

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 11, 2023**

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Providence District
Timothy J. Sargeant, Vice Chairman, Commission At-Large
Evelyn S. Spain, Secretary, Sully District
John C. Ulfelder, Parliamentarian, Dranesville 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
Vacant, Commissioner At-Large

ABSENT: None

OTHERS: Daniel Creed, Zoning Evaluation Division (ZED),
Department of Planning and Development (DPD)
Sharon Williams, ZED, DPD
Damaris Martinez, ZED, DPD
William O'Donnell, ZED, DPD
Jacob Caporaletti, Department of Clerk Services (DCS)
Nasreen Yadullah, DCS
Satabdi Samaddar, 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 welcomed everyone to the meeting and stated there was one item to address during Commission Matters, followed by the conduct of three public hearings.

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SEA 89-S-072-02 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE (POPES HEAD)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 89-S-072-02 TO A DATE CERTAIN OF JANUARY 10, 2024.

Commissioners Clarke, Cortina, and Sargeant seconded the motion, which was carried by a vote of 11-0.

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APPROVAL OF MINUTES

Commissioner Spain MOVED APPROVAL OF THE FOLLOWING MEETING MINUTES:

- JUNE 7, 2023;
- JUNE 14, 2023;
- JUNE 21, 2023;
- JUNE 22, 2023, PARKING REIMAGINED WORKSHOP;
- JUNE 28, 2023;
- JULY 12, 2023;
- JULY 19, 2023;
- JULY 26, 2023; AND
- JULY 27, 2023.

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

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Commissioner Ulfelder announced that the Planning Commission's Land Use Process Review Committee would meet on Thursday, October 12, 2023, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, located at 12000 Government Center Parkway, Fairfax, Virginia 22035. He noted that the meeting would be broadcasted on Channel 16 and the agenda included a presentation from staff on draft text for the Public Facilities element for the Policy Plan.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. RZ 2022-DR-00008 – MARS, INCORPORATED
2. RZ/FDP-2023-MA-00001–EASTGATE JV, LLC
3. FDPA 82-P-069-02-03 CONCURRENT WITH CSPA 82-P-069-07– FAIRFAX COMMERCE, LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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RZ 2022-DR-00008 - MARS INCORPORATED – RZ Appl. to rezone from C-2, C-3, C-6, HC, SC and CRD to C-3, HC, SC and CRD to permit office use with an overall Floor Area Ratio (FAR) of 0.76. Located immediately S. of the intersection of Moyer Pl. and Elm St., S. of Dolley Madison Blvd. and N. of Old Dominion Dr. on approx. 3.79 ac. of land. Comp. Plan Rec: Office. Dranesville District. Tax Map 30-2 ((6)) 1, 30-2 ((10)) (7) 2, and 30-2 ((10)) (8) 1. DRANESVILLE DISTRICT. PUBLIC HEARING.

G. Evan Pritchard, Applicant's Agent, Cozen O'Connor PC, reaffirmed the affidavit dated September 19, 2023.

There were no disclosures from the Commission.

Daniel Creed, 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 RZ 2022-DR-00008.

Mr. Pritchard gave a presentation on the subject application.

There was a discussion between Mr. Creed, Mr. Pritchard, and multiple Commissioners on the following:

- The extent to which previous changes to the Comprehensive Plan accommodated the proposal on the subject property;
- Explanation of the stormwater retention plan for the proposed development;
- Confirmation that there would be no less than 205 parking spaces in the underground garage and such provisions were in conformance with the Parking Reimagined initiative;
- Clarification of the revised language for Proffered Number 37 regarding undergrounding of utilities;
- Explanation of the applicant's compliance to the McLean Community Business Center (CBD) guidelines;
- Clarification of the square-footage of the proposed urban park space;
- Confirmation that the proposed urban park space met the current Comprehensