

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 14, 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
Walter C. Clarke, Mount Vernon District
Peter F. Murphy, Springfield District
Candice Bennett, Commissioner At-Large

ABSENT: John C. Ulfelder, Parliamentarian, Dranesville District
Andres Jimenez, Commissioner At-Large

OTHERS: Catherine Lewis, Branch Chief, Zoning Evaluation Division (ZED),
Department of Planning and Development (DPD)
Mary Ann Tsai, Branch Chief, ZED, DPD
Sunny Yang, Planner, ZED, DPD
Sharon Williams, Planner, ZED, DPD
Curtis Rowlette, Planner, ZED, DPD
Emma Estes, Planner, ZED, DPD
Karen Yee, Planner, ZED, DPD
Jacob Caporaletti, Clerk to the Planning Commission,
Department of Clerk Services (DCS)
Teresa DeSantis, Management Analyst, DCS
Kevin Jackson, Senior Deputy Clerk to the Planning Commission, DCS

//

The meeting was called to order at 7:33 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.

//

COMMISSION MATTERS

Chairman Niedzielski-Eichner announced that, in addition to Commission business, there were eight items on the agenda scheduled for the Commission. Chairman Niedzielski-Eichner announced that Commissioners Ulfelder and Jimenez were recovering from illness and would not be present. Chairman Niedzielski-Eichner stated that in Commissioner Ulfelder's absence, Vice Chairman Sargeant would be handling applications in the Dranesville District during the meeting.

//

ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. PCA/CDPA 81-D-024/FDPA 81-D-024-02 – MCLEAN CORPORATE RIDGE PROPERTY LLC
2. SEA 80-A-072 – VERSAR PROPERTY OWNER, LLC
3. RZ/FDP 2022-DR-00029/PCA-79-C-037-09 – HF TECHPOINTE, LLC
4. PCA 2004-PR-044-004/CDPA 2004-PR-044-002/FDPA 2004-PR-044-003 – TYSONS CORNER HOLDINGS LLC, TYSONS PROPERTY HOLDINGS LLC
5. PCA-93-H-004-03/CDPA-93-H-004-02/FDPA-93-H-004-02 – WS-ADW OWNER, LLC
6. SE-2023-DR-00001– FR CHESTERBROOK JV, LLC
7. PCA-2010-LE-005-002/SEA 2014-LE-005/ – GRAMM SPRINGFIELD HYUNDAI PROPERTY, LLC
8. PCA 2004-LE-012-02/CDPA 2004-LE-012 – RH SENIOR HOUSING LLC, A VIRGINIA LIMITED LIABILITY CORPORATION

This order was accepted without objection.

Chairman Niedzielski-Eichner announced that he would manage the hearing for applications in the Providence District while Secretary Spain would manage the motion(s) for those applications. Then, Chairman Niedzielski-Eichner recited the rules for public testimony.

//

The next case was located in the Providence District; therefore, Chairman Niedzielski-Eichner relinquished the Chair to Secretary Spain.

//

PCA/CDPA 81-D-024/FDPA 81-D-024-02 – MCLEAN CORPORATE RIDGE PROPERTY LLC – PCA, CDPA and FDPA Appls. to amend the proffers, conceptual, and final development plans for RZ 81-D-024 previously approved for an office development with an overall Floor Area Ratio (FAR) of 0.73 to repurpose the existing building with live/work units. Located in the terminus of Corporate Ridge, E. of I-495 and N. of Leesburg Pike on approx. 8.07 ac. of land zoned PDC and HC. Comp. Plan Rec: Office. Providence District. Tax Map 39-2 ((1)) 62B. PROVIDENCE DISTRICT. PUBLIC HEARING.

Gregory A. Riegler, Applicant’s Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 2, 2023.

There were no disclosures from the Commission.

Sunny Yang, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications PCA/CDPA 81-D-024/FDPA 81-D-024-02.

Gregory A. Riegler gave a presentation on the subject applications.

There was a discussion between Mr. Riegler, Ms. Yang, and multiple Commissioners on the following issues:

- Clarification regarding the interparcel connection to the neighborhood and whether staff concerns were sufficiently addressed;
- Clarification on the extent to which staff supported the applicant's commitment to obtain the necessary permits to pursue a trail for interparcel connection to the neighboring property;
- Clarification regarding whether there were opportunities to further mitigate noise on the subject property;
- Explanation that that the applicant proffered to build a sound wall with the maximum amount of sound mitigation, but there were other sources of sound in the immediate surrounding area;
- The outdoor amenities that would be accessible by residents of the proposed development;
- The applicant's efforts to reduce the amount of impervious surface on the site and the green space that would be included with the proposal;
- Concerns regarding the loss of trees that would be necessary to accommodate the interparcel access to neighboring properties;
- The extent to which the applicant met the appropriate tree preservation requirements for the proposal;
- The applicant's efforts to minimize the loss of trees with the proposal;
- The extent to which staff supported the applicant's tree preservation efforts;
- The importance of the trail connection that would be included with the proposal;
- The extent to which the limits of disturbance would be extended to accommodate the proposal;
- The applicant's coordinate efforts with the Urban Forestry Division to ensure that the loss of trees would be minimized;
- Clarification of the applicant's enforcement mechanisms for the maintenance of the stormwater management pond;
- The extent to which the applicant considered incorporating the adjacent building into the proposed development; and
- The design, character, and aesthetics of the proposed development.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience and on the phone, but received no response; therefore, he noted that a rebuttal statement was not necessary.

There were no further comments or questions from the Commission and no closing remarks from staff or the applicant; therefore, Chairman Niedzielski-Eichner closed the public hearing and passed the gavel to Secretary Spain. Then, Secretary Spain recognized Commissioner Niedzielski-Eichner for action on these applications.

//

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

- APPROVAL OF PCA 81-D-024 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 14, 2023; AND
- APPROVAL OF THE WAIVERS AND MODIFICATIONS LISTED IN THE HANDOUT DATED SEPTEMBER 14, 2023.

Commissioner Niedzielski-Eichner FURTHER MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 81-D-024-02.

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

//

At the conclusion of the case, Chairman Niedzielski-Eichner resumed the Chair.

//

SEA 80-A-072 – VERSAR PROPERTY OWNER, LLC – SEA
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. Mason District. Tax Map 80-2 ((1)) 22A and 22B. MASON DISTRICT. PUBLIC HEARING.

David I. Scheider, Applicant's Agent, Holland & Knight LLP, reaffirmed the affidavit dated June 5, 2023.

There were no disclosures from the Commission.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy of which is in the date file, and reviewed the updates to the subject application that had been implemented since the first public hearing on July 12, 2023. She noted that staff recommended approval of application SEA 80-A-072 .

David I. Scheider gave a presentation on the subject application.

There was a discussion between Mr. Scheider, Ms. Williams, and multiple Commissioners on the following issues:

- Clarification that the subject application had a Board of Supervisors public hearing scheduled for September 26, 2023;
- Concerns regarding approval of applications with minimal details and without Commission input when details are finalized at the time of site plan review;
- The applicant's commitment to abide by the appropriate Virginia State Department of Environmental Quality standards for development in a flood plain;
- Overview of potential amendments that would accompany a recommendation for approval;
- Concerns regarding the precedent that would be set by permitting development in a floodplain;
- The unique conditions and circumstances associated with the site and the need to delineate an appropriate development plan; and
- Concern with how similar sites throughout the County would be developed or evaluated in the future.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience and on the phone, but received no response; therefore, he noted that a rebuttal statement was not necessary.

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

//

David I. Schneider, Applicant's Agent, confirmed agreement with the development conditions dated September 14, 2023 and the amended conditions.

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 SEPTEMBER 14, 2023, AS AMENDED BY THE FOLLOWING:

- AMEND DEVELOPMENT CONDITION #5 TO STATE THAT "SHOULD THE SITE BE DEVELOPED WITH A HEAVY VEHICLE REPAIR AND MAINTENANCE USE AND/OR A SPECIALIZED EQUIPMENT AND HEAVY VEHICLE SALE, RENTAL OR SERVICE ESTABLISHMENT, ALL VEHICLE REPAIR MUST OCCUR WITHIN A STRUCTURE.";

- ADD NEW CONDITIONS STATING THAT “ALL WATER QUALITY TREATMENT MUST BE DONE ON-SITE. NO OFF-SITE NUTRIENT CREDITS MAY BE PURCHASED.”;
- THE APPLICANT MUST SUBMIT A WATER QUALITY IMPACT ASSESSMENT (WQIA) FOR REVIEW AND APPROVAL CONCURRENT WITH THE SITE PLAN APPROVAL; AND
- THE APPLICANT MUST SUBMIT A SPECIAL EXCEPTION APPLICATION IF THEY WISH TO BUILD A DATA CENTER ON THE SUBJECT PROPERTY.

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

//

RZ/FDP 2022-DR-00029/PCA-79-C-037-09 – HF TECHPOINTE, LLC – RZ and FDP Appls. to rezone from I-4 to PRM to permit a multifamily residential development with an overall Floor Area Ratio (FAR) of 1.7 (inclusive of bonus density) and approval of the conceptual and final development plan. Located E. of River Birch Rd. and S. of Dulles Technology Dr. on approx. 5.00 ac. of land. Comp. Plan Rec: Mixed Use. Dranesville District. Tax Map 16-3 ((1)) 32C. (Concurrent with PCA 79-C-037-09).
DRANESVILLE DISTRICT. PUBLIC HEARING.

PCA-79-C-037-09 – HF TECHPOINTE, LLC – APPLICANT TITLE – PCA Appl. to amend the proffers for RZ 79-C-037 previously approved for industrial uses to permit a multifamily residential development with an FAR of 1.7 (inclusive of bonus density) with associated modifications to proffers and site design. Located E. of River Birch Rd. and S. of Dulles Technology Dr. on approx. 5.00 ac. of land zoned I-4. Comp. Plan Rec: Mixed Use. Dranesville District. Tax Map 16-3 ((1)) 32C. (Concurrent with RZ/FDP 2022-DR-00029). DRANESVILLE DISTRICT. PUBLIC HEARING.

Kathryn R. Taylor, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated July 24, 2023.

There were no disclosures by the Commission.

Emma Estes, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ/FDP 2022-DR-00029/PCA-79-C-037-09.

Kathryn R. Taylor gave a presentation on the subject applications.

There was a discussion between Ms. Taylor, Ms. Estes, and multiple Commissioners on the following issues:

- The applicants efforts to implement appropriate design standards;
- Clarification on request for reduction in number of loading dock spaces;
- Clarification on the distinction between workforce dwelling units (WDU) and affordable dwelling units (ADU);
- Clarification on the number of WDU's on the subject property;
- Clarification on the number of parking spaces removed
- Clarification on the Resource Protection Area (RPA) issue with the Army Corp of Engineers during which staff noted the applicant worked with them to satisfactory resolution of their prior concerns;
- Confirmation that Fairfax County Public Schools had capacity to accommodate the student population who could live at the subject property;
- Clarification on community outreach efforts to nearby residents and the local community; and
- Confirmation that the parking capacity of the proposed development was set at 383 spaces.

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

Heather Futrell, 13622 Salk Street, Herndon, spoke in opposition to the subject application due to the significant loss of green space in the Herndon community. Ms. Futrell noted that the amount of green space being proposed by the subject application did not exceed the amount being removed.

Chairman Niedzielski-Eichner called for speakers from the audience.

Karlis Strauchs, representing the Dulles Technology Professional Association, spoke in opposition to the subject application due to its impacts on adjacent properties, potential environmental damage in the area, concerns regarding the adequacy of the proposed stormwater management features, and concerns regarding improper public notification efforts by the applicant.

Sharon Strauchs spoke in opposition to the subject application due to concerns regarding the potential damage to the nearby environment and wetlands from increasing apartment developments in the local community. She also expressed concern regarding potential safety hazards generated by the proposed development.

There being no more speakers, Chairman Niedzielski-Eichner called for a rebuttal statement from Ms. Taylor, who responded to the testimony from the speakers as follows:

- Explained that the application would not encroach on the local environment and would increase the amount of open space by removing parking spaces;

- Explained that the trail would complete the regional trail network;
- Explained that the subject application would improve the tree canopy;
- Explained that the applicant was committing to pursuing a green roof and LEED certification of the subject property;
- Explained that the applicant provided the required legal notice requirements to residents;
- Explained that the parking issues were related to offsite commercial vehicle parking; and
- Explained that the trail widening and shared-use trail was in conformance with the Comprehensive Plan.

