

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 12, 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
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: None

OTHERS: Sunny Yang, Zoning Evaluation Division (ZED)
Department of Planning and Development (DPD)
Sharon Williams, ZED, DPD
Curtis Rowlette, ZED, DPD
Philip Isaiah, ZED, DPD
Daniel Creed, ZED, DPD
Catherine Lewis, Assistant Director, ZED, DPD
Jill G. Cooper, Director, 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 announced a list of items being considered during Commission matters. Some of those items included remote participation for multiple Commissioners, which was permitted for any public body during meetings and the verification process for such participation was in accordance with Virginia State law.

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REMOTE PARTICIPATION OF PETER F. MURPHY (SPRINGFIELD DISTRICT)

Chairman Niedzielski-Eichner announced the remote participation of Commissioner Peter F. Murphy. Chairman Niedzielski-Eichner asked that Commissioner Murphy identify himself for the record, state his location, and the reason for remote participation.

Commissioner Murphy stated he was participating remotely from his residence, due to illness.

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Commissioner Ulfelder MOVED THE FOLLOWING:

- THAT THE VOICE OF COMMISSIONER MURPHY COULD BE ADEQUATELY HEARD AND THAT HIS REMOTE PARTICIPATION COMPORTS WITH THE PLANNING COMMISSION'S REMOTE PARTICIPATION POLICY.

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

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REMOTE PARTICIPATION OF TIMOTHY J. SARGEANT (AT-LARGE)

Chairman Niedzielski-Eichner announced the remote participation of Commissioner Timothy J. Sargeant. Chairman Niedzielski-Eichner asked that Commissioner Sargeant identify himself for the record, state his location, and the reason for remote participation.

Commissioner Sargeant stated he was participating remotely from his residence in southern Fairfax County, due to illness.

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Commissioner Ulfelder MOVED THE FOLLOWING:

- THAT THE VOICE OF COMMISSIONER MURPHY COULD BE ADEQUATELY HEARD AND THAT HIS REMOTE PARTICIPATION COMPORTS WITH THE PLANNING COMMISSION'S REMOTE PARTICIPATION POLICY.

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

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Chairman Niedzielski-Eichner asked that remote participants mute themselves to avoid background noise.

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Chairman Niedzielski-Eichner apologized to the public for the wait and asked for patience as the Commission went into closed session to consult with legal counsel regarding a specific legal

matter that concerned recently statutory changes by the Commonwealth of Virginia's General Assembly, which affected the Planning Commission's public notice and hearing requirements.

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CLOSED SESSION MOTION

Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECESS AND GO INTO CLOSED SESSION PERSUANT TO *VIRGINIA CODE* SECTION 2.2 3711(A)(8), FOR THE PURPOSE OF ENGAGING IN CONSULTATION WITH ITS LEAGAL COUNSEL, REGARDING A SPECIFIC LEGAL MATTER REQUIRING THE PROVISION OF LEGAL ADVICE BY SUCH COUNSEL. THE SUBJECT MATTER OF THE LEGAL CONSULTATION CONCERNED RECENT SATUTORY CHANGES THAT AFFECTED PUBLIC NOTICE AND HEARING REQUIREMENTS FOR MATTERS BEFORE THE COMMISSION.

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

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The Planning Commission went into closed session at 7:34 p.m. and reconvened at 8:04 p.m.

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CLEANSING MOTION

Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT, ONLY SUCH PUBLIC BUSINESS MATTERS WERE IDENTIFIED IN THE MOTION BY WHICH CLOSED SESSION MEETING WAS CONVENED, THAT WAS IN CONSULTATION WITH LEGAL COUNSEL WERE HEARD, DISCUSSED, OR CONSIDERED IN THE CLOSED SESSION MEETING BY THE FAIRFAX COUNTY PLANNING COMMISSION.

Commissioner Cortina seconded the motion which was carried by a vote of 12-0.

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Chairman Niedzielski-Eichner thanked the audience for their patience. He stated that the Commission discussed with legal counsel the implications of new requirements that affected the agenda.

