

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 28, 2023**

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Providence District
Timothy J. Sargeant, Vice Chairman, Commission At-Large
Evelyn S. Spain, Secretary, Sully District
Daren Shumate, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Franconia District
Andres Jimenez, Commissioner At-Large

ABSENT: John C. Ulfelder, Parliamentarian, Dranesville District
Walter C. Clarke, Mount Vernon District
Peter F. Murphy, Springfield District
Candice Bennett, Commissioner At-Large

OTHERS: St. Clair Williams, Urban Centers Section,
Department of Planning and Development (DPD)
Chris Caperton, DPD
John Friedman, Site Code Research and Development Branch,
Land Development Services
Kelly Atkinson, Planning Division (PD), DPD
William Nance, Planning Technician, PD, DPD
Kevin McMahan, Zoning Evaluation Division (ZED), DPD
William Mayland, ZED, DPD
Katelyn Quinn, ZED, DPD
Mary Ann Tsai, ZED, DPD
Randall Farren, Manager, Park Planning Branch, Fairfax County Park Authority
Aaron Klibaner, PD, DPD
Graham Owen, PD, DPD
Michael W. Garcia, Fairfax County Department of Transportation
Jill Cooper, Department of Clerk Services
Satabdi Samaddar, Department of Clerk Services

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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 announced the passing of former Mount Vernon Planning Commissioner, Earl Flanagan. On behalf of the Commission, he expressed condolences to his family. A memorial service was held in his honor on June 25, 2023. Chairman Niedzielski-

Eichner expressed his gratitude for Mr. Flannagan's service, noting that he served in World War II in the 71st Infantry Division and participated in liberating France and other European countries under Lieutenant General George Patton. Mr. Flanagan also served on the Planning Commission for 14 years and was an active member of his church in the Mount Vernon community. Chairman Niedzielski-Eichner noted that individuals who attended the memorial service included members of the Board of Supervisors, Commissioners, former Commissioners, Department of Planning and Development planning staff, the development community, and members of various civic associations.

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RZ 2022-SU-00019 CONCURRENT WITH SE 2022-SU-00038- PDCREF 2 CHANTILLY LLC

Commissioner Spain MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ 2022-SU-00019 TO A DATE CERTAIN OF SEPTEMBER 20, 2023.

Commissioners Cortina and Sargeant seconded the motion, which was carried by a vote of 8-0. Commissioners Bennett, Clarke, Murphy, and Ulfelder were absent from the meeting.

Commissioner Spain MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2022-SU-00038 TO A DATE CERTAIN OF SEPTEMBER 20, 2023.

Commissioners Cortina and Sargeant seconded the motion, which was carried by a vote of 8-0. Commissioners Bennett, Clarke, Murphy, and Ulfelder were absent from the meeting.

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PA 2020-III-UP1-RESTON COMPREHENSIVE PLAN STUDY

(The public hearing on this plan amendment was held on June 14, 2023.)

Prior to the motion, Commissioner Carter presented a handout containing a table summary of public testimonies, staff responses, and actions. The handout was made available to the public on both the Planning Commission and Department of Planning and Development's websites, and a copy is also in the date file. To allow for adequate time for staff to make any recommended changes, Commissioner Carter announced his intent to further defer the decision on this plan amendment to July 12, 2023.

Commissioner Carter noted the following changes to the Transportation section of the staff report:

- Removal of the proposed connection between Sunset Hills Road and North Shore Drive via American Dream Way;
- Removal of American Dream Way from the grid of streets and retention of the option to preserve this road as a private street; and

- Revised language related to Association Drive area to minimize the impact on the environmental features and the existing buildings.

Commissioner Cortina voiced concerns regarding the readability of the bicycle map and requested that staff provide a revised version. St. Clair Williams, Department of Planning and Development (DPD) stated that the bicycle map was created by Fairfax County Department of Transportation (FCDOT), and he would coordinate with staff to fulfill Commissioner Cortina's request.

