichner was not present; therefore, Vice Chairman Sargeant assumed duties of the Chair.

The applicant was commended by a number of Commissioners on the maintenance of the agricultural and forestal property.

Vice Chairman Sargeant called the first listed speaker.

Steven Youssef, 124 Moore Avenue, Southwest, Vienna, the property's beekeeper, supported the renewal of the application because of the following:

- The number of educational field trips that occurred at the property;
- Educated 5,000+ elementary level students about the importance of pollinators, specifically those of the honey bee;
- Support for civic education and the importance of advocating were also some of the educational classes taught at the site; and
- The need for affordable housing and mixed-use developments should not be at the detriment of the renewal of the application.

Chairman Niedzielski-Eichner resumed duties of the Chair.

Sevim Kalyoncu, 6207 Newman Road, Fairfax, supported the renewal of the application. A copy of Ms. Kalyoncu's statement is in the date file.

Joseph E. Buckreis, address not provided, supported the renewal of the application. A copy of Mr. Buckreis' statement is in the date file.

Chairman Niedzielski-Eichner called for speakers from the audience; there were none.

As a matter of opinion, Commissioner Ulfelder stated many Fairfax County residents were unaware of the County's various agricultural properties. He stated that he was hopeful more residents would become knowledgeable of those types of properties and their opportunities.

There being no rebuttal from the applicant, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Murphy for actions on this application.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AF 2022-SP-00006 AND THAT APPENDIX E OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE WHITEHALL STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED MARCH 1, 2023.

All Commissioners that were present seconded the motion, which was carried by a vote of 11-0. Commissioner Jimenez was absent from the meeting.

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SE 2022-SP-00043 – PNC BANK, NA – Appl. to permit a drive-through financial institution. Located at 8436 Old Keene Mill Rd., Springfield, 22152 on approx. 10.09 ac. of land zoned C-6 and HC. Tax Map 79-3 (5) 1B. SPRINGFIELD DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Sheri L. Akin, Applicant’s Agent, McGuireWoods LLP, reaffirmed the affidavit dated February 9, 2023.

Damaris Martinez, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of SE 2022-SP-00043.

Ms. Akin opted out on the applicant’s presentation for the subject application.

There was a discussion between Ms. Akin and multiple Commissioners regarding the following:

- Clarification on whether the financial institution was officially in operation;
- Clarification on whether there were pedestrian or vehicular queuing concerns as a result of the location of the financial institution’s drive-through; and
- Whether there were any additional changes made to the existing location.

There were no listed speakers, no speakers from the audience, no rebuttal from the applicant, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Murphy for actions on this application.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING ACTIONS:

- APPROVAL OF SE 2022-SP-00043, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 28, 2023; AND
- APPROVAL OF A REAFFIRMATION OF THE PREVIOUSLY APPROVED TRANSITIONAL SCREENING MODIFICATION AND WAIVER OF BARRIER REQUIREMENTS, TO THAT SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Cortina seconded the motions, which was carried by a vote of 11-0. Commissioner Jimenez was absent from the meeting.

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SEA 95-M-029-02 – MCDONALD'S CORPORATION – Appl. to amend SE 95-M-029 previously approved for restaurant with drive through in a highway corridor overlay district to permit additional land area and associated modifications to site design and development conditions. Located at 5613 Leesburg Pike, Falls Church, 22041 on approx. 1.13 ac. of land zoned C-2, C-8, HC, SC, and CRD. Tax Map 61-2 (21)) 5 and 9. MASON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Sheri L. Akin, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated January 6, 2023.

Tabatha Cole, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of SEA 95-M-029-02.

Ms. Akin gave a presentation on the subject application.

Commissioner Shumate made preliminary comments on the application.

There was a discussion between Ms. Cole; William O'Donnell, Zoning Evaluation Division, Department of Planning and Development; Corinne Bebek, Planning Division, Department of Planning and Development; Ms. Akin; and multiple Commissioners regarding the following:

- The applicant's agreement to obtain a third-party certification through EarthCraft Light Commercial (ECLC);
- The proposal included demolition of the existing building and expansion of the drive-through;