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Chairman Niedzielski-Eichner announced that there were three items on the agenda that were scheduled for the Commission to decide whether or not to recommend approval to the Board of

Supervisors. He added that new statutory language was recently approved by the Virginia General Assembly regarding public notice and hearing requirements. Those statutory changes took effect on July 1, 2023 and would affect how the Commission and the Board of Supervisors addressed future land use matters. Chairman Niedzielski-Eichner stated that for this reason, the three items would be scheduled for an additional public hearing at a later date and would be specified in the motion for approval. Additional hearings for these applications were made out of an abundance of caution and were similar to measures taken in other jurisdictions. Chairman Niedzielski-Eichner emphasized the following:

- Anyone who testified at an earlier hearing on these applications that were assigned for an additional public hearing, the earlier testimony was on the record and did not require additional testimony; and
- Anyone who testified at an earlier hearing could do so again if they chose to. Previous testimony already heard, and any prior written communication was entered into the public record.

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PA 2021-II-V1 – PAN AM SHOPPING CENTER

On behalf of Commissioner Sargeant, Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER CONSIDERATION OF PA 2021-II-VI FOR AN ADDITIONAL PUBLIC HEARING ON JULY 27, 2023. ANY TESTIMONY THAT WAS PROVIDED AT THE FIRST PUBLIC HEARING ON JUNE 28, 2023, WAS INCLUDED AS PART OF THE RECORD, AND PERSONS WHO TESTIFIED AT THE FIRST HEARING WERE ON RECORD AND DID NOT NEED TO TESTIFY AGAIN AT THE ADDITIONAL HEARING.

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

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PA 2020-III-UP1 – RESTON COMPREHENSIVE PLAN STUDY

Commissioner Carter MOVED THAT THE PLANNING COMMISSION DEFER CONSIDERATION OF PA 2020-III-UP1, RESTON COMPREHENSIVE PLAN STUDY, FOR AN ADDITIONAL PUBLIC HEARING ON JULY 19, 2023. ANY TESTIMONY THAT WAS PROVIDED AT THE FIRST PUBLIC HEARING ON JUNE 14, 2023, WAS INCLUDED AS PART OF THE RECORD. ANY PERSONS WHO TESTIFIED AT THE FIRST HEARING WAS ON THE RECORD AND DID NOT NEED TO TESTIFY AGAIN AT THE ADDITIONAL HEARING.

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

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SE 2022-BR-00042 – TIFFANY D. SANTANA

(The first public hearing on this application was held on June 21, 2023; Decision Only from 7/12/2023)

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER CONSIDERATION OF SE 2022-BR-00042 FOR AN ADDITIONAL PUBLIC HEARING ON JULY 27, 2023. ANY TESTIMONY THAT WAS PROVIDED AT THE FIRST PUBLIC HEARING ON JUNE 21, 2023, WAS INCLUDED AS PART OF THE RECORD, AND PERSONS WHO TESTIFIED AT THE FIRST HEARING ARE ALREADY ON THE RECORD AND DO NOT NEED TO TESTIFY AGAIN AT THE HEARING.

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

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MINUTES APPROVAL – APRIL 2023

Commissioner Spain MOVED FOR APPROVAL OF THE MEETING MINUTES FROM APRIL 19, 2023 AND APRIL 26, 2023, WHICH INCLUDED A MEETING WITH BRYAN J. HILL COUNTY EXECUTIVE AND PLANNING COMMISSION PUBLIC HEARINGS.

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

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Commissioner Spain announced that on June 29, 2023, the Commissioners were emailed copies of the meeting minutes for meetings held in May 2023. Commissioner Spain added that it was her intention to move approval of the May 2023 meeting minutes during the July 26, 2023 meeting. She added that revisions to those minutes should be emailed to staff no later than July 24, 2023.

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PCA/FDPA 2004-LE-012-02/CDPA 2004-LE-012 – RH SENIOR HOUSING LLC, A VIRGINIA LIMITED LIABILITY CORPORATION

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON PCA/FDPA 2004-LE-012-02 AND CDPA 2004-LE-012 TO A DATE CERTAIN OF SEPTEMBER 13, 2023.