Commissioner Carter addressed concerns to the stormwater management, green building, and electric vehicle infrastructure standards in the Environmental Stewardship and Land Use sections of the of the proposed plan amendment and noted the associated challenges. He also stated that this plan amendment would not be the appropriate mechanism for incorporating features to measure pedestrian movement.

Commissioner Carter shared the approach in addressing concerns related to Affordable Housing. This approach included inclusionary zoning of 12% for transit station areas, which would increase with the increase of density. He also noted that this proposed plan amendment took into consideration retention of the existing affordable housing units and mechanisms for expanding new affordable housing, which would include senior housing options.

Commissioner Carter spoke on the Parks, Recreation, and Open Space section of the proposed plan amendment in which he explained the approach to open space in Reston. He also noted the three-mile expansion of open space to include athletic fields along the Washington & Old Dominion (WOD) trail, which would be made possible through private partnerships.

Commissioner Cortina requested revisions to language around Urban Parks on page 194 of the staff report. She noted that it was suggested that parts of the streetscape be made part of an Urban Park. Mr. Williams stated that he would coordinate with Park Authority staff to incorporate clear language.

Commissioner Carter addressed concerns regarding the readability of the document and suggested incorporating active verbs to improve clarity. He also requested that staff include more high-resolution graphics to help illustrate the plan for Reston.

Chairman Niedzielski-Eichner commended Commissioner Carter and staff on their efforts in putting together the table summary of testimonies. He notes that it was an excellent model that could be emulated for other plan amendments going forward.

Commissioner Lagana asked staff to speak on the possibility of incorporating Geographic Information Systems mapping tools as an interactive visual aid for the proposed plan.

Chris Caperton, DPD, explained that goal was to eventually incorporate that type of visual aid to the Comprehensive Plan, but noted the challenges associated with such an endeavor. He also mentioned the 280 photographs in the Reston Design Guidelines that relate to the text. These also showed specific detailed images of the planned development of Reston.

Chairman Niedzielski-Eichner asked for further clarification on the hierarchy between the Comprehensive Plan and the Design Guidelines.

Mr. Caperton explained that the Comprehensive Plan was a state-mandated document, and the Design Guideline was a tool endorsed by the Board of Supervisors.

Chairman Niedzielski-Eichner also explained the process of finalizing the Commission's recommendation for the proposed amendment, the scope of the amendment, and the extent to which changes could be reflected in the Commission's final motion.

Commissioner Carter MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PA 2020-III-UP1 TO A DATE CERTAIN OF JULY 12, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Lagana seconded the motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
2. RZ 2022-HM-00023 - CALIBER DEVELOPMENTS, L.C
3. PCA/CDPA/FDPA 2016-HM-035-02 CONCURRENT WITH PCA 2009-HM-019-03 - COMSTOCK RESTON STATION HOLDINGS, LC
4. PA 2021-II-V1 - PAN AM SHOPPING CENTER

This order was accepted without objection.

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PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA –Pursuant to authority granted by Code of Virginia §§ 15.2-107, 15.2-961.1, 15.2-2204, 15.2-2241(A)(9), 15.2-2286(A)(6), 62.1-44.15:28(A), 62.1-44.15:54(1), the amendment proposes a change to the fee charged by Land Development Services (LDS), under Chapter 101, Art. 2, Sec. 101-2-9 (Subdivision Provisions), Chapter 104, Art. 1, Sec. 104-1-3 (Erosion and Sedimentation Control), Chapter 112.1, Art. 8, Sec. 8101.1.D (Zoning Ordinance), and Chapter 124, Article 3 (Stormwater Management Ordinance) of the County Code, for inspection services. The current inspection fee for agreement extensions being charged under Appendix Q, Part II,

PROPOSED AMENDMENT TO APPENDIX Q
(LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

June 28, 2023

Section C (Site Inspection Fees), subsection (B) (Inspection Fee for Agreement Extensions) is 75% of the base inspection fee for the now-expired bond agreement period divided by the number of months in the preceding bond agreement period, then multiplied by the number of months in the extension. The proposed change to the inspection fee for agreement extensions sets the fee at \$46.26 per disturbed acre per agreement month. COUNTYWIDE. PUBLIC HEARING.