There was a final discussion between and multiple Commissioners on the following issues:

- The concerns from speakers who noted previous developments and their negative impact on the local environment;
- Confirmation that the subject application was drafted to do no further harm to the local environment;
- Confirmation that certain environmental impacts in the area were beyond the scope of the subject applications; and
- Discussion regarding the potential for deferring consideration of the subject applications.

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 Sargeant for action on these cases.

//

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

- APPROVAL OF RZ 2022-DR-00029 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED AUGUST 29, 2023;
- APPROVAL OF PCA 79-C-037-09;
- APPROVAL OF A PARKING REDUCTION #PKS-2023-00021 PURSUANT TO SECTION 6100.4.C TO ALLOW FOR A REDUCTION IN THE NUMBER OF PARKING SPACES BASED ON PROXIMITY TO METRO, TO REDUCE PARKING RATIO FROM 1.6 TO 1.1 SPACES PER DWELLING UNIT AS SHOWN ON THE CDP/FDP AND SUBJECT TO THE CONDITIONS IN APPENDIX 2 OF THE STAFF REPORT; AND
- APPROVAL OF THE REQUESTED WAIVERS AND MODIFICATIONS CONTAINED IN THE MEMO DATED SEPTEMBER 14, 2023

Commissioner Sargeant further MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2022-DR-00029.

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

//

PCA 2004-PR-044-004/CDPA 2004-PR-044-002/FDPA 2004-PR-044-003 – TYSONS CORNER HOLDINGS LLC, TYSONS PROPERTY HOLDINGS LLC – PCA, CDPA and FDPA Appl(s). to amend the proffers, conceptual development plan, and final development plan associated with RZ 2004-PR-044, previously approved for a retail mixed use development to permit modifications to proffers and site design at a max Floor Area Ratio (FAR) of 1.76. Located E. of International Dr., S. of Chain Bridge Rd., N. of Leesburg Pike, and W. of the Capital Beltway on approx. 77.64 ac. of land zoned PDC, HC and SC. Comp. Plan Rec: Mixed Use. Providence District. Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E and 35F; 39-2 ((1)) 2, 4 and 5. PROVIDENCE DISTRICT. PUBLIC HEARING.

Brian J. Clifford, Applicant's Agent, DLA Piper LLP, reaffirmed the affidavit dated August 29, 2023.

There were no disclosures from the Commission.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications PCA 2004-PR-044-004/CDPA 2004-PR-044-002/FDPA 2004-PR-044-003.

Brian J. Clifford gave a presentation on the subject applications.

There was a discussion between Mr. Clifford, Ms. Williams, and multiple Commissioners on the following issues:

- Clarification on concerns with the public access easement and why the applicant was proffering public access versus accepting a public access easement;
- Clarification regarding at what point the County mandated public access easements for these types of developments;
- The extent to which the applicant had coordinated with staff to address concerns regarding the lack of a public easement;
- Clarification on how the metro could be accessed by pedestrians through the subject property;
- The staff justification for recommending the public access easement for the proposal;
- The effectiveness of the existing proffers on the site despite the absence of a public access easement;

- The importance of placemaking for the Tysons Mall and the operation of the Silver Line Metrorail Station;
- Clarification on the timeline for residential development on the site during future phases of development;
- Clarification on the extent to which access to the Silver Line Metrorail Station impacted the pedestrian experience throughout the site;
- Clarification of staff’s concerns regarding the lack of a public access easement for the site;
- The extent to which the applicant’s proffers provided for public access in a manner similar to that of a public access easement; and
- The enforcement mechanisms for the applicant’s proffered commitments regarding public access.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience and on the phone, but received no response; therefore, he noted that a rebuttal statement was not necessary.

There were no further comments or questions from the Commission and no closing remarks from staff or the applicant; therefore, Chairman Niedzielski-Eichner closed the public hearing and passed the gavel to Secretary Spain. Then, Secretary Spain recognized Commissioner Niedzielski-Eichner for action on these applications.