Commissioner Ulfelder seconded the motion, which was carried by a vote of 11-0. Commissioner Bennett abstained from the vote.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. SE 2021-MV-00032 – KARLYN M. DAVIS, D/B/A KARLYN'S LITTLE BLESSINGS
2. SE 2023-MV-00006 – ASHLEY E. HEINEMAN AND GAVIN A. DAWSON
3. SEA 80-A-072 – VERSAR PROPERTY OWNER, LLC
4. PCA/CDPA 2010-PR-014E (RZPA 2022-PR-00051) – GCC 28 OWNER, LLC AND FDP 2010-PR-014E (RZPA 2022-PR-00052) – GCC 28 OWNER, LLC
5. PA 2023-II-M1 (REVIEWED CONCURRENTLY WITH RZ 2022-DR-00018) – WEST FALLS CHURCH TRANSIT STATION AREA (TSA), SUB-UNIT A-2 AND RZ 2022-DR-00018 (REVIEWED CONCURRENTLY WITH PA 2023-II-M1) – CONVERGE WEST FALLS, LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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SE 2021-MV-00032 – KARLYN M. DAVIS, D/B/A KARLYN'S LITTLE BLESSINGS – Appl. to permit a home day care facility. Located at 8850 Creekside Way, Springfield, 22153 on approx. 22,120 sq. ft. of land zoned PDH-3. Tax Map 97-4 ((4)) 651). MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Karlyn M. Davis, Applicant, reaffirmed the affidavit dated February 15, 2023.

Curtis Rowlette, 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-00032.

Ms. Davis opted out from presenting before the Commission.

There was a discussion between Mr. Rowlette; Catherine Lewis, Assistant Director, ZED, DPD; Ms. Davis; and multiple Commissioners regarding the following:

- Clarification on the number of emergency exits in the home, where the exit from the basement play area led to, and the number of stairs that led to the exit of the home;
- Clarification on where the electrical panel was located and its last serviced date;
- Clarification on whether the electrical panel was part of the County's inspection process;
- Staff clarified that the County did not conduct home child care inspections, and the State of Virginia conducted those inspections.

- Clarification on the height of the enclosed fence in the rear yard of the home that was adjacent to the above-ground pool;
- Clarification on whether the above-ground pool was included as part of the licensing inspection;
- The applicant confirmed the state performed an inspection of the play area and the above-ground pool and deemed both areas safe during hours of operation; and
- Staff clarified that the proposed site was licensed for seven children and that the state would not have approved the license if they determined it unsafe.

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 APPROVAL OF SE 2021-MV-00032, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 29, 2023.

Commissioner Ulfelder seconded the motions which was carried by a vote of 11-0-1. Commissioner Jimenez abstained from the vote.

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SE 2023-MV-00006 – ASHLEY E. HEINEMAN AND GAVIN A. DAWSON – Appl. to permit uses in a floodplain. Located at 6417 14th St., Alexandria, 22307 on approx. 7,000 sq. ft. of land zoned R-3. Tax Map 83-4 ((2)) (26) 15. (Associated with VC 2022-MV-00006).
MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Steven A. Larsen, Applicant's Agent, Larsen Design/Build Associates, LLC, reaffirmed the affidavits dated June 7, 2023.

Philip Isaiah, ZED, DPD, presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of SE 2023-MV-00006.

Mr. Larsen gave a presentation on the subject application.

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

- Clarification on whether there was a history of flooding at the proposed site;
- Clarification on whether the bathroom located in the detached garage was on sewer or septic;
- Clarification on whether the existing garage would be demolished and replaced;
- Measures taken by the applicant to reduce additional impervious area;
- The applicant clarified that no additional impervious surfaces would be added to the site and no stormwater structures would be required;
- The applicant clarified that the drainage infrastructure of the proposed site would remain in its current form; and
- Staff clarified that the applicant’s decision to construct a space above their garage to obtain additional square-footage was an addition to an existing residential and was not considered a new construction within a floodplain.

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 amendment.

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Commissioner Clarke MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2023-MV-00006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 27, 2023.

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

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SEA 80-A-072 – VERSAR PROPERTY OWNER, LLC – Appl. to amend SE 80-A-072 previously approved for a floodplain to permit modifications to site design and development conditions. Located at 6850 Versar Ctr., Springfield, 22151 on approx. 15.62 ac. of land zoned I-5. Tax Map 80-2 ((1)) 22A and 22B. MASON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

David I. Schneider, Esq. Applicant’s Agent, Holland and Knight, LLP. reaffirmed the affidavit dated June 5, 2023.

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 SEA 80-A-072.