John Friedman, Site Code Research and Development Branch, Department of Land Development Services (LDS), presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended adoption of the proposed Amendment of Appendix Q (Land Development Services Fee Schedule) of the Code of The County of Fairfax.

Commissioner Sargeant noted that the application was straightforward, and the staff report highlighted equity concerns related to the fee schedule. Commissioner Sargeant asked Mr. Friedman to further elaborate on that matter.

Mr. Friedman stated that the current calculation agreement for extensions could potentially become a fiscal burden on project budgets. This has a greater impact on projects funded by nonprofit organizations, community groups, and smaller contractors. Mr. Friedman noted a more comprehensive review of the fee schedule and proposed update would be presented to the Planning Commission in the future.

There were no listed speakers, no speakers from the public, 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 Sargeant for action on this case.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, AS SET FORTH IN THE STAFF REPORT DATED JUNE 6, 2023.

Commissioner Lagana seconded the motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

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RZ 2022-HM-00023 - CALIBER DEVELOPMENTS, L.C. -RZ
Appl. to rezone from R-1 to R-3 to permit three new single-family detached dwellings with a total density of 2.63 dwelling units per acre (du/ac). Located on the W. side of Creek Crossing Rd. and S. side of Ridge Ln., on approx. 1.14 ac. of land. Comp. Plan Rec: 2-

3 du/ac. Hunter Mill District. Tax Map 28-4 ((4)) 1. HUNTER
MILL DISTRICT. PUBLIC HEARING.

Michael D. Van Atta, Applicant's Agent, McGuire Woods LLP, reaffirmed the affidavit dated May 15, 2023.

There were no disclosures from the Commission.

Kelly Atkinson, Planning Division (PD), Department of Planning and Development (DPD) introduced William Nance, PD, DPD, to the Commission and welcomed him to his first Planning Commission meeting.

Kevin McMahan, Zoning Evaluation Division (ZED), DPD presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended approval of application RZ 2022-HM-00023, subject to the execution of the revised proffered conditions dated June 23, 2023.

Mr. Van Atta gave a presentation on the subject application.

There was a discussion between Ms. Atkinson; Mr. Nance; Mr. Van Atta; Mary Ann Tsai, ZED, DPD; and multiple Commissioners on the following:

- Explanation of the issue of compatibility raised by neighboring property owners;
- Comparison of development standards for the proposed development to adjacent developments;
- Confirmation that the density and lot sizes of the proposed development was consistent with those of surrounding residential communities;
- Explanation of the applicant's tree preservation and landscaping commitments;
- Clarification on Proffered Condition Number 30 regarding Stormwater Management Facilities and Best Management Practices; and
- The applicant's commitment to water quantity and quality control facilities.

There were no listed speakers, no speakers from the public, 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 Carter for action on this case.

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Commissioner Carter MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2022-SU-00010, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JUNE 23, 2023.

Commissioner Sargeant seconded the motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

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PCA/CDPA/FDPA 2016-HM-035-02 (RZPA 2022-HM-00085) - COMSTOCK RESTON STATION HOLDINGS, LC – PCA, CDPA and FDPA Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ 2016-HM-035, previously approved for a mixed-use development, to permit modifications to proffers and site design at a 4.44 Floor Area Ratio (FAR) inclusive of bonus density. Located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of Reston Station Blvd., on approx. 7.64 ac. of land zoned PDC. Comp. Plan Rec: Transit Station Mixed Use. Hunter Mill District. Tax Map 17-4 ((1)) 20A. (Concurrent with PCA 2009-HM-019-03 (RZPA 2022-HM-00084)).

