

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 20, 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
Daniel G. Lagana, Franconia District
Daren Shumate, Mason District
Walter C. Clarke, Mount Vernon District
Peter F. Murphy, Springfield District
Andres Jimenez, Commissioner At-Large

ABSENT: John A. Carter, Hunter Mill District
Candice Bennett, Commissioner At-Large

OTHERS: Sophia Fisher, Planning Division (PD)
Department of Planning and Development (DPD)
Daniel Creed, Zoning Evaluation Division (ZED), DPD
Emma Estes, ZED, DPD
Catherine Lewis, Assistant Director, ZED, DPD
Ipek Aktuglu, Building Design and Construction Division, Capital Facilities,
Department of Public Works and Environmental Services (DPWES)
Sharad Regmi, Wastewater Management, DPWES
Randall Farren, Park Authority
Joseline Cadima, Department of Clerk Services (DCS)
Kevin Jackson, 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 items to be considered during Commission matters and the scheduled public hearings. He added that at the end of the public hearings, the Commission would convene in a closed session to consult with legal counsel regarding recent Virginia Supreme Court decisions that would affect the Planning Commission's public notice process, meeting requirements, and procedures under the Virginia Freedom of Information Act. Chairman Niedzielski-Eichner added that all Commissioners must reconvene after closed session to act on a motion.

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Chairman Niedzielski-Eichner announced the resignation of Andres Jimenez, Commissioner At-Large. He thanked Commissioner Jimenez for his service on the Commission and wished him well on his campaign for Mason District Supervisor.

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Commissioner Jimenez announced his resignation from the Planning Commission. He expressed his gratitude to his colleagues on the Commission and the Fairfax County staff for their support and assistance.

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Commissioner Spain announced her intent to move approval of the June and July 2023 meeting minutes at the October 11, 2023 Planning Commission meeting. She added that any edits should be forwarded to staff no later than October 9, 2023.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. RZ/FDP 2023-SU-00008 - K HOVNANIAN HOMES AT THE GALLERY PARK AT WESTFIELDS, LLC
2. AF 2023-SP-00001(AR 2013-SP-001) - KINCHELOE STATEWIDE A & F DISTRICT
3. SEA 88-V-064-06 – THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY
4. FDP 2022-DR-00018 (RZPA 2022-DR-00143) - CONVERGE WEST FALLS, LLC
5. RZ 2022-SU-00019 CONCURRENT WITH SE 2022-SU-00038 - PDCREF 2 CHANTILLY LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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RZ/FDP 2023-SU-00008 - K HOVNANIAN HOMES AT THE GALLERY PARK AT WESTFIELDS, LLC – Appls. to rezone from I-4, AN and WS to PDH-16, AN and WS to permit residential development with an overall density of 13.83 dwelling units per acre (du/ac) du/ac including bonus density associated with affordable housing and approval of the conceptual and final development plan. Located on the S. side of Old Lee Rd., W. side of Stonecroft Blvd., and N. side of Northridge Dr. on approx. 10.76 ac. of land. Comp. Plan Rec: Mixed Use. Tax Map 43-2 ((2)) 29G3pt. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Kenneth W. Wire, Applicant's Agent, reaffirmed the affidavit dated August 15, 2023.

Catherine Lewis, Assistant Director, 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 RZ 2023-SU-00008 and FDP 2023-SU-00008.

Mr. Wire opted out from presenting before the Commission.

Commissioner Lagana addressed concerns regarding the missed payment on the proposed application and other similar applications. Ms. Lewis acknowledged and explained the reasons why the applicant missed the payment deadline for the proposed use.

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 Spain for action on this application.

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

- APPROVAL OF RZ 2023-SU-00008, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JULY 13, 2023;
- THE PLANNING COMMISSION APPROVE FDP 2023-SU-00008, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 5, 2023; AND
- APPROVAL OF THE WAIVERS AND MODIFICATIONS IN THE HANDOUT DATED SEPTEMBER 20, 2023.

Commissioners Lagana and Murphy seconded the motions which was carried by a vote of 9-0-1. Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant abstained from the vote.