Mr. Schneider gave a presentation on the subject application.

Commissioner Shumate made preliminary comments on the application.

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

- Concerns regarding some of the current uses that conflicted with the water quality was not removed;
- A discussion of the Board of Supervisors' approval of a rezoning that allowed redevelopment of the I-5 District;
- The applicant clarified that the purpose, scope, and nexus of the proposed special exception was in the floodplain;
- The applicant clarified that the purpose of the application was to seek redevelopment in the I-5 District;
- Clarification on whether there were plans to develop a recycling center at the proposed site;
- The applicant clarified that the Board of Supervisors provided a condition that required a conservation easement to protect the floodplain and to allow development outside of that easement;
- The applicant could not confirm the types of future uses at the proposed site;
- The applicant confirmed that the majority of parcels adjacent to the proposed site within the industrial area were developed by-right and were located in the I-5 and I-6 Districts;
- Staff worked with the applicant and evaluated the various uses of the Zoning Ordinance allowed by-right;
- The Zoning Ordinance provided standards and restrictions that the applicant must follow when determining the types of uses allowed by-right in a floodplain;
- Staff confirmed they felt comfortable with the standards and restrictions provided in the Zoning Ordinance for a special exception, which included development conditions requiring that the proposed uses would not further degrade or impact the existing environmentally sensitive areas;

- In reference to the best management practices (BMP), the applicant confirmed that there were no stormwater management controls at the site;
- The applicant confirmed their commitment to show that, with 90% impervious surfaces at the proposed site, they satisfied the water quality standards;
- The applicant agreed to green building certifications at the site to mitigate pollution in the floodplain;
- The applicant confirmed that activities associated with the servicing of vehicles at the site, would be conducted within an enclosed structure to mitigate the impact on the water quality;
- Concerns regarding the development of data centers in the floodplain;
- Clarification that a data center in the I-5 District was a by-right use, however, the applicant agreed that a special exception amendment would be submitted to the Mason District Land Use Committee, the Planning Commission, and the Board of Supervisors for approval if the applicant pursued such a use;
- Clarification on whether data centers were restricted in the resource protection area;
- Clarification from staff that the proposed site was zoned I-5 and there were development conditions that limited development on the site to the current office uses and office buildings for the original special exception plat;
- Clarification from staff that language was removed from a development condition for the proposed special exception amendment that limited the site to only the current office uses and office buildings and allowed for the uses listed in the staff report;
- Staff clarified that any of the proposed uses not listed in the staff report required a special exception amendment for the proposed site;
- Staff supported the request to delete the development condition that limited the site to the current office uses and office buildings for the original special exception plat;
- The applicant confirmed there were no plans for development within the floodplain;
- Clarification on whether a bridge that ran through the environmental sensitive areas was considered above the floodplain; and
- The applicant confirmed there was a development condition that addressed salt removal from stormwater runoff generated at the site.

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 Shumate for action on this application.

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Commissioner Shumate MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 80-A-072, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 6, 2023.

Commissioner Clarke seconded the motion.

Commissioner Cortina stated that the proposed special exception amendment was too flexible. She added that she understood the need for repurposing the office development, however, the proposal was in a floodplain and would allow uses in the I-5 District, without the option of a development plan.

Commissioner Lagana stated he agreed in principle with the applicant’s proposed plan. He added it was difficult for him to support without information that outlined the plan.

The motion to the Board of Supervisors for the approval of SEA 80-A-072, subject to the proposed development conditions dated July 6, 2023, failed by a vote of 6-6. Commissioners Jimenez, Ulfelder, Bennett, Lagana, Carter, and Cortina voted in opposition.

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The following applications were located in the Providence District; therefore, Chairman Niedzielski-Eichner relinquished the Chair to Secretary Spain.

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PCA/CDPA 2010-PR-014E (RZPA 2022-PR-00051) - GCC 28 OWNER, LLC – Appl(s). to amend the proffers and conceptual development plan for RZ 2010-PR-014E, previously approved for a mixed-use development, to permit residential use in Building E3, modifications to footprints of Buildings E3 and E5, and associated modifications to proffers and site design at a 3.41 floor area ratio. Located in the S.E. quadrant of the intersection of Spring Hill Rd. and Broad St., within one-quarter mile of the Spring Hill Metro Station, on approx. 2.92 ac. of land zoned PTC and HC. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-3 ((1)) 63C(pt.). (Concurrent with FDP 2010-PR-014E (RZPA 2022-PR-00052)). PROVIDENCE DISTRICT. PUBLIC HEARING.

FDP 2010-PR-014E (RZPA 2022-PR-00052) - GCC 28 OWNER, LLC – Appl. for final development plan for RZ 2010-PR-014E to permit a residential building and associated site improvements. Located in the

S.E. quadrant of the intersection of Spring Hill Rd. and Broad St., within one-quarter mile of the Spring Hill Metro Station on approx. 2.65 ac. of land zoned PTC and HC. Tax Map 29-3 ((1)) 63C (pt.). (Concurrent with PCA/CDPA 2010-PR-014E (RZPA 2022-PR-00051)). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavits dated May 22, 2023.

Sunny Yang, 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 2010-PR-014E, CDPA 2010-PR-014E, and FDP 2010-PR-014E.

Ms. Strobel gave a presentation on the subject application.

There was a discussion between Ms. Yang; Ms. Lewis; Jeffery Kreps, VIKA Virginia, LLC; and multiple Commissioners regarding the following:

- Clarification on the emphasis placed on the wayfinding signage that allowed public access to the site's urban parks;
- The applicant's agreement to a Comprehensive Sign Plan that assured the public easy access to the park locations;
- The applicant confirmed that the stairwells, elevators, a second staircase on Broad Street, pedestrian paths, and landscaping were all designed to draw the public to the open spaces;
- The applicant confirmed that the focal area over the stage of the Highline Park would be visible and would draw the public to the proposed site;
- The applicant clarified that the pedestrian pathways that led to the parks were at ground level;
- The applicant confirmed enhancements were made to the site that accommodated the Americans with Disabilities Act;
- The applicant confirmed that Building E5 and the other underutilized buildings were an alternate use for retail;
- The McLean Citizens Association's resolution dated July 5, 2023 and its proposed recommendations for the site;

- Clarification on the proposed number of affordable and workforce dwelling units;
- Staff confirmed that a Tysons Tracker was created that tracked conversions from office to housing in the Tysons area that ensured office use remained at the forefront of development;
- Clarification on whether the conversion from office to residential would fiscally impact the taxes received from the commercial use allotted for Metrorail; and
- Reference made to Proffer 20. A. (iii) regarding the soil volume for trees and whether this proffer language would be included in future applications for similarly constrained sites.

Secretary Spain called the first listed speaker.

William B. Lawson, Jr., 6045 Wilson Boulevard, Arlington, representing The Rotunda Condominium Association, stated the following:

- Provided the location of the Rotunda Condominium and gave a history of the community;
- Traffic impact on the community as a result of the location of the entrance to the community and its proximity to Greensboro Drive;
- The Rotunda Condominium community was gated, secured, and security guards were posted at the entrance;
- There was a limited number of vehicle stacking spaces at the entrance of the community, with occasional overflow of parking on Greensboro Drive;
- The Rotunda Condominium Association supported the application and believed the development would benefit the community;
- Members of the association were concerned that Broad Street had not been completed;
- The association conducted a site visit of the area and was informed that dedicated easements would be required for properties on the frontage of Route 7;
- Broad Street was an important part of the grid system for the Rotunda Condominium community because it provided an alternate route for traffic to and from Spring Hill to West Park, and would mitigate the traffic impact on Greensboro Drive; and
- Recommendation that the Planning Commission request that the Board of Supervisors monitor the traffic concerns at the Rotunda Condominium entrance of Greensboro Drive

PA 2023-II-M1 (REVIEWED CONCURRENTLY WITH RZ 2022-DR-00018) – July 12, 2023
WEST FALLS CHURCH TRANSIT STATION AREA (TSA), SUB-UNIT A-2
RZ 2022-DR-00018 (REVIEWED CONCURRENTLY WITH PA 2023-II-M1 –
COVERAGE WEST FALLS, LLC

and should additional issues arise, use County funding to complete the construction of
Broad Street to mitigate the traffic impact to the community.

There were no additional speakers; therefore, Secretary Spain called for a rebuttal statement from
the applicant, who declined. Staff also declined further discussion.