PCA 2009-HM-019-03 (RZPA 2022-HM-00084) - COMSTOCK RESTON STATION HOLDINGS, LC– PCA Appl. to amend the proffers for RZ 2009-HM-019, previously approved for a mixed-use development with a gross floor area at a 3.01 Floor Area Ratio (FAR) inclusive of bonus density on approx. 9.91 ac. of land zoned PDC. Located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of the Dulles Airport Access Rd. Comp. Plan Rec: Transit Station Mixed Use. Hunter Mill District. Tax Map 17-4 ((24)) 3 and 17-4 ((1)) 17E, 17L1, 17L2, 17L3, 17L4, 17L5, 17L6, 17L7. (Concurrent with PCA/CDPA/FDPA 2016-HM-035-02 (RZPA 2022-HM-00085)). HUNTER MILL DISTRICT. PUBLIC HEARING.

Jill S. Parks, Applicant's Agent, Hunton Andrews Kurth LLP, reaffirmed the affidavit dated June 9, 2023.

There were no disclosures from the Commission.

Katelyn Quinn, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy of which is in the electronic date file. She noted that staff recommended approval of applications PCA/CDPA/FDPA 2016-HM-035-02 concurrent with PCA 2009-HM-019-03.

Ms. Parks was joined by Stephanie A. Pankiewicz, Landscape Architect, Land Design, Inc.; and Samantha Skeeta, Hunton Andrews Kurth LLP. Ms. Parks and Ms. Pankiewicz gave a presentation on the subject applications.

There was a discussion between Ms. Parks; Ms. Pankiewicz; Ms. Quinn; Mary Ann Tsia, ZED, DPD; Randall Farren, Park Authority; Ryan G. David, Applicant's Engineer, Urban Engineering & Associates, Inc.; and multiple Commissioners on the following issues:

- The extent to which the proposal provided appropriate placemaking features in development located near a Metrorail station;
- Clarification on the status of the density for Building 7 within the proposed development;
- Clarification on the status of the park space located around Building 8 and the extent to which that space was reflected in the applicant's proffers;
- Clarification on the process utilized to calculate the park space included in the proposed development;
- The inclusion of electric vehicle charging stations with the proposal;
- The inclusion of appropriate street lighting features with the proposal;
- Clarification on whether the installation of traffic calming devices had been considered with the proposal;
- Concern regarding pedestrian safety and pedestrian traffic generated by the proposed development;
- Explanation of the applicant's commitments for transportation improvements, trail connections, and pedestrian path improvements;
- Clarification on the public accessibility to the proposed park space included with the proposal;
- Clarification on the pedestrian paths that would be utilized to access the park space included with the proposed development;
- Clarification on the features of the proposed park space;
- The differences between urban and non-urban park space;
- The applicant's justification for calculating the total park space to be included with the proposed development and the concerns raised by staff that this space did not meet the standards prescribed by the Comprehensive Plan;
- The extent to which the applicant's proposed park spaces met the standards prescribed by the County's urban park standards;
- The staff justification for recommending approval of the proposal, despite concerns regarding the applicant's park commitments;
- Concern regarding the density and floor-area ratio of Building 7;
- Clarification on the applicant's plans for interim uses on the area around Building 7;
- Explanation of staff's concerns regarding the extent and adequacy of the proposed development's park space commitments;
- Clarification on the size, design, and quality of the park space included with the proposed development;
- The applicant's efforts to enhance the pedestrian experience and overall aesthetics along the pedestrian paths throughout the subject property;
- Clarification of the designs, accessibility, and pedestrian connectivity of the retail component of the proposed development;
- The applicant's efforts to activate the areas along Reston Boulevard for pedestrians;
- Concern regarding potential efforts to convert public park space to private space;
- Concern that approval of the subject applications could set a precedent for future applicants to provide less park space;
- The design of the park space and retail space within the proposed development and how it compared to similar developments throughout the County;

- Clarification on the size of the three proposed underground vaults that contained the necessary transformers;
- The size, scope, and overall impact of the proposed development on the surrounding area;
- The role of pedestrian crosswalks and other infrastructure to improve the walkability of the proposed development;
- The characteristics of the open space that would be utilized with the proposed development;
- The characteristics of effective urban park space and the standards for such spaces prescribed by the County;
- Clarification on the portion of the proposed open space that consisted of driveways or paved streets; and
- Confirmation that driveways and paved streets was not utilized in the calculation for open spaces within the development.