//

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

- APPROVAL OF PCA 2004-PR-044-004 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN CDPA 2004-PR-044-002, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED AUGUST 23, 2023; AND
- APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DATED SEPTEMBER 12, 2023.

Commissioner Niedzielski-Eichner further MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2004-PR-044-003.

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

//

PCA-93-H-004-03/CDPA-93-H-004-02/FDPA-93-H-004-02 –
WS-ADW OWNER, LLC – PCA, CDPA and FDPA Appl(s). to

amend the proffers, conceptual development plan, and second final development plan for RZ 93-H-004, previously approved for three office buildings, to permit an option for 82 residential units, and associated modifications to proffers and site design at a 0.48 Floor Area Ratio (FAR). Located on the N. side of Sunset Hills Rd., S. and W. sides of American Dream Way on approx. 28.29 ac. of land zoned PDC. Comp. Plan Rec: Mixed-Use. Hunter Mill District. Tax Map 17-4 ((1)) 35D and 36B. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mark C. Looney, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated August 8, 2023.

There were no disclosures from the Commission.

Karen Yee, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application PCA-93-H-004-03/CDPA-93-H-004-02/FDPA-93-H-004.

Mark C. Looney gave a presentation on the subject applications.

There was a discussion between Mr. Looney, Ms. Yee, and multiple Commissioners on the following issues:

- The history of development and previously approved applications on the subject property;
- Concerns regarding the Sunrise Drive and Northshore Drive connection and why it was not developed with a bicycle path;
- Clarification regarding the ability to make an appropriate connection to the Washington and Old Dominion Trail;
- The applicant's commitments to widen the width of certain segments of pedestrian trails located around the site to improve accessibility;
- Confirmation that the trails that would traverse the site would be publicly accessible;
- Clarification on efforts to improve trails to accommodate bicycle access;
- The constraints and challenges associated with widening the trails; and
- Confirmation that there was an adequate public access easement for the trails that traverse the site.

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

Bruce Wright, 1669 Bandit Loop, Reston, spoke in support of the subject applications. A copy of Mr. Wright's statement is in the date file and Mr. Wright's YouTube testimony can be retrieved by contacting the Department of Cable and Consumer Services.

John W. Farrell, representing Reston Association, spoke in opposition to the subject applications. Mr. Farrell requested the Commission deny all residential rezoning applications for subject properties that did not join the Reason Association. He then recommended revising the language of Proffer Number 5 to outline a process for integrating the development with the Reston Association.

Kristy Nidoello, 1817 Ivy Oak Square, Reston spoke in opposition to the subject applications because of concerns regarding the paving over of green space, the density of the proposed development, and the uncertainty of what would ultimately be developed on the site.

There being no more speakers, Chairman Niedzielski-Eichner called for a rebuttal statement from Mr. Looney, who responded to the testimony from the speakers as follows:

- The existing language of Proffer Number 5 was adequate to provide a reasonable process for the proposed development to integrate with the Reston Association; and
- The language of Proffer Number 5 required flexibility to create an appropriate owners association that could subsequently coordinate with Reston Association.

There was a final discussion between Mr. Looney and multiple Commissioners on the following issues:

- The challenges associated with efforts to outline processes for incorporating new developments with existing residential organizations;
- Discussion on a method for developments to integrate into the Reston Association in a more seamless manner during the application process;
- The applicant's intention to move forward in conversations with Reston Association and supported further noted a dialogue should happen between the County, the Reston Association, and developers who provided on-site amenities to their communities;
- Discussion on whether the applicant would accept deferral until January; and
- Clarification on how the 100-day rule applied to the application and the date it took effect.

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 these cases.

//

Mark C. Looney, Applicant's Agent, agreed to the development conditions dated August 31, 2023.

Commissioner Carter MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 93-H-004-02-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED AUGUST 31, 2023, AND RECOMMEND TO THE BOARD OF SUPERVISORS OF THE FOLLOWING:

- APPROVAL OF PCA 93-H-004-03, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 11, 2023;
- APPROVAL OF CDPA 93-H-004-02; AND
- APPROVAL OF THE MODIFICATIONS AND WAIVERS LISTED IN THE HANDOUT DATED SEPTEMBER 8, 2023.

