

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 21, 2023**

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

ABSENT: John C. Ulfelder, Parliamentarian, Dranesville District
Peter F. Murphy, Springfield District

OTHERS: Brent Krasner, Zoning Evaluation Division (ZED)
Department of Planning and Development (DPD)
William O'Donnell, ZED, DPD
Sean Schweitzer, Department of Transportation
Jacob L. Caporaletti, Department of Clerk Services (DCS)
Samantha Lawrence, DCS

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The meeting was called to order at 7:30 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 congratulated Commissioner Jimenez on his Democratic Party primary win, which was held on Tuesday, July 20, 2023, for the open seat on the Board of Supervisors of retiring Mason District Supervisor, Penelope A. Gross.

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Chairman Niedzielski-Eichner congratulated former Commissioner Karen Keys-Gamarra on her Democratic Party primary win, which was held on Tuesday, July 20, 2023, for the open seat in District 7 of the Virginia House of Delegates for retiring Delegate Kenneth "Ken" Plum.

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Chairman Niedzielski-Eichner announced that Zoning Ordinance Amendment, Parking Reimagined workshop, would be held on Thursday, June 22, 2023, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center. He added that correspondence regarding the amendment was distributed and encouraged his colleagues to review those materials in preparation for the workshop.

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SE 2021-MV-00032 – KARLYN M. DAVIS, D/B/A KARLYN’S LITTLE BLESSINGS

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2021-MV-00032 TO A DATE CERTAIN OF JULY 12, 2023.

Commissioner Sargeant seconded the motion, which was carried by a vote of 9-0. Commissioners Murphy and Ulfelder were absent from the meeting. Commissioner Lagana was not present for the vote.

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SE 2022-SP-00036 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE (Henderson Road)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2022-SP-00036 TO A DATE CERTAIN OF JULY 19, 2023.

Commissioner Cortina seconded the motion, which was carried by a vote of 9-0. Commissioners Murphy and Ulfelder were absent from the meeting. Commissioner Lagana was not present for the vote.

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SEA 89-S-072-02 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE (Popes Head)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 89-S-072-02 TO A DATE CERTAIN OF SEPTEMBER 27, 2023.

Commissioner Cortina seconded the motion, which was carried by a vote of 9-0. Commissioners Murphy and Ulfelder were absent from the meeting. Commissioner Lagana was not present for the vote.

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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. PA 2021-CW-T1 – ROUTE 7 BUS RAPID TRANSIT (BRT)
3. SE 2022-BR-00042 – TIFFANY D. SANTANA
4. RZ/FDP 2021-BR-018 – MARY H. DAY

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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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. Mount Vernon District. Tax Map 99-1 ((17)) 6. (Associated with VC 2022-MV-00003). MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Lynne J. Strobel, Applicant’s Agent, Walsh, Colucci, Lubely & Walsh, P.C. reaffirmed the affidavit dated March 1, 2023.

William O’Donnell, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of SE 2021-MV-00018.

Ms. Strobel gave a presentation on the subject application.

There being 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 Clarke for action 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 CONSISTENT WITH THOSE DATED MARCH 16, 2023; AND
- APPROVAL OF THE MODIFICATION OF THE 75-FOOT SETBACK FROM THE INTERSTATE HIGHWAY TO THAT AS SHOWN ON THE SE PLAT.

Commissioner Bennett seconded the motions, which was carried by a vote of 10-0. Commissioners Murphy and Ulfelder were absent from the meeting.

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PA 2021-CW-T1 – ROUTE 7 BUS RAPID TRANSIT (BRT) – Concerns the long-term transportation planning for the Route 7 corridor, and adjacent roadways, from the West Falls Church Metrorail Station to the Spring Hill Metrorail Station, within the Dranesville, Hunter Mill, and Providence Supervisor Districts. The Plan

Amendment assesses future, multimodal needs for the corridor, with a specific evaluation of bus rapid transit (BRT), based on current data and tools, and updates the long-term transportation recommendations within the Comprehensive Plan. COUNTYWIDE. PUBLIC HEARING.

Sean Schweitzer, Transportation Planning Division, Fairfax County Department of Transportation, presented the staff report, a copy is in the electronic date file. He stated that staff recommended adoption of PA 2021-CW-T1.

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

- Clarification that the proposed plan amendment was restricted to future planning and did not reflect an immediately funded initiative;
- Collaboration efforts between the County and the Northern Virginia Transportation Commission (NVTC) and how the proposed amendment aligned with NVTC's Route 7 BRT study;
- Clarification of staff's recommendation for "alternatives to automobile travel" and its importance in relation to providing transit options in the Route 7 corridor;
- Clarification on whether there were plans for terminating of portions of Route 7 between Haycock Road and the I-66 Interchange where no lane changes were allowed;
- Clarification on whether future accommodations would be made for a bike lane along the BRT Route 7 corridor;
- Clarification on forecasting ridership numbers for a completed extension between the West Falls Church and Spring Hill Metrorail Stations;
- Clarification for the placement costs of the West Falls Church and Spring Hill Metrorail Stations to include termination points; and
- Clarification on whether the BRT Study connected with the transportation network for other neighboring jurisdictions.