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AF 2023-SP-00001(AR 2013-SP-001) - KINCHELOE STATEWIDE A & F DISTRICT – Appl. authorized by Chapter 114 (County Code), effective June 30, 1983, to permit renewal of a previously approved agricultural and forestal district. Located at 13055, 13219 Yates Ford Rd.; 7821 Kincheloe Rd.; 7900 My Way; 7865, 7875, 7901, 7925, 955,

8001, 8009, 8015, 8021, 8025, 8031, 8037, 8041 Evans Ford Rd., Clifton, 20124 on approx. 343.48 ac. of land zoned R C and WSPOD. Please call the Planning Division at 703-324-1380 after September 20, 2023, to obtain the A&F District Advisory Committee and Planning Commission recommendations. Tax Map 85-1 ((6)) 1Z, 2Z, 4Z; 85-3 ((1)) 6Z, 7Z; 85-3 ((2)) 18Z, 19Z, 20Z, 48Z, 49Z, 50Z, 51Z, 52Z, 53Z; 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z; 85-4 ((6)) 2Z, 3Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Sophia Fisher, 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 AF 2023-SP-00001.

John Kincheloe opted out from presenting before the Commission.

Chairman Niedzielski-Eichner and Commissioner Cortina thanked Mr. Kincheloe for the maintenance of his property and his contributions to the community.

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 Murphy for action on this application.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AF 2023-SP-00001 AND THAT APPENDIX E OF THE *FAIRFAX COUNTY CODE* BE AMENDED TO RENEW THE KINCHELOE STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED SEPTEMBER 6, 2023.

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

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SEA 88-V-064-06 – THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY – Appl. to amend SE 88-V-064 previously approved for an alternate use of a public facility to permit an alternative use of a historic building and associated modifications to site design and development conditions. Located at 8333 Richmond Highway, Alexandria, 22309 on approx. 22.60 ac. of land zoned R-2, C-8 and HC. Tax Map 101-4 ((1)) 5A; 101-4 ((1)) 57; 101-4 ((8)) (E) 1; 101-4 ((7)) 1 and 39. MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Ipek Aktuglu, Applicant's County staff representative, Building Design and Construction Division, Department of Public Works and Environmental Services, reaffirmed the affidavit dated August 11, 2023.

Catherine Lewis, 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 88-V-064-06.

Ms. Aktuglu gave a presentation on the subject application.

There was a discussion between Ms. Aktuglu and multiple Commissioners regarding the following:

- Clarification on whether the County hired a contractor to assist in the planning and redesign of the proposed adaptive reuse facility;
- Clarification on whether the ownership of the proposed property transferred to the County or was under the ownership of the Fairfax County Public School system;
- Clarification on whether the Fairfax County Public School system managed the facility;
- Clarification on the design concepts that would be utilized for the facility; and
- A request was made for the applicant to provide a copy of their presentation to the Commission.

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

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

- APPROVAL OF SEA 88-V-064-06, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 6, 2023; AND
- APPROVAL OF THE REQUESTED WAIVERS AND MODIFICATIONS LISTED THE HANDOUT DATED SEPTEMBER 18, 2023.

Commissioners Jimenez and Sargeant seconded the motions which was carried by a vote of 10-0. Commissioners Bennett and Carter were absent from the meeting.

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FDP 2022-DR-00018 (RZPA 2022-DR-00143) - CONVERGE WEST FALLS, LLC – Appl. to approve the final development plan FDP-2022-DR-00018 (RZPA 2022-DR-00143) for RZ 2022-DR-00018. Located on the W. side of Haycock Rd., N. of Leesburg Pike on approx. 7.53 ac. of land zoned PRM and HC. Tax Map 40-3 ((1)) 92 and 92A.. DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Bernard S. Suchicital, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C, reaffirmed the affidavit dated July 13, 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 approval of FDP 2022-DR-00018.

Commissioner Jimenez disclosed he spoke with the applicant and staff about the proposal. He supported the use of solar energy features in green space, educational features, and complimented the plan's design. Commissioner Jimenez added that the proposal benefitted the community. Chairman Niedzielski-Eichner echoed Commissioner Jimenez's comments and stated his support for the proposal.

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 Ulfelder for action on this application.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2022-DR-00018.

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

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RZ 2022-SU-00019 - PDCREF 2 CHANTILLY LLC – Appl. to rezone from C-8, I-3, I-5, HC, WS and AN to I-5, HC, WS and AN to permit data center with a Floor Area Ratio (FAR) of 0.8 or warehouse with an FAR of 0.3. Located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd., on approx. 12.10 ac. of land. Comp. Plan Rec: Industrial Uses. Tax Map 33-2 ((1)) 6 (pt.). (Concurrent with SE 2022-SU-00038). SULLY DISTRICT. PUBLIC HEARING.

