

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

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Providence District
Timothy J. Sargeant, Vice Chairman, Commissioner At-Large
Evelyn S. Spain, Secretary, Sully District
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
Andres Jimenez, Commissioner At-Large
Candice Bennett, Commissioner At-Large

ABSENT: None

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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

Commissioner Cortina announced that the Planning Commission's Transportation Committee would meet on Thursday, February 16, 2023 at 8:30 p.m. in Conference Room 11 of the Fairfax County Government Center for a presentation from staff on two pending Comprehensive Plan Amendments regarding the Fairfax County and Franconia-Springfield Parkways, PA 2021-CW-T2, and the Burke Centre Parkway, PA 2019-III-T1.

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Commissioner Ulfelder announced that the Planning Commission's Land Use Process Review Committee would meet with staff from the Department of Planning and Development on Thursday, February 16, 2023, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the revised version of the Parking Reimagined effort. He stated that this meeting would be the Planning Commission's final opportunity to recommend changes to this proposal. Commissioner Ulfelder added that the proposal would be forwarded to the Board of Supervisors for authorization of a public hearing.

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Chairman Niedzielski-Eichner clarified that the Land Use Process Review Committee scheduled for Thursday, February 16, 2023, at 7:30 p.m. to discuss the revised version of the Parking

Reimagined effort was a meeting to hear from staff and was not a public hearing. He encouraged participation.

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RZ/FDP 2021-BR-018 - MARY H. DAY

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2021-BR-018 AND FDP 2021-BR-018 TO A DATE CERTAIN OF MARCH 29, 2023.

Commissioners Sargeant and Ulfelder seconded the motion, which carried by a vote of 12-0.

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Chairman Niedzielski-Eichner stated that Commissioners indicated their preference for committees. He added that he and Commissioner Sargeant have been working on the structure of the committees and its membership. Chairman Niedzielski-Eichner added that more work was needed, and the committee selection would be resolved by the next scheduled committee meeting. He noted that for the Transportation Committee and Land Use Process Review Committee meetings scheduled for February 16, 2023, the same Chairs and membership from 2022 would remain.

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RZ/FDP 2016-SP-033 – MERIT INVESTMENT, LLC

(Decision Only) (The public hearing on these applications was held on February 1, 2023)

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

- APPROVAL OF RZ 2016-SP-033 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS DATED DECEMBER 28, 2022; AND
- APPROVAL OF FDP 2016-SP-033, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT REZONING APPLICATION.

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

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MINUTES – DECEMBER 2022

Commissioner Spain MOVED THAT THE PLANNING COMMISSION DEFER APPROVAL OF THE MEETING MINUTES FOR DECEMBER, 7, 2022 AND DECEMBER 8, 2022 TO A DATE CERTAIN OF MARCH 8, 2022.

Commissioners Sargent, Murphy, and Ulfelder seconded the motion, which carried by a vote of 12-0.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. AF 2022-SP-00005 – JACQUELINE ATIYEH, HZTM AGRICULTURAL AND FORESTAL DISTRICT
2. AF 2022-SP-00004 (AR 89-S-004-04) – HOPE FOSTER BRITT TR
3. PCA 80-S-008-02 (RZPA 2022-SU-00095) – VIRGINIA MEDICAL TRANSPORT, LLC
4. PA 2021-CW-1CP (PA 2021-00014) – AFFORDABLE HOUSING PRESERVATION
5. FDPA 2011-HM-012-02 (RZPA 2022-HM-00062) CONCURRENT WITH 2232-2022-HM-00006 - ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING, INC.

This order was accepted without objection.