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

In a follow-on motion, Commissioner Carter MOVED THAT THE PLANNING COMMISSION THAT THE BOARD OF SUPERVISORS REQUEST THAT THE PLANNING STAFF AND COUNTY ATTORNEY PROVIDE GUIDENCE AND IDENTIFY POTENTIAL METHODS OF REQUIRING RESTON AREA RESIDENTIAL DEVELOPMENTS TO BECOME MEMBERS OF THE RESTON ASSOCIATION.

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

//

SE-2023-DR-00001– FR CHESTERBROOK JV, LLC– SE Appl.
to permit a waiver for increase in sign area. Located at 6246 Old Dominion Dr., McLean, 22101 on approx. 18,473 sq. ft. of land zoned C-6. Dranesville District. Tax Map 31-3 ((1)) 112B.
DRANESVILLE DISTRICT. PUBLIC HEARING.

In Commissioner Ulfelder's absence, Chairman Niedzielski-Eichner indicated that Commissioner Sargeant would handle this case.

Michael D. Van Atta, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated August 1, 2023.

There were no disclosures from the Commission.

Curtis Rowlette, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE-2023-DR-00001.

Michael D. Van Atta gave a presentation on the subject application.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience and on the phone, but received no response; therefore, he noted that a rebuttal statement was not necessary.

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

//

Michael D. Van Atta, Applicant's Agent, agreed to the development conditions dated August 30, 2023.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2023-DR-00001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30, 2023.

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

//

PCA-2010-LE-005-002 (RZPA 2022-FR-00155) – GRAMM SPRINGFIELD HYUNDAI PROPERTY, LLC– PCA Appl. to amend the proffers for RZ 2010-LE-005 previously approved for vehicle sales, rental, and service establishment to permit a second vehicle sales, rental, and service establishment and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.14. Located on the E. side of Loisdale Rd. (Rt. 789) approx. 2,400 ft. S. of its intersection with Lois Dr. (Rt. 3014) on approx. 7.65 ac. of land zoned C-8. Comp. Plan Rec: Industrial, with option for vehicle sales center and associated service facility. Franconia (Formerly Lee District) District. Tax Map 90-4 ((1)) 6A4 (pt.). (Concurrent with SEA 2014-LE-005). FRANCONIA DISTRICT. PUBLIC HEARING.

SEA 2014-LE-005 – GRAMM SPRINGFIELD HYUNDAI PROPERTY, LLC– SEA Appl. to amend SE 2014-LE-005 previously approved for a vehicle sales, rental, and service establishment to permit a second vehicle sales, rental, and service establishment and associated modifications to site design and development conditions. Located on the E. side of Loisdale Rd. (Rt. 789) approx. 2,400 ft. S. of its intersection with Lois Dr. on approx. 7.65 ac. of land zoned C-8. Franconia District (Formerly Lee District). Tax Map 90-4 ((1)) 6A4 (pt.). (Concurrent with PCA 2010-LE-005-002 (RZPA 2022-FR-00155)). FRANCONIA DISTRICT. PUBLIC HEARING.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated July 25, 2023.

There were no disclosures by Commissioners.

Curtis Rowlette, Zoning Evaluation Division, Department and Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications SEA 2014-LE-005 and PCA 2010-LE-005-02.

Mr. Brant gave a presentation on the subject applications.

There was a discussion between Mr. Brant; Matthew Tatum, Fairfax County Department of Transportation (FCDOT); Jeremy Ko, FCDOT; and multiple Commissioners on the following issues:

- Clarification on staff's justification for recommending that the applicant carry forward a previously approved proffer to conduct a traffic signal study;
- Clarification on the extent to which the applicant had complied with the previously approved proffer regarding a traffic signal study;
- The amount of additional trips that the proposal would incur;
- The scope and extent of a traffic signal study that would potentially be conducted by the applicant;
- Clarification on the presence and any possible gaps of a conservation easement on the site;
- Clarification on the extent to which the applicant filed and documented the conservation easement on the site;
- The extent to which the conservation easement on the site was reflected on the County's Geotechnical Information System;
- The existing traffic conditions on Loisdale Road during peak traffic periods and weekends;
- Clarification on the extent to which the proposed structure would include a service establishment;
- Confirmation that the vender of the proposed structure required its own service establishment;
- The extent to which the trips generated by car dealerships had changed over time;
- Clarification on the history of the proffer cited by staff regarding the applicant's commitment to conduct a traffic signal study; and
- The primary sources of traffic along Loisdale Road compared to the traffic generated by the proposal.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary.