SE 2022-SU-00038 - PDCREF 2 CHANTILLY LLC – Appl. to permit an increase in building height from 75 ft. up to a maximum of 110 ft. Located on the S. side of Lee Jackson Memorial Hwy. approx. 1,200 ft. W. of its intersection with Stonecroft Blvd. on approx. 12.10 ac. of land zoned I-5, HC, WS and AN. Tax Map 33-2 ((1)) 6 (pt.). (Concurrent with RZ 2022-SU-00019). SULLY DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed his retirement from Dominion Energy, and stated he was temporarily rehired as a contractor. He added that the staff report for the proposed applications noted the data center option would be supported by an offsite electric substation in coordination with Dominion Virginia Power. Commissioner Sargeant added that while the staff report noted that the proposed application did not pertain to an offsite substation, out of the abundance of caution, he recused himself from the consideration of the proposal.

G. Evan Pritchard, Applicant's Agent, Cozen O'Connor, PC, reaffirmed the affidavit dated August 18, 2023.

Emma Estes, 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 RZ 2022-SU-00019 and SE 2022-SU-00038.

Mr. Pritchard gave a presentation on the subject applications.

There was a discussion between Ms. Estes; Ms. Lewis; Sharad Regmi, Wastewater Management, Department of Public Works and Environmental Services; Randall Farren, Park Authority; Mr. Pritchard; Samuel E. Williams, Ramboll US Consulting, Inc.; James R. Cox, Kimley-Horn and Associates, Inc.; Tiemo Mehner, Dotterweich Carlson Mehner Design, Inc.; and multiple Commissioners regarding the following:

- The Comprehensive Plan's recommendation for the area and whether the proposal was in conformance;
- The proposal's compatibility with the surrounding area;
- Clarification on the need for the increased building height of the data center;
- The results of the sightline and drone fly studies that had been conducted, and the visual impact from those studies to the neighborhood;
- The applicant clarified that there would be minimal visual impact from the proposed use on the neighboring properties during the fall and winter months;
- Clarification on the maximum noise levels that would be generated at the property line;

- The applicant provided visuals of similar noise sources to determine the noise levels at the property line;
- The applicant's plan to enforce the proffered noise limitations at the boundary of the residentially zoned areas;
- The schedule for conducting monthly generator testing for the proposed use;
- The applicant's plan for the protection of the Cub Run watershed;
- The stormwater management facilities were designed to ensure minimum encroachment into the Resource Protection Area (RPA);
- The applicant agreed to commit to a diesel storage facility design that would mitigate the risk of spills into the RPA;
- The applicant confirmed that an oil-water separator and other containment equipment were installed to mitigate onsite spills;
- The applicant confirmed their agreement to the dedication of 67-acre RPA area to the Park Authority;
- The applicant confirmed their agreement to the removal of invasive bamboo onsite;
- The applicant confirmed their agreement to perform an environmental site assessment, ensure removal of hazardous equipment, and clear the debris present on the site before dedication of the RPA to the County;
- Clarification on whether the applicant anticipated an agreement with Dominion Virginia Power to incur all costs associated with the power line and substation;
- The applicant confirmed their agreement to pay for the required engineering and design costs of the proposed facility;
- The applicant confirmed their intent to enter into an electrical services agreement with Dominion Virginia Power to further pay for capital costs to ensure power was brought to the site;
- The applicant confirmed that the design plans undergrounded all electrical at the proposed site with a connection to U.S. Route 50;
- The applicant confirmed that the design and engineering costs were required to solidify their commitment to move forward with the project;

- Staff confirmed that the applicant addressed the outstanding comments noted in the staff report addendum;
- There was a discussion on the amount of outreach conducted by the applicant to the surrounding community;
- Clarification on whether there were letters of support for the proposal from homeowners associations that met with the applicant;
- Clarification on the number and size of generators planned for the proposed facility;
- The applicant confirmed the differences between noise levels for larger and smaller generators;
- The applicant confirmed that the noise study included the rooftop mechanical equipment;
- The applicant confirmed that the diesel fuel stored at the site would be contained in above-ground storage tanks;
- The applicant confirmed that the storage tanks would store diesel fuel for 24-hours;
- The applicant confirmed that a substation would service the site;
- Clarification on the amount of diesel needed onsite to fill all storage tanks;
- The applicant confirmed the overall capacity of the substation and disclosed it would service other users;
- Clarification on the maximum server capacity for the data center;
- Staff confirmed that a proffer condition amendment would be required to amend the proposed rezoning to permit additional building modifications;
- Staff confirmed that language in the proffers that referenced Lee Jackson Memorial Highway would be removed and replaced with U.S. Route 50;
- The applicant confirmed a letter of intent was in place to house a data center at the site, but a lease had not yet been finalized;
- Staff confirmed that the applicant was obligated to meet the lighting standards of the County's Lighting Ordinance, and not adhering to those standards would result in a violation of their proffers and the Zoning Ordinance;
- The applicant confirmed they would meet the 50 decibels at the neighborhood's property line;

- The applicant confirmed that a noise level of approximately 42 decibels was generated from cooling equipment at the residential property boundary;
- Clarification on the type of mechanical system modeled for the proposed site;
- The applicant confirmed that the size of the diesel tanks complied with the federal, state, and county regulations;
- The applicant confirmed that the size of the fuel tanks would be over 660 gallons per generator;
- The types of scenarios that would prevent the Park Authority from accepting the proposed land dedication;
- Whether the applicant would make the same commitments to remove the hazardous materials, underground storage tanks, and the invasive bamboo if the Park Authority opted out of the land dedication;
- The applicant confirmed the community was not informed of the drone flight tests conducted for the site;
- The applicant confirmed the drone flight footage was not presented to the community;
- The applicant confirmed that visuals from some of the drone footage were included in the staff report;
- Clarification on the reasons why balloon fly tests were not conducted;
- The applicant's process in determining the color of the building;
- The applicant confirmed that the location of the substation had not been determined;
- The applicant confirmed that a 2232 application would be submitted for the planned location of the substation;
- The applicant clarified that public infrastructure did not include electrical utilities;
- Staff confirmed that power or substations were not referenced as part of the definition of infrastructure in the Comprehensive Plan;
- Staff confirmed that the applicant met the Zoning Ordinance requirements, as listed in Appendix 12, for the specific standards evaluated as defined by the Comprehensive Plan;
- The air quality impact from the generators during operation;

- The applicant disclosed that once a lease was signed during the site plan process, the air quality impact from the generators during operation would be determined;
- The applicant confirmed compliance with the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ) regulations for generators located at the proposed site;
- Clarification on whether the monthly testing would determine if generators met the air quality standards;
- Staff confirmed that, per DEQ regulations, the generators would operate up to a maximum of 500 hours per year for the purpose of maintenance and testing;
- The applicant confirmed pre and post construction acoustical analysis would be conducted, and would further demonstrate the types of equipment that would be installed;
- The applicant confirmed that the types of equipment installed at the data center would not exceed the agreed upon noise levels at the property line;
- The applicant confirmed that if the agreed-upon noise levels were not met, adjustments would be made to the equipment until they complied with the proffered conditions;
- Staff confirmed that the applicant was required to complete the post-construction testing before they received the occupancy permit for the proposed use;
- The applicant's reasoning for the current location of the generator yard;
- The applicant disclosed that the type of fuel used to power the generators would be determined by the end user;
- The applicant confirmed that spotlights would only be used for security purposes around the facility;
- The applicant confirmed there were no plans for architectural lighting that would illuminate the proposed facility;
- Staff confirmed they attended the drone fly testing, and there were no visuals of the drones because testing was an independent evaluation provided by the applicant;
- Staff confirmed that there were no standards for balloon testing when measuring the height of a building;
- Staff confirmed that they were satisfied with the drone testing analysis that the applicant provided;

- The Zoning Ordinance and Comprehensive Plan's guidelines on visual impacts, buffering, and transitions from one use to another;
- Staff confirmed that there were other industrial uses in the area with minimum buffering compared to that of the proposed use;
- The concerns surrounding the use of brominated compounds and the applicant's commitment to prohibit the use of these chemicals in water treatment;
- Staff clarified that regulation of water in data centers was monitored based on the requirements from the Occoquan Service Authority;
- Data centers use of salt concentration in their use of water and its impact on the environment;
- Staff confirmed that bromide, bromine, and brominated compounds were the only water treatment chemicals that were regulated at data centers; and
- The applicant's agreement to research mechanical cooling solution options that resulted in zero waste.

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

Cynthia Shang, 15121 Elk Run Road, Chantilly, representing Save Pleasant Valley, opposed the rezoning. A copy of Ms. Shang's statement is in the date file.