- Staff’s recommendation that the proposed development attain third-party certification for its green building commitments;
- Staff requested that the applicant provide a worksheet that identified which green building elements could or could not be achieved;
- The applicant provided the requested information that identified the green building elements that were non-compliant;
- Staff would accept the applicant’s proposed escrow as part of the ECLC development condition, provided they met the required three points or less for green building commitment;
- The amount from escrow released, provided the applicant achieved three points or less;
- Staff’s agreement to release the full amount of the proposed escrow, provided the applicant achieved the adequate number of points to be considered Leadership in Energy and Environmental Design-New Construction (LEED-NC) certified;
- The applicant’s request to decrease the number of green building points;
- The date the application would be presented to the Board of Supervisors;
- Clarification on whether there was adequate screening on all sides of the proposed site;
- Clarification on the ingress/egress points to and from the site;
- The tree plantings at the site met the recommended guidelines in the Comprehensive Plan;
- The number of electric vehicle charging stations located at the site;
- The closest bus stop area to the site;
- Clarification on whether the site was in compliant with the Americans with Disabilities Act (ADA);
- Clarification on the types of specialty paving used on the site for pedestrian connections;
- The minimum width requirement for the by-pass lane that was located around the drive-through;
- Clarification on the applicant’s request for the approval of a waiver of the peripheral parking lot landscaping requirements along the eastern property line;
- Whether a waiver request for landscaping only addressed tree plantings and shrubs;



- Staff's reasoning for proposing the option of a third-party certification;
- Clarification on whether either of the green building options referenced the drive-through and the amount of time cars sat idling;
- Clarification on whether site improvements factored in determining the New Construction Rating System credits;
- Whether the streetlights on the development plan met the current design guidelines;
- Support for tree planting along Carlin Springs Road;
- Clarification on whether traffic signal preemptive devices were considered;
- The timeframe in which staff received the applicant's proposal for LEED-NC Certification;
- A discussion on Heritage Resources Memorandum dated January 3, 2023, which included its recommendations and alternatives for the revitalization of the adjacent office building located at 5613 Leesburg Pike;
- Staff's recommendation that the applicant establish a principle use for the remainder of the proposed site; and
- Clarification on the remaining acreage of the site after development.

There were no listed speakers, no speakers from the audience, no rebuttal from the applicant, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Shumate for actions on this application.

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Commissioner Shumate MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SEA 95-M-029-02 TO A DATE CERTAIN OF MARCH 29, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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RZ 2022-SU-00014 – STEPHANIE GORSKI NOURSE – Appl. to rezone from R-1 and WS to R-3 and WS to permit a single-family residential development with a total density of 2 du/ac dwelling units per acre (du/ac). Located at 12419 Washington Brice Rd., Fairfax, 22033 on approx. 1.00 ac. of land. Comp. Plan Rec: Base Residential,

1-2 du/ac. Tax Map 45-2 ((1)) 24. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Robert D. Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated January 18, 2023.

Damaris Martinez, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of RZ 2022-SU-00014.

Mr. Brant gave a presentation on the subject application.

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

- Community outreach efforts and the applicant's commitment to addressing the Fair Oaks Estate Board's concerns;
- The applicant's commitment to maximize trees, plantings, and shrubberies at the right corner of the proposed property line;
- The applicant worked within the constraints of the existing stormwater easements located along the right corner of the property line;
- Clarification on the traffic impact resulting from the proposed developments;
- Clarification of the hours of operation for construction activity;
- Clarification on whether the applicant addressed the construction activity, privacy, and safety concerns;
- The party held accountable for the repaving of the Washington Brice Road, both the cul-de-sac, and right-of-way, should there be damage from construction activity;
- Clarification on whether the applicant met the tree canopy and tree preservation requirements for the site;
- The cul-de-sac further north of the site would be extended into the existing property in order to build to the standards set by the Virginia Department of Transportation;
- Clarification that the stormwater management provisions determined the extent of tree canopy and tree preservation for the site; and

- Options proposed by the applicant would be in accordance with the National Green Building Standards (NGBS) for the site.

Chairman Niedzielski-Eichner called the first listed speaker.

Michael Palladino, 3700 John Barnes Lane, Fairfax, addressed concerns regarding the development. A copy of Mr. Palladino’s YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

There was a discussion between Mr. Brant and multiple Commissioners regarding the following:

- The applicant’s commitment to improve an existing asphalt path between the two cul-de-sacs;
- The applicant would maximize tree plantings and vegetation at the rear of the proposed development to mitigate privacy concerns; and
- The location of the existing home in relation to the proposed new developments and to Mr. Palladino’s property.

In a rebuttal statement, Mr. Brant reiterated the applicant’s timeframe for completion of the development and permitted hours for construction activity.

There were no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Spain for action on this application.

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**Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2022-SU-00014, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED MARCH 2, 2023.**

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

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The meeting was adjourned at 11:12 p.m.  
Phillip A. Niedzielski-Eichner, Chairman  
Evelyn S. Spain, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: June 7, 2023

*Jacob L. 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 14<sup>th</sup> day of June 2023, by

*[Signature]*

Signature of Notary

Notary Seal

Notary registration number: 8018276

Commission expiration: January 31, 2026