Chairman Niedzielski-Eichner called the first listed speaker and recited the rules for public testimony.

John Farrell, representing the Reston Association, spoke in opposition of the subject application because the proposed development was not consistent with the goals for Reston to provide appropriate development near Metrorail stations and did not include adequate commitments to provide for the maintenance of local spaces. He also indicated that the applicant had not committed to integrating the proposed development with Reston community.

Chairman Niedzielski-Eichner called for speakers from the audience.

Kevin Keller, Clyde's Restaurant Group, spoke in support of the subject applications. Mr. Keller spoke to the working Clyde's Restaurant Group and the applicant. He went on to stated and that the proposed outdoor dining space would be an asset for the organization.

There being no more speakers, Chairman Niedzielski-Eichner called for a rebuttal statement from Ms. Parks, who declined.

There was a final discussion between Ms. Pankiewicz, Ms. Parks, Ms. Quinn, Mr. Farren, and multiple Commissioners on the following issues:

- Explanation of how the applicant exceeded the 15% open space requirements in the proposed CDPA;
- The extent to which the applicant's open space and park space commitments were consistent with the County's standards;
- The process and mechanisms the applicant utilized in meeting the County's standards for park space and open space;
- The applicant's justification for not integrating the proposed development with the Reston Association and sharing the overall maintenance responsibilities; and
- The recommendations in the Comprehensive Plan for developments to integrate into existing communities and the potential mechanisms for achieving such integration.

There being no more speakers, Chairman Niedzielski-Eichner called on the Commission for final comments and questions.

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 Carter for action on cases.

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Prior to the motion. Commissioner Carter requested that the applicant confirm for the record their agreement to the development conditions dated June 13, 2023.

Mr. Parks affirmed agreement to the development conditions dated June 13, 2023.

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

- PCA 2009-HM-019-03, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 23, 2023;
- PCA 2016-HM-035-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 23, 2023;
- CDPA 2016-HM-035-02; AND
- REAFFIRMATION OF THE MODIFICATIONS AND WAIVERS LISTED IN THE HANDOUT DATED JUNE 28, 2023.

Commissioner Cortina seconded each motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

Commissioner Carter MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2016-HM-035-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED JUNE 13, 2023.

Commissioner Cortina seconded the motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

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The next application was located in the Providence District; therefore, Chairman Niedzielski-Eichner relinquished the Chair to Vice Chairman Sargeant.

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PA 2021-II-V1 - PAN AM SHOPPING 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. 25.18 acres, generally located at the southeast corner of Route 29 and Nutley Street (Tax Map # 48-4 ((1)) 12F) in the Providence Supervisor District. The site is planned for community retail use up to 0.35 FAR. The amendment proposes mixed-use development to include community-serving retail uses and multifamily residential uses; with up to 585 dwelling units. Recommendations relating to the transportation network may also be modified. PA 2021-II-V1 is concurrently under review with Rezoning application RZ 2022-PR-00009. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Aaron Klibaner, Planning Division (PD), Department of Planning and Development (DPD) presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended adoption of the plan amendment PA 2021-II-V1.

Commissioner Niedzielski-Eichner requested that the Commission skip the discussion and move directly to the public hearing for the case. There were no objections.

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

Aaron Wilkowitz, 6800 Walnut Street, Falls Church, representing the YIMBYs of Northern Virginia spoke in support of the proposed plan amendment because it would create more affordable housing options for residents and increase density around the metro.

Anne Pastorkovich, 2909 Nutley Street, Fairfax, voiced concerns regarding the impact the proposed plan amendment would have on the recreational amenities in the subject area. In addition, she expressed concern regarding the potential tree loss that would be incurred. Ms. Pastorkovich requested that the decision on this case be deferred for further community discussion on parks and recreation.

Stephen Pastorkovich, Nutley Street, Fairfax, voiced concerns related to the inconsistent vehicular trip generation numbers, the lack of data on cumulative traffic impact, and inadequate pedestrian access to the Metro. A copy of Mr. Pastorkovich's written statement is in the date file.

Linda Smyth, 2910 Hideaway Road, Fairfax, representing Briarwood Citizens Association voiced concerns regarding the loss of retail space, increased density, and the building height of future developments. A copy of Ms. Smyth's written statement is in the date file.

The next listed speaker was not present for their testimony.

Fran Wallingford noted that she was the Vice President of the Pine Ridge Civic Association and stated that the association was still in the process of reviewing the proposed plan amendment; therefore, she would be testifying on behalf of herself. Ms. Wallingford aligned herself with the statements made by the previous three speakers. She voiced concerns on the accuracy of the

overall density that would be permissible under the proposed amendment. She also voiced concerns on how the increased density would impact parks, transportation, and overcrowding of schools. Ms. Wallingford requested that the decision be deferred to allow for more time to work through concerns brought forth by the community.

Gregory A. Riegle, McGuireWoods LLP, representing Federal Realty OP LP., spoke in support of the proposed plan amendment. Mr. Riegle emphasized the following benefits of the plan amendment:

- Increased diversity of housing opportunities;
- Improved placemaking;
- Increased economic development opportunities;
- Increased opportunities for multi-modal transit use; and
- Environmental improvements that were not considered when the site was conceived.

Daniel Jacobson, 9688 Lindenbrook Street, Fairfax, spoke in support of the proposed plan amendment. A copy of Mr. Jacobson's written statement is in the date file.

Naveed Easton, spoke in support of the proposed plan amendment. A copy of Mr. Easton's written statement is in the date file.

There being no more listed speakers, Chairman Sargeant called for speakers from the audience.

Sydney Nelson, spoke in opposition to the proposed plan amendment because she was concerned that the existing road behind the shopping center would not be able to accommodate the increased vehicular traffic. Ms. Nelson also noted that the subject area was approximately a thirty-minute walk to the Vienna Metro Station and, under the existing conditions of the pedestrian paths, was not suitable for pedestrians. She also noted that the community had not received answers or clarification on many concerns that were brought forth in the community meetings. Finally, Ms. Nelson voiced her opposition to the claims made by staff regarding the projected impact of the proposal on school capacity and requested the Commission defer the decision on the case until the community's concerns were addressed.

Rose Kobylanski, 3028 Covington Street, Fairfax, voiced concerns related to the place of bicycle lanes, the number of proposed housing units, and vehicular parking availability. Ms. Kobylanski requested clarification on whether there would be a roof-top swimming pool at the proposed development. She also inquired about access to a previously accessible pedestrian path surrounding the shopping center and had concerns about the foot traffic and tree buffer along that path. Ms. Kobylanski argued that the community needed more information prior to the approval of this plan amendment.

Dwayne Jefferson, representing the Briarwood Trace Homeowners Association, voiced concerns regarding school capacity. He noted that the association was interested in submitting a written statement regarding the proposed plan amendment but had not yet finalized their statement. Mr. Jefferson noted that the association was scheduled to meet on July 27, 2023, and intended to submit a written statement after further discussion among the association members.

Chairman Niedzielski-Eichner informed Mr. Jefferson that the Board of Supervisors' public hearing for the proposed amendment was scheduled for Thursday, July 25, 2023, and requested that the Briarwood Trees Homeowners Association statement be submitted prior to that date.