Matt Maisel, 15239 Sovereign Place, Chantilly, opposed the rezoning. A copy of Mr. Maisel's statement is in the date file;

Kate Maisel, 15239 15239 Sovereign Place, Chantilly, opposed the rezoning. A copy of Ms. Maisel's statement is in the date file.

Nathan Brierly, 15113 Philip Lee Road, Chantilly, opposed the rezoning. A copy of Mr. Brierly's statement is in the date file.

Wendy Meeusen, 4413 Club Run Road, Chantilly, opposed the rezoning. A copy of Ms. Meeusen's statement is in the date file.

David Meeusen, 4413 Club Run Road, Chantilly, opposed the rezoning. A copy of Mr. Meeusen's statement is in the date file.

Scott P. Gorrivett, 15203 Bannon Hill Court, Chantilly, opposed the rezoning. A copy of Mr. Gorrivett's statement is in the date file.

Aaron Gagnon 15126 Bernadette Court, Chantilly, opposed the rezoning because of the following:

- Option 1 or Option 2 of the applicant's proposal would impact the Cub Run watershed, the Pleasant Valley residential community, and the area's small businesses;
- In the event of a spill, the use of diesel fuel would negatively impact the environment and the neighboring residential community;
- Sufficient data on the amount of pollution generated from industrial generators was not provided;
- DEQ lacked adequate regulations on data centers;
- The amount of energy needed to power the data centers were significant; and
- Visuals of his property provided a view from his back yard in relation to the proposed site.

Kathy O'Neal, 4405 Cub Run Road, Chantilly, opposed the proposal because of the following:

- Buyers primary concern issue when selecting a home was location;
- The proposal would generate an increase in traffic;
- The approval of the proposal would negatively impact the housing values of the surrounding communities;
- Concerns regarding the noise pollution from the proposed use and the health impact on the residential community; and
- The increased industrial development in the area would heighten awareness of these uses in the community, undermine trust in their elected officials, and negatively impact the safety of their community.

Fran O'Neal, 4405 Club Run Road, Chantilly, opposed the rezoning. Mr. O'Neal stated that data centers and warehouses were an integral part of society's infrastructure and should be located in areas that would not diminish the character or property values of adjacent communities.

Keith Elliot 15003 Jarski Court, Centerville, opposed the rezoning because of the following:

- The proposed data center would cause a negative impact on the property values of the surrounding residential communities;
- The noise pollution from the generators were valid concerns from residents; and

- Data centers of the proposed size should not be developed near existing residential communities.

Tyler Ray, 6186 Veneto Terrace, Alexandria, representing Bren Pointe Homeowners Association, opposed the rezoning because of the following:

- He encouraged the Commission to take action to prohibit all data center development, including those by-right, until the County completed its review on the existing data center policy;
- County staff were directed to provide recommendations regarding the use of data centers to the Planning Commission and the Board of Supervisors by the end of the year;
- The Environmental Quality Advisory Council was advised to submit its recommendations for the location of data centers to both the Planning Commission and the Board of Supervisors; and
- Previous discussions and comments made by members of the Board of Supervisors and Planning Commission, highlighted the need for policy decisions before the approval of additional data centers.

Ann Bennett, 3901 Sandalwood Court, Fairfax, representing Sierra Club Great Falls Group, opposed the development. A copy of the organization's statement is in the date file.

Jeffrey M. Parnes, 3153 Ramesses Court, Oak Hill, representing Sully District Council of Citizens Associations, opposed the proposal. A copy of the association's statement is in the date file.

Braxton Boren, 32-44 36th Street, Astoria, opposed the rezoning. A copy of Mr. Boren's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Chairman Niedzielski-Eichner called for speakers from the audience.

Christina Campbell, 6321 Paddington Lane, Centreville, opposed the rezoning because of the following:

- The low frequency noise from the data center was not considered;
- Concerns that low frequency noise from the data center's close proximity to a child care center and a residential community, could negatively impact the hearing of infants; and
- Whether the applicant considered the impact of the noise generated by the data center on individuals who are neurodivergent.

Leslie Kent, 4355 Donegal Church Court, Chantilly, opposed the rezoning because of the following:

- The proposed facility's sightline impacted his property the most, especially during the winter months;
- There was no response from the applicant on many of the questions inquired by the Commission on the proposed facility;
- Concerns regarding the impact of heat pollution from the facility's generators on the community; and
- Concerns regarding the amount of water used in the evaporated cooling systems.