There being 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 Sargeant for action on this amendment.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF STAFF'S RECOMMENDATION FOR PA 2021-CW-T1, AS DETAILED IN THE STAFF REPORT DATED MAY 31, 2023.

Commissioner Sargeant seconded the motion, which was carried by a vote of 10-0. Commissioners Murphy and Ulfelder were absent from the meeting.

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SE 2022-BR-00042 – TIFFANY D. SANTANA – Appl. to permit a congregate living facility. Located at 5252 Pumphrey Dr., Fairfax, 22032 on approx. 12,133 sq. ft. of land zoned R-3. Tax Map 68-4 ((9)) 1543. BRADDOCK DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubely & Walsh, P.C. reaffirmed the affidavit dated May 1, 2023.

Brent Krasner, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of SE 2022-BR-00042.

Ms. Strobel gave a presentation on the subject application.

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

- Clarification on whether community outreach was conducted by the applicant or its agent;
- Clarification made by the applicant that outreach to the community was conducted by the community's homeowners association (HOA);
- Concerns that the language in the letters sent by the HOA to the community referred to the proposal as a homeless shelter;
- Staff clarified the differences between the applicant's proposal for a congregant living facility and an emergency shelter;
- Clarification on the applicant's vetting process for individuals living at the proposed residence;
- Clarification on the Braddock Land Use and Environment Committee's independent role in the community;
- Clarification on whether the applicant adhered to the County's notification process;
- Clarification on whether the applicant had any affiliation with the board members of the Kings Park West Community Association;
- Clarification on how congregate living was interpreted in the Zoning Ordinance;

- Clarification on whether the applicant met the Zoning Ordinance requirement for the number of vehicles allowed at the proposed residence;
- Clarification that individuals housed at the proposed resident were local; and
- Clarification on whether there were similar uses to the proposal located in other residential districts in Fairfax County.

Chairman Niedzielski-Eichner called the first listed speaker.

Robert Barrett, 5258 Pumphrey Drive, Fairfax, opposed the proposal and stated the following:

- Addressed configuration of the roadway that led to his home and the proposed residence;
- Concerns regarding the high traffic volume in that area;
- Concerns for pedestrian safety in the area due to the high traffic volume associated with the neighboring schools;
- Concerns that the proposal in its current form would affect the value of his property; and
- Concerns regarding privacy and safety issues associated with individuals housed at the proposed residence.

Kenneth LaPlante, 5402 Gainsborough Drive, Fairfax, opposed the proposal in its current form. A copy of Mr. LaPlante's statement is in the date file.

Carolyn A. LaRosa, 10212 Pumphrey Court, Fairfax, addressed the following concerns;

- The officers of the homeowners association she represented voiced no opinion on the proposal;
- The role of the association was to schedule meetings to inform residents of planned developments in the area;
- There were instances where letters that informed residents of planned developments did not originate from the association;
- The homeowners association met with the applicant and received all pertinent information, and that the applicant answered all questions; and
- The only requirement was that the applicant was a member of the homeowner's association, and their yearly dues were current.

Dan Wulfsohn, 5251 Pumphrey Drive, Fairfax, supported the proposal and stated the following:

- There was a need for the proposed services in communities and would benefit the County;
- Appreciated the discussion surrounding the proposal; and
- Based on research conducted, there was no evidence that supported the community's concerns regarding a decrease in property values and an increase in crime from the proposal.

Ray Lee, 5248 Pumphrey Drive, Fairfax, opposed the proposal and addressed the following concerns:

- Concerns regarding neighborhood safety as a result of the proposed use; and
- Members of the community were not notified of a public hearing on the proposal.

Anthony Kon, 5261 Pumphrey Drive, Fairfax, opposed the proposal and echoed the concerns addressed regarding the notification process and the impact on safety as a result of the proposal. Mr. Kon requested additional time to review the proposal.

There being no additional speakers, Chairman Niedzielski-Eichner called for a rebuttal from Ms. Strobel who stated the following:

- That the proposed use was not a homeless shelter;
- The proposed use was a safe haven for individuals who sought refuge from their current residence;
- The proposed use was necessary to support women in unsafe situations in Fairfax County;
- The proposed use would not devalue property values in the area because most individuals in the community were unaware of those types of uses;
- The proposed use was not a safety hazard and security measures were in place;
- The manager assigned to the proposed use was trained to assess difficult situations;
- A curfew was in place for the residents of the proposed use; and
- Housing at the proposed use was temporary to allow residents the ability to obtain a permanent home.

Commissioner Bennett commended Ms. Santana for her leadership and for the services her organization provided to the community. She added that there was not enough of those services in the County and region.

Commissioner Spain echoed Commissioner Bennett's comments and disclosed she too had family members who utilized services similar to those provided by the proposal. She thanked the communities that provided a safe haven for individuals in need of those services. Commissioner Spain suggested that the community be fully educated on those services, which included the safety aspect to families.

There was a discussion between Mr. Krasner and multiple Commissioners regarding the County's expectation of a public notice. In response to Commissioner Shumate, Mr. Krasner stated that the letter referenced by the community was not sent by the County. Notification letters were sent 21 days in advance to 25 property owners. That same process applied to rezonings and special exception applications. Letters were sent to 25 property owners directly abutting and across the street from the development, after which other neighboring properties within a certain mile radius were notified. Notification letters were sent via United States Postal Service through certified mail with return receipt requested. The return receipts were then sent back to the County as proof that the applicant adhered to the County's notification process. Mr. Krasner added that notices were also published in the Washington Times, and yellow signs were posted throughout the area 15 days prior to the public hearing. He added that proof of service was the only requirement under Virginia state law for notification letters and not proof the mail was opened or read by the recipient. Mr. Krasner also confirmed that congregate living was not a by-right use but was permitted in all residential districts throughout the County with the approval of a special exception application. During the deferral phase of the application, a community meeting would be held to provide some additional information to the residents.

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 Cortina for actions on this application.

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Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2022-BR-00042 TO A DATE CERTAIN OF JULY 12, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Bennett and Sargeant seconded the motion, which was carried by a vote of 10-0. Commissioners Murphy and Ulfelder were absent from the meeting.

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The Commission went into recess at 9:05 p.m. and reconvened in the Board Auditorium at 9:16 p.m.

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RZ/FDP 2021-BR-018 – MARY H. DAY – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.09 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the W. side of Zion Dr. approx. 560 ft. N. of its intersection with Guinea Rd. on approx. 2.80 ac. of

land. Comp. Plan Rec: Residential, 2 - 3 du/ac. Tax Map 77-2 ((1)) 15 and James Young Way public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for James Young Way to proceed). BRADDOCK DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated January 9, 2023.

Brandon McCadden, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of RZ 2021-BR-018 and FDP 2021-BR-018.

Ms. Strobel gave a presentation on the subject application.

Commissioner Lagana made preliminary comments on the application.

There was a discussion between Mr. McCadden; Ms. Strobel; Mary H. Day, Applicant; Richard Day, Applicant's spouse; John C. Manganello, Land Development Consultants, Inc.; Donald E. Zimar, KZ Consulting, LLC d/b/a Your Consulting Arborist; and multiple Commissioners regarding the following:

- A brief history on the extent to which the plans for the site had been modified over time;
- An update on the status of the interpretation request for the proposed development regarding the proffers for the Burke Junction development, which would determine who had the authority on whether these communities joined or stayed separate;
- The applicant submitted an interpretation request on June 12, 2023 and based on internal discussions, the Zoning Evaluation Division would review and process the request;
- The estimated date from issuance of the interpretation request for staff to conduct its review was July 10, 2023;
- Clarification on whether the Burke Junction proffers gave the applicant/developer the authority to join the Burke Junction Homeowners Association, or whether that authority would be determined by the future homeowners;
- The interpretation request determined which body had the authority to make the decision on joining the HOA;
- Clarification on proffered conditions that addressed the shared cost of the maintenance of the extended private street along James Young Way;

- The applicant's agreement to conduct additional research on the appropriate dollar amount to be allocated for the purpose of signage;
- Concerns regarding how the proposed homes were compatible with the homes at Burke Junction;
- Concerns regarding the topography difference between proposed Lot 1 in relation to the existing Burke Junction homes;
- Concerns regarding the size of the landscaping buffers between the proposed homes and the existing Burke Junction community;
- Clarification on the reasons why the applicant did not adjust the landscape buffer, which was located at the rear of the site, along the shared property line;
- The challenges of additional shifting of the roadway along James Young Way in order to maximize the preservation of trees;
- Inclusion of proffer language that would address the width of the buffer at the rear of the proposed lots;
- Concerns that certain drawings presented to the Commission that portrayed the location and sizes of the lots were inconsistent with those on the conceptual development plan;
- The applicant's agreement to modify the drawings that would make the location, sizes of the lots, and buffer easier to interpret;
- Clarification on the types of trees and vegetation that would be utilized within the buffer;
- Concern that Burke Junction's common area should not be included as part of the applicant's buffer;
- The applicant confirmed that the Burke Junction common area would not be included as part of the applicant's buffer and all drawings would be revised to mitigate that concern;
- Clarification that the trees located on the Burke Junction property would not be removed;
- Confirmation that the applicant adjusted the limits of disturbance to accommodate all the structural, critical root zones, and siltation control for tree preservation;
- Clarification on whether the current property owner received any remuneration from the Burke Junction community for the right-of-way for the roadway that led to their property;
- Clarification on the basis for Burke Junction to add a roadway to the proposed site;
- The applicant's efforts to pursue consolidation of the northern part of the parcel of the proposed roadway;