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

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AF 2022-SP-00005 – JACQUELINE ATIYEH, HZTM AGRICULTURAL AND FORESTAL DISTRICT - Appl. authorized by Chapter 115 (County Code), effective June 30, 1983, to permit the creation of an agricultural and forestal district. Located at 12725, 12796, and 12801 Popes Head Rd., Clifton, 20124 on approx. 77.5 ac. of land zoned R-C/WS. A&F District Advisory Committee Rec.: Not available. Planning Commission Rec.: Not available. Please call the Planning Division at 703-324-1380 after February 15, 2023, to obtain the recommendations. Tax Map 66-4 ((1)) 11Z, 17Z, 18Z, and 19Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Murphy asked that Chairman Niedzielski-Eichner 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 Niedzielski-Eichner closed the public hearing and recognized Commissioner Murphy for action on this case.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AF 2022-SP-00005 AND THAT APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO APPROVE THE JACQUELINE ATIYEH, HZTM LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 1, 2023.

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

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AF 2022-SP-00004 (AR 89-S-004-04) – HOPE FOSTER BRITT TR – Appl. authorized by Chapter 115 (County Code), effective June 30, 1983, to permit the renewal of an agricultural and forestal district. Located at 13315, 13319, 13401 Twin Lakes Dr., Clifton, 20124 on approx. 25.51 ac. of land zoned R-C/WS. A&F District Advisory Committee Rec.: Not available. Planning Commission Rec.: Not available. Please call the Planning Division at 703-324-1380 after February 15, 2023, to obtain the recommendations. Tax Map 66-3 ((1)) 3Z, 4Z, 5Z, 6Z, 21Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Commissioner Murphy asked that Chairman Niedzielski-Eichner 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 Niedzielski-Eichner closed the public hearing and recognized Commissioner Murphy for action on this case.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AF 2022-SP-00004 AND THAT APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE HOPE FOSTER BRITT TR LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 1, 2023.

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

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PCA 80-S-008-02 (RZPA 2022-SU-00095) – VIRGINIA MEDICAL TRANSPORT, LLC – Appl. to amend the proffers for RZ 80-S-008 previously approved for industrial development to permit vehicle light and major service establishment and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.46. Located at 13939 Willard Rd., Chantilly, 20151 on approx. 2.33

ac. of land zoned I-5 and WS. Comp. Plan Rec: Industrial. Tax Map
44-2 ((11)) 1A. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Keith C. Martin, Applicant's Agent, Law Office of Keith C. Martin, PLLC, reaffirmed the affidavit dated October 31, 2022.

Sharon Williams, 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 PCA 80-S-008-02.

Mr. Martin opted out on the applicant's presentation for the subject application.

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

- Clarification on staff's determination to exclude a proffer for light service for the in-door industrial vehicle repair use;
- The applicant's agreement to include a proffer that specified light service for the in-door industrial vehicle repair use, prior to the Board of Supervisors' action on this application; and
- Clarification on whether the proposed site had exterior restrictions for the disposal of hazardous materials.

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 Spain for actions on this application.

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

- APPROVAL OF PCA 80-S-008-02, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 26, 2023, AND THE INCLUSION OF ADDITIONAL LANGUAGE STATING THAT NO SERVICES WILL BE PERFORMED OUTSIDE OF THE FACILITY; AND
- APPROVAL OF A MODIFICATION OF SECTION 4102.5.OO.3.B OF THE ZONING ORDINANCE TO ALLOW DIRECT ACCESS TO WILLARD ROAD.

Commissioner Cortina seconded the motions, which carried by a vote of 12-0.

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PA 2021-CW-1CP (PA 2021-00014) – AFFORDABLE HOUSING PRESERVATION – Proposes countywide guidance on affordable housing preservation goals, objectives, and strategies, which affirm the county goal of no net loss of existing affordable housing, and specific guidance for the preservation of existing multifamily rental and committed affordable housing units. The amendment would encourage preservation of affordable units within redevelopment and infill development projects that seek rezonings and/or plan amendments. Increased density or intensity, additional building height, financial assistance, or other incentives could be considered to facilitate preservation. COUNTYWIDE. PUBLIC HEARING.

Bree Fuller, Affordable Housing Development, Department of Housing and Community Development presented the staff report, a copy is in the electronic date file. She stated that staff recommended adoption of PA 2021-CW-1CP.

There was a discussion between Ms. Fuller; Meghan Van Dam, Affordable Housing Development, Department of Housing and Community Development; Thomas Fleetwood, Director, Housing & Community Development; and multiple Commissioners regarding the following:

- Clarification on whether manufactured housing was recognized as affordable housing;
- Considerations in place to incorporate manufactured housing into the plan for meeting the County's affordable housing goals;
- The County's timeline for mitigating issues surrounding manufactured housing before it was incorporated into the plan;
- Clarification on the number of affordable units in the County and whether those units were privately owned and operated;
- Clarification on the County's notification process for privately owned properties seeking redevelopment;
- The County's review process for preservation opportunities on off-market properties;
- Clarification on other incentives utilized by the County for the preservation of affordable units;
- Whether the administrative guidelines for multifamily affordable housing preservation provided additional information than what was referenced in Appendix 2 of the staff report;

- Clarification on the timeframe for the adoption of the Board of Supervisors' Affordable Housing Preservation Administrative Policy Guidelines;
- The importance of adopting affordable housing preservation policies and the lack of similar policies in neighboring jurisdictions;
- Clarification on whether staff discussed the administrative policy guidelines at the Board of Supervisors' Housing Committee;
- Clarification on whether the priority of the policy was intended to keep the mixed of uses within the site of redevelopment;
- Clarification on the objective of the mixed-use component of the plan;
- Confirmation from staff that the proposed development was compatible with its surroundings;
- A suggestion was made to incorporate single-family detached dwellings into the proposed plan;
- In order to preserve the existing supply of affordable housing, a suggestion was made to revisit the expiration date for the renovation and repositioning of affordable market rate multifamily and single-family detached homes;
- Clarification on whether the County had an inventory of market affordable rental privately owned units that fell under the category of affordable housing; and
- The County's options for affordable housing that would provide access to wealth creating assets through homeownership.

Chairman Niedzielski-Eichner called the first listed speaker.

Karrie Wilson, 11150 Sunset Hills Road, Suite 210, Reston, representing the Affordable Housing Advisory Council, supported the plan. A copy of Ms. Wilson's statement is in the date file.

Brian J. Winterhalter, 11911 Freedom Drive, Reston, addressed the following concerns:

- A suggestion was made that the County consider the extent to which the one-for-one replacement was intended to be a policy goal where that goal may not be feasible in all instances;
- A suggestion was made that the owners of market rate affordable housing have choices in the life cycle of their property as to when the proposed policy would be implemented;

- A suggestion was made for the County to consider the incentive structure for property owners in order to encourage the policy outcomes that the County sought to achieve.

Chairman Niedzielski-Eichner asked that staff respond to Mr. Winterhalter's suggestions. In response to Mr. Winterhalter's testimony regarding providing additional incentives to private property owners, Ms. Fuller stated that the Affordable Housing Preservation Task Force recommendations included multiple options for incentivizing the preservation of homes. Some recommendations included fee waivers and granting preservation projects. Ms. Fuller added that the density and financial assistance was noted in the proposed amendment. Regarding the concerns of goal versus mandate, Ms. Fuller stated that the County recognized the one-for-one goal would not be achievable in every situation, and that language in the plan offered the flexibility to achieve that goal.

Lynn Strobel, 220 Clarendon Boulevard, Arlington, addressed the following concerns:

- Concern that the one-for-one requirement would preclude redevelopment of aging properties in revitalization districts;
- Concerns that the lack of redevelopment opportunities would result in property owners who invested in their property would lead to increased rent, which would subsequently minimize the number of affordable housing;
- Concerns that additional density was not a resolution for economic issues;
- Developments must meet height and scale requirement of an area to be compatible with adjacent uses and meet Zoning Ordinance requirements;
- Staff's valuation of the proposal considered development potential and project economics;
- The Administrative Policy Guidelines that included a relocation assistance plan should be implemented; and
- Supported Mr. Winterhalter's testimony.

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

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Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PA 2021-CW-1CP, AS SHOWN IN THE STAFF REPORT DATED FEBRUARY 1, 2023.

Commissioners Cortina, Lagana, and Chairman Niedzielski-Eichner seconded the motion, which carried by a vote of 12-0.

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FDPA 2011-HM-012-02 (RZPA 2022-HM-00062) - ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING, INC. – Appl. to amend the final development plan for RZ 2011-HM-012 to permit a residential development and community center and associated changes to development conditions. Located at 1592 Spring Hill Rd., Vienna, 22182 on approx. 2.00 ac. of land zoned PTC. Tax Map 29-3 ((1)) 2D. (Concurrent with 2232-2022-HM-00006). HUNTER MILL DISTRICT. PUBLIC HEARING.

2232-2022-HM-00006 - THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY – Appl. to permit Arlington Partnership for Affordable Housing (APAH) to establish a community center on the ground floor of a proposed residential building. Located at 1592 Spring Hill Rd., Vienna, 22182, W. of Spring Hill Road and S. of Leesburg Pike, on approx. 2.00 ac. of land zoned PTC. Tax Map 29-3 ((1)) 2D. Concurrent with FDPA 2011-HM-012-02 (RZPA 2022-HM-00062). HUNTER MILL DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Scott E. Adams, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavit dated December 14, 2022.

Mary Ann Tsai, 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 FDPA 2011-HM-012-02 and 2232-2022-HM-00006.

Mr. Adams, Applicant, gave a presentation on the subject applications.

There was a discussion between Ms. Tsai; Mr. Adams; Karen De Mijango, Assistant Division Director, Department of Neighborhood and Community Services; Mitchell Crispell, Arlington Partnership for Affordable Housing Inc.; and multiple Commissioners regarding the following:

- Clarification on the location of grocery shops in relationship to the site;
- The applicant's commitment to complete the necessary upgrades to stormwater management prior to or concurrent with site plan submission;
- Clarification on the triggers in place for the use of parking reduction permits for the site's shared parking spaces;

- Clarification that the Tysons Community Center was not restricted to the development but for the use of residents in the area;
- The total square-footage of the community center;
- The total number of people the community center accommodated;
- Clarification on language from the Fairfax County Public Schools memorandum dated December 27, 2022, which addressed the negative impact of future instructional programs as a result of the proposed development;
- Clarification on the number of community centers needed in Tysons that would adequately serve the area's growing population;
- Clarification on whether the originally designed courtyard for Buildings C5 and C6 was redesigned to accommodate a pocket park located at the corner of Spring Way and Boone Boulevard;
- Clarification on the check-in process to gain access into the Tysons Community Center;
- The open space and courtyard would be programed during certain hours to accommodate the center's activities;
- The public would gain access to the community center when there were no scheduled activities; and
- Clarification on whether the community center's diverse range of programming and the services provided could be replicated.

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

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Commissioner Carter MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING ACTIONS:

- FDPA 2011-HM-012-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 9, 2023; AND
- 2232-2022-HM-00006 BASED ON THE FOLLOWING FINDINGS AND REASONS:

- THE PROPOSED COMMUNITY CENTER SATISFIES THE CRITERIA OF GENERAL LOCATION OR APPROXIMATE LOCATION, CHARACTER, AND EXTENT OF THE ADOPTED COMPREHENSIVE PLAN, AS SPECIFIED IN THE VIRGINIA CODE SECTION 15.2-2232, FOR THE REASONS SET FORTH IN THE MEMORANDUM DATED JANUARY 20, 2023.

Commissioners Bennett, Sargeant, Murphy, and Chairman Niedzielski-Eichner seconded the motions, which carried by a vote of 12-0.

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The meeting was adjourned at 9:58 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: March 29, 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

Dolley M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024