John Hemsworth, 15104 General Stevens Court, opposed the rezoning because the applicant did not take into consideration the aviation safety of the community, and the site's close proximity to Dulles International Airport.

Kevin Freeman, 15110 General Steven Court, Chantilly, opposed the rezoning because the facility would have a negative impact on his six-month-old son's health, education, and financial security.

Eric Smith, 5720 Metroview Parkway, Alexandria, opposed the rezoning because of the proposed location of the facility.

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

- The applicant understood the community's concerns regarding the proposed location of the data center;
- Acknowledged that child care facilities, hospitals, hotels, apartment buildings, and office buildings were controversial developments and were often opposed by neighboring residential communities;
- Acknowledged that data centers had become a local, state, and national issue and were required developments in certain instances;
- Data centers developed in areas with no existing infrastructure had a greater environmental impact;
- The applicant understood that there were a small number of problematic data centers that generated a number of concerns, and worked with staff to learn from those experiences;

- The applicant was involved in ongoing discussions about the planning aspects of data centers; and
- The applicant committed to strengthening the proffers to further alleviate public concerns.

Mr. Cox added the following to Mr. Pritchard's rebuttal statement.

- The Prince William County Great Oaks Facility referenced during the discussion was 500 feet away from the neighboring residential community;
- The proposed data center was 200 feet from the closest residential home;
- Upgraded technology would be used for the development of the proposed data center to further mitigate the concerns raised by the public;
- The generators located at the site would only be used during an emergency and would be tested a few times a month;
- The proposed data center's environmental impact to the Cub Run watershed was less than the neighboring car dealership;
- The applicant would adhere to all stormwater regulations for the Cub Run watershed;
- The applicant filed the required Federal Aviation Administration (FAA) Notice Criteria Tool application;
- The proposed height of the data center was included in the FAA filing;
- The applicant confirmed that there was not sufficient heat generated from the cooling system; and
- The applicant was not aware of studies conducted on the heat map impact of a data center.

The applicant's rebuttal was followed by a discussion between Ms. Estes, Ms. Lewis, Mr. Pritchard, Mr. Williams, and multiple Commissioners regarding the following:

- Acknowledgement that the unanswered questions and open issues surrounding the proposal needed to be resolved;
- The structure for the proposed use was different from previous uses;
- Stonecroft Boulevard was constructed for an automobile use;

- Staff confirmed that the proposed applications were under a 100-day rule and if no decision was made within 100 days of the staff report being sent to the Commission, it would advance to the Board of Supervisors with a recommendation for approval;
- Staff confirmed that the source of the time constraint for the 100-day rule was part of the provisions prescribed in the *Virginia Code*;
- Staff confirmed that a two-week deferral by the Commission would place the applications outside of the 100-day rule;
- Staff confirmed that the last submission of any plan made by the applicant was in August, the staff report was published on June 14, 2023, and the 100-day rule was based on the staff report's published date; and
- A discussion regarding conversations with Ms. Shang to address her concerns regarding noise pollution, the facility's proximity to the residential community, and the height, size, and view of the building from neighboring properties;
- There was further discussion and clarification on the following:
 - The size of the above-ground fuel storage tanks for the storage of diesel fuel at the site;
 - Considerations for individuals who are neurodivergent;
 - Considerations for the use of natural gas generators versus the use of diesel fuel generators;
 - The reasons why solar panels were not considered for the rooftop of the facility;
 - Revisions to the noise study, the applicant's noise mitigation enhancements, upgrades made to the types of generators, and whether adjustments had been made to cooling and ventilation systems;
 - Removal of language that referenced Lee Jackson Memorial Highway and replacing with U.S. Route 50; and
 - Further clarification on the 100-day rule for land use 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 Spain for action on this amendment.

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

- APPROVAL OF RZ 2022-SU-00019, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT MEMORANDUM DATED SEPTEMBER 20, 2023; AND
- APPROVAL OF SE 2022-SU-00038, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT ADDENDUM DATED SEPTEMBER 7, 2023.

Commissioner Clarke seconded the motions, which was carried by a vote of 6-0-3. Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant recused himself from the public hearing. Commissioners Murphy, Cortina, and Ulfelder abstained from the vote

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The meeting was adjourned at 1:11 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: 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

Phillip A. Niedzielski-Eichner
Signature of Notary

Notary registration number: 7114113

Commission expiration: JANUARY 31, 2024