- Clarification from staff that the attempt demonstrated by the applicant for the consolidation of the northern part of the parcel was satisfied, and met the intent of the Comprehensive Plan;
- Clarification of the responsible parties for the maintenance of the interparcel access located at the northern part of the parcel, in the event of future development; and
- Concerns raised by the community regarding efforts made by the applicant to consolidate the northern portion of the parcel.

Chairman Niedzielski-Eichner called the first listed speaker.

David E. Hunger, 5578 James Young Way, Fairfax, opposed the proposal. A copy of Mr. Hunger's statement is in the electronic date file.

Katie Marfoei, James Young Way, Fairfax, representing Burke Junction Homeowners Association, opposed the proposal and addressed the association's concerns. A copy of the association's concerns is in the date file.

Anthony (Tony) Kronfli, 5576 James Young Way, Fairfax, opposed the proposal and echoed concerns raised by Ms. Marfoei.

Kimberly Vendryes, 5578 James Young Way, Fairfax, opposed the proposal. A copy of Ms. Vendryes' statement is in the date file.

Tina Brunn, 5576 James Young Way, Fairfax, opposed the proposal and stated the following:

- Current residence was located at the rear of Lot 4;
- New property owners should have the opportunity on how to manage their HOA;
- All disclosures should be provided to prospective residents if the proposal was approved;
- Current and prospective residents should be able to enjoy the natural environment that surrounded their environment;
- Assurances that the critical roots of the trees were not damaged along the property lines either by heavy equipment or during the construction process;
- A request for transparency for the tree preservation, tree planting, and plans in place to mitigate any damage that resulted during construction; and
- Assurances that the applicant met the aesthetics, tree management, safe environment impact from the construction, and other concerns raised by the community.

Kendra Seymour, 5572 James Young Way, Fairfax, opposed the proposal and addressed concerns regarding the impact from traffic, parking, safety, wildlife, and the increased financial burden on the community.

There being no additional speakers, Chairman Niedzielski-Eichner called for a rebuttal from Ms. Strobel who stated the following:

- The applicant provided more than twice the amount of open space required by the County;
- The applicant exceeded the tree canopy and tree preservation requirements;
- The density on the proposed site was comparable to that of Burke Junction;
- No trees would be removed from the Burke Junction property;
- No heavy equipment would be placed on the Burke Junction property;
- The proposed site was zoned PDH-3, which was the same zoning classification as Burke Junction;
- The design of the site met the PDH-3 requirements in a way that was comparable to the adjacent properties;
- There were additional street parking spaces in addition to spaces in the driveways and garages;
- The original proposal had seven lots and was later decreased to six;
- The applicant took steps for the preservation of the existing trees at the site;
- The applicant identified every tree along the property that was greater than 4 inches in diameter and had tagged them for preservation;
- All trees tagged for preservation were surveyed by a licensed surveyor; and
- Critical root zone was undefinable and was no longer used by the industry.

Mr. McCadden clarified the following:

- The application properties across the identical zoning was Burke Junction;
- The proposed site was at a lower density than Burke Junction;
- The applicant provided nine on-street parallel parking spaces for visitors and 24 spaces on the six individual lots, in an effort to mitigate parking issues on the Burke Junction property;

- The proposed lots were spaced out to better accommodate stormwater management features, open space, tree preservation, and amenity areas; and
- The applicant made modifications to the proposed site and reduced the density.

There was further discussion between Ms. Strobel, Mr. Zimar, and multiple Commissioners regarding the following:

- Clarification on whether the width of the buffer for the parcel on the north side could be reduced;
- Clarification on the size of the landscape easement on Lot 4; and
- Whether single family attached dwellings were considered for the further component of the site.

There were no further comments or questions from the Commission, and staff had no further remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Cortina for actions on these applications.

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Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2021-BR-018 AND FDP 2021-BR-018 TO A DATE CERTAIN OF JULY 19, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Sargeant and Lagana seconded the motion, which carried by a vote of 9-0. Commissioners Murphy and Ulfelder were absent from the meeting. Commissioner Bennett was not present for the vote.

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The meeting was adjourned at 11:15 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: October 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 23 day of October 2023, by

[Signature]
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