Hien Nguyen, 3114 Covington Street, Fairfax, voiced concerns about pedestrian and bicyclists' safety on the pathway from the shopping center to the Vienna Metrorail Station and requested an accessible walking bridge for commuters. Ms. Nguyen noted safety concerns regarding vehicles exiting the shopping center and making a right turn onto Lee Highway. She requested a dedicated right-turn lane to accommodate the additional traffic expected for the proposed housing development. Ms. Nguyen also noted concerns regarding the overpopulation of the surrounding schools and requested additional studies to ensure the community was informed about how the area would be rezoned to accommodate the proposed developments.

Frank Cosgrove, 3108 Robert Evans Drive, Fairfax, voiced concerns regarding parking availability to accommodate the proposed housing development.

Sam Krishna, voiced concerns related to vehicular congestion, construction noise, and pedestrian safety.

Gary Maupin, Reston, spoke in opposition to the proposed plan amendment. Mr. Maupin aligned himself with comments and concerns raised by previous speakers related to traffic congestion and pedestrian safety.

Derrick House stated that Fairfax County Public Schools Capital Improvement Program (CIP) addressed many of the concerns brought forth by previous speakers regarding public school capacity. He explained that the CIP was updated yearly and accounted for the expansion of the Falls Church area. Mr. House also noted that the role of Pan Am shopping was to sign leases and would not influence the retention of existing retail establishments. Mr. House spoke in support of the proposed development to address the on-going housing crisis.

Chairman Niedzielski-Eichner opened the floor to the Commission for comments and questions.

There was a discussion between Mr. Klibaner; Graham Owen, DPD; Michael W. Garcia, Fairfax County Department of Transportation; Mr. Riegler; and multiple Commissioners on the following:

- Explanation of the process, scope, and methodology that would be utilized of the transportation study in the rezoning phase;
- Explanation of the projected trip generation for the proposed development;
- Clarification of building height limits and character compatibility of the development with the surrounding uses;
- Clarification of the public outreach conducted by staff on the proposed amendment and efforts to communicate information about the traffic impact to the community;
- The estimated number of trips that would be generated by a development under the proposed amendment compared to those generated by a development under the existing Comprehensive Plan recommendations;

- Explanation on why issues related to building height and density were not specifically addressed in the proposed amendment;
- Clarification on how issues related to building height and density could be addressed during the rezoning process for the site;
- Explanation for why recommendations for a certain floor area ratio of development was not included in the proposed amendment;
- Clarification on the constraints of the site due to topography and slope;
- Clarification on the difficulty of determining appropriate building heights and density;
- Clarification on the size, type, and design of retail development that would be permitted under the proposed amendment;
- Explanation of the issues surrounding the preservation or pursuit of retail tenants on the site;
- Concerns regarding existing traffic congestion around the subject property;
- Concerns regarding pedestrian safety and bicyclist safety on the existing crosswalks throughout the area;
- Concerns regarding the safety of pedestrian paths utilized to access the Vienna Metrorail Station;
- Concerns regarding the character compatibility of a development under the proposed amendment with the surrounding residential communities;
- Clarification on the location, condition, and ownership of the existing buffer between the shopping center and the nearby residential communities;
- Recommendations to conduct appropriate archeological surveys on the site to identify any potentially historically significant features, such as gravesites; and
- Clarification on the status of cemetery located near the subject property and the possibility of other historically significant graves near the site.

Commissioner Spain stated her support for Thompson cemetery.

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

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PA 2021-II-V1 TO A DATE CERTAIN OF JULY 12, 2023, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Cortina and Lagana seconded the motion, which was carried by a vote of 8-0. Commissioners Murphy, Bennett, Clarke, and Ulfelder were absent from the meeting.

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Chairman Niedzielski-Eichner resumed the duties of the Chair.

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Commissioner Spain announced her intent to move the April 2023 meeting minutes at the Planning Commission meeting scheduled for Wednesday, July 12, 2023.

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The meeting was adjourned at 11:45 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, Virginia 22035.

By: Satabdi Samaddar
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 26 day of October, 2023, by

[Signature]
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