Secretary Spain called for further discussion from the Commissioners.

There was a discussion between Commissioner Cortina and Ms. Strobel regarding Fairfax
County Public Schools' concerns that the urban park framework did not support a number of
features. Ms. Strobel stated that benches and landscaping were made within integral parts of the
open space. She added that the park space was consistent with the prior approvals.

There were no further comments or questions from the Commission, therefore, Secretary Spain
closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on these
applications.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION
RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- APPROVAL OF PCA 2010-PR-014E AND THE ASSOCIATED CONCEPTUAL
DEVELOPMENT PLAN AMENDMENT, SUBJECT TO THE EXECUTION OF
PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JULY 11, 2023;
- THE PLANNING COMMISSION APPROVE FDP 201-PR-014E; AND
- REAFFIRMATION OF THE PREVIOUSLY APPROVED WAIVERS AND
MODIFICATIONS LISTED IN A HANDOUT DATED JULY 12, 2023.

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

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Chairman Niedzielski-Eichner resumed duties of the Chair.

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PA 2023-II-M1 (REVIEWED CONCURRENTLY WITH RZ 2022-
DR-00018) – WEST FALLS CHURCH TRANSIT STATION AREA
(TSA), SUB-UNIT A-2 – concerns approx. 7.5 ac. generally located
at 7054 Haycock Rd, Falls Church VA 22043; Tax Map Parcel # 40-

PA 2023-II-M1 (REVIEWED CONCURRENTLY WITH RZ 2022-DR-00018) – July 12, 2023
WEST FALLS CHURCH TRANSIT STATION AREA (TSA), SUB-UNIT A-2
RZ 2022-DR-00018 (REVIEWED CONCURRENTLY WITH PA 2023-II-M1 –
COVERAGE WEST FALLS, LLC

3((1)) 92 and 92A in the Dranesville Supervisor District. The area is planned for mixed-use including residential, office, institutional and retail uses. The amendment will consider a shift from planned institutional use to office use. Recommendations relating to the transportation network may also be modified. PA-2023-II-M1 is concurrently under review with Rezoning application RZ-2022-DR-00018. DRANESVILLE DISTRICT. PUBLIC HEARING.

RZ 2022-DR-00018 (REVIEWED CONCURRENTLY WITH PA 2023-II-M1) - CONVERGE WEST FALLS, LLC – Appl. to rezone from C-3 and HC to PRM and HC to permit mixed-use development with an overall Floor Area Ratio (FAR) of 2.5. Located on the W. side of Haycock Rd., N. of Leesburg Pike on approx. 7.53 ac. of land. Comp. Plan Rec: mixed-use. Tax Map 40-3 ((1)) 92 and 92A. (Concurrent with Plan Amendment 2023-II-M1). DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated May 1, 2023.

Daniel Creed, 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 adoption of PA 2023-II-M1 and approval of RZ 2022-DR-00018.

Mr. Painter gave a presentation on the subject rezoning application.

There was a discussion between Mr. Creed, Mr. Painter, and multiple Commissioners regarding the following:

- The results of the Shadow Study submitted with the proposed application regarding the three Villages Townhouse units and what that study entailed;
- Clarification on whether the location, design, and height and width of Building B was in conformance with the Comprehensive Plan;
- The applicant added articulation to the façade of Building B in order to break up the massing of the building;
- The applicant clarified that 90% of the entire width of Building B along Falls Church Drive was a total of 85 feet in height and that included the areas of concern;

- A 30-foot retail podium was installed at the northwest corner of Building B;
- Balconies and negative space balanced out positive space to mitigate the visual impact of the building;
- The applicant confirmed that there were no plans to remove or keep the four trees located on the Villages property;
- The applicant confirmed that the full height of Building B at 145 feet above the tree line would not change;
- The applicant confirmed that shadow studies were conducted and, based on the buildings constructed on the edge of the City of Falls Church between 2:00 p.m. and 4:00 p.m. on the winter solstice, the Villages buildings would be in shadows;
- The applicant confirmed they satisfied the requirements of the Comprehensive Plan and there would not be an effect on the Villages Townhomes;
- The Gates of Falls Church, which was 141 feet closer across Haycock Road to the proposed site, had no issues with the proposal and had submitted a letter of support;
- Staff confirmed agreement that Mr. Painter’s presentation satisfied the requirements of the Comprehensive Plan;
- Concerns raised regarding the height of the Northern Virginia Center building directly across from the Villages Townhomes;
- The applicant confirmed that there were five trees inboard of the gate going around the Villages property and those trees would not be removed or replaced; and
- The applicant confirmed that the trees adjacent to Falls Church Drive, located within the limits of disturbance of the Washington Metropolitan Area Transit Authority (WMATA) property, would be preserved.