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 Lagana for action on these cases.

//

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2010-LE-005-02, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 17, 2023.

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

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2014-LE-005 SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 7, 2023.

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

//

PCA 2004-LE-012-02/CDPA 2004-LE-012 – RH SENIOR HOUSING LLC, A VIRGINIA LIMITED LIABILITY CORPORATION – PCA, CDPA and FDPA Appl(s). to amend the proffers, conceptual development plan, and second final development plan for RZ/FDP 2004-LE-012, previously approved for a mixed-use development, to permit an independent living facility and associated modifications to proffers and site design at an intensity of 2.03 Floor Area Ratio (FAR). Located in the N.W. quadrant of the intersection of Richmond Hwy. and Groveton St., on approx. 27,516 sq. ft. of land zoned PRM, CRD, and HC. Comp. Plan Rec: Mixed Use. Franconia (Formerly Lee) District. Tax Map 93-1 ((1)) 98A. FRANCONIA DISTRICT. PUBLIC HEARING.

J. Timothy Dugan, Esquire, Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated August 4, 2023.

Commissioner Bennett recused herself from the public hearing.

Curtis Rowlette, Zoning Evaluation Division, Department and Planning and Development, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA/FDPA 2004-LE-012-02 and CDPA 2004-LE-012.

Mr. Dugan gave a presentation on the subject applications.

There was a discussion between Mr. Rowlette; Mr. Dugan; Sophia Fisher, Planning Division, Department of Planning and Development; Jeremy Ko, Fairfax County Department of Transportation; Joanne Fiebe, Department of Planning and Development; and multiple Commissioners on the following issues:

- The history of development on the site and the existing conditions of the site;
- The original plans for the site, which included office development;
- The importance of providing independent living facility and the growing need for such facilities;
- The building footprint of the proposed development compared to that of the previously planned office development;
- Clarification of the applicant's efforts to reduce the amount of phosphorus on the site;
- Clarification of the applicant's stormwater management commitments;
- Clarification on the amount of underground and structured parking that would be included with the proposed development;
- Confirmation that the applicant would finalize the stormwater design guidelines at the time of site plan review;
- The applicant's justification for moving the existing bus stop on the site;
- Confirmation that the applicant would coordinate with staff to determine an appropriate location to move the existing bus stop;
- Clarification of the process and timeline for moving the existing bus stop to a new location;
- Clarification of the bus services that would service the areas around the subject property and along Richmond Highway;
- Clarification on the extent to which the proffers had been adequately reviewed by the applicant and Commission;
- Clarification on the amount of care providers that would be provided on the site;
- Clarification on the potential ground-floor retail that would be permitted with the proposed development; and
- Clarification on the proximity of the site to medical services in the area.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary.

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 Lagana for action on these cases.

//

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA/FDPA 2004-LE-012-02, SUBJECT

TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 22, 2023.

Commissioners Murphy and Sargeant seconded the motion.

Commissioner Cortina offered a friendly amendment to INLCUE A PROVISION THAT THE AMENDMENT BE MADE TO THE PROFFERS, AS STATED BY THE APPLICANT'S REPRESENTATIVE.

Commissioner Lagana accepted the amendment.

The amended motion carried by a vote of 9-0. Commissioner Bennett recused herself from the public hearing. Commissioners Jimenez and Ulfelder were absent from the meeting.

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF CDPA 2004-LE-012, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 22, 2023.

The amended motion carried by a vote of 9-0. Commissioner Bennett recused herself from the public hearing. Commissioners Jimenez and Ulfelder were absent from the meeting.

//

The meeting was adjourned at 11:59 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.

Minutes by: Kevin Jackson

Approved on: November 15, 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 28 day of November 2023, by

Dwight M. ...
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024