Chairman Niedzielski-Eichner called the first listed speaker.

Mostafa ElNahass, 7000 Falls Reach Drive, Falls Church, supported the proposal. A copy of Mr. ElNahass’ YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Aaron Wilkowitz, 6800 Walnut Street, Falls Church, representing Yes In My Back Yards of Northern Virginia, supported the proposal. A copy of Mr. Wilkowitz’s YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

PA 2023-II-M1 (REVIEWED CONCURRENTLY WITH RZ 2022-DR-00018) – July 12, 2023
WEST FALLS CHURCH TRANSIT STATION AREA (TSA), SUB-UNIT A-2
RZ 2022-DR-00018 (REVIEWED CONCURRENTLY WITH PA 2023-II-M1 –
COVERAGE WEST FALLS, LLC

Sonya Breehey, Falls Church, representing Coalition for Smarter Growth, supported the proposal. A copy of Ms. Breehey's statement is in the date file.

Holly Wade, 7050 Falls Reach Drive, Falls Church, representing The Village Homeowners Association (HOA), addressed concerns regarding the proposal. A copy of Ms. Wade's statement is in the date file.

There was a discussion between Commissioner Ulfelder and Ms. Wade on whether the Villages community had an opportunity to address concerns when the City of Falls Church proposed changes to its plan that included a rezoning of its 10-acre high school site, located south of the Converge West Falls site. Ms. Wade stated that the members of Villages community was part of the rezoning process for a number of years. She also confirmed she was not aware of who on the HOA was aware of a shadow study conducted by the applicant.

Meredith Allard, Falls Church, supported the proposal. A copy of Ms. Allard's statement is in the date file.

Elizabeth Yu, 1916 Kenbar Court, McLean, representing McLean Citizens Association, addressed the association's concerns. A copy of the association's resolution and recommendations is in the date file.

Kent Holland, 7726 Bridal Path Lane, McLean, supported the proposal. A copy of Mr. Holland's statement is in the date file.

Bruce Jones, 1902 Miracle Lane, Falls Church, supported the proposal. A copy of Mr. Jones' statement is in the date file.

David Wuehrmann, 2339 North Oak Street, Falls Church, addressed concerns regarding the proposal and stated the following:

- His neighborhood was within the West Falls Church transit station area;
- Supported the opposing testimony that addressed the proposed height of Building B;
- The height of the proposed Virginia Tech buildings was the subject of extensive discussion;
- The adoption and amended Comprehensive Plan on the building closest to the Villages was viewed as necessary to protect the interest of the residence of that community;

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COVERAGE WEST FALLS, LLC

- The current proposal endorsed the height of 145 feet for a portion of Building B and, under the interpretation of the Comprehensive Plan, was subjected to a limit of 85 feet;
- The proposal was not in conformance with the Comprehensive Plan Amendment process for the transit station area;
- The adoption of the proposal created an impression that provisions agreed to during a Comprehensive Plan Amendment process could later be discarded by developers and County staff;
- Concerns regarding the lack of limitation on the closure of West Falls Station Boulevard during peak traffic hours; and
- The task force viewed the continuous availability of the parallel road as crucial to mitigating the traffic issues in the area.

Paul Rothstein, 7024 Falls Reach Drive, Falls Church, opposed the proposal. A copy of Mr. Rothstein’s statement is in the date file.

Chairman Niedzielski-Eichner called for speakers from the audience.

Shelia Sears, 2305 Colonel Lindsay Court, Falls Church, supported the proposal. A copy of Ms. Sears’ statement is in the date file.

Eric Demetriades, 21333 Marsh Creek Drive, Ashburn, supported the proposal because of the following:

- Resided in the Ashburn area and frequently used the Metrorail system;
- Visited the proposed site on several occasions and supported the applicant’s efforts to redevelop the existing graduate campus, which included major stormwater management upgrades, and landscaping improvements;
- The proposed building had expansive solar features that generated power throughout the entire building;
- The proposed development generated a total of 440 new residential units, that addressed a growing need for housing in the area;

- Concurred that the Converge building was in conformance with the Comprehensive Plan; and
- Supported an increased density at the site in order to house more of the population.

Jordan Hurley, 6990 Falls Reach Drive, Falls Church, supported the proposal because of the following:

- The proposed development would help build the community, better utilize the site, and work toward the climate and housing goals of the County;
- More housing was needed in the County as prices and interest rates increased;
- The proposed site was within close proximity to mass transportation facilities and was the most efficient location for such development;
- The proposed development was crucial and connected the high school in the City of Falls Church and the WMATA site;
- The proposed site was walkable and with pedestrian connections to the Spring Hill Metro Station and Route 7;
- Supported the bicycle infrastructure network;
- Supported the proffer that addressed concerns regarding the intersection of Haycock Road to Leesburg Pike;
- The applicant was responsive to the concerns of surrounding communities, made extensive presentations, held public community meetings, and met with the neighboring homeowners and condo associations; and
- Based on the communities concerns, the applicant made several modifications to the proposal, such as the removal of a pickleball court from the housing amenities.

Cindy Cordell, 7072 Falls Reach Drive, Falls Church, concurred with Holly Wade's testimony and stated the following:

- Her property faced Building B and agreed the Comprehensive Plan allowed for a maximum 85-foot building height across from the Villages property;

- The 27-foot setback was not consistent with the Comprehensive Plan;
- The green trees within the Villages property might be removed and the only buffering would be located on the Villages site;
- Visuals presented did not portray issues with the townhouse at the corner of the WMATA property; and
- Would support the proposal if the applicant revisited the setback and the requirements set forth in the Comprehensive Plan.

There being no further speakers, Chairman Niedzielski-Eichner called for a rebuttal from Mr. Painter, who stated the following:

- The applicant confirmed that there were four townhomes approved on the WMATA site that fronted West Falls Station Boulevard, which were located directly across from the proposed building;
- The applicant confirmed that one of the four townhomes on the frontage on the WMATA site was directly across from a 30-foot retail podium, and had a setback at the north eastern corner of the building;
- The applicant clarified that three of the four townhomes on the frontage on the WMATA site was directly across from the full 145-foot rise of Building B;
- The 3:00 p.m. shadows within the City of Falls Church did not reach the Villages site, nor did the Villages shadows at 2:00 p.m. reach areas within the City of Falls Church;
- The applicant acknowledged the issues brought up by the McLean Citizens Association;
- The applicant added a proffer statement that mitigated the closure of West Falls Station Boulevard during peak traffic hours;
- The applicant did not believe the distance of the site would have a negative effect on the townhomes; and
- The applicant believed the proposal took a reasonable approach to development, balanced inequities, and addressed the goals contained in the plan.

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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 Ulfelder for actions on these applications.

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

- ADOPTION OF PA 2023-II-M1, AS SHOWN IN APPENDIX 4 OF THE STAFF REPORT;
- APPROVAL OF RZ 2022-DR-00018 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN (CDP), SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JULY 10, 2023; AND
- APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT TO THAT SHOWN ON THE CDP.

Commissioner Bennett seconded the first motion, which carried by a vote of 11-0. Commissioner Murphy was not present for the vote.

Commissioners Bennett and Cortina seconded the second motion, which carried by a vote of 11-0. Commissioner Murphy was not present for the vote.

Commissioners Lagana and Bennett seconded the third motion, which carried by a vote of 11-0. Commissioner Murphy was not present for the vote.

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The meeting was adjourned at 12:17 a.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.

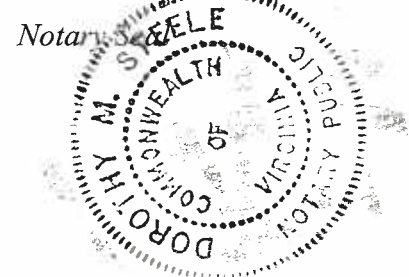
Minutes by: Samantha Lawrence

Approved on: October 11, 2023

Jacob 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 20 23, by

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024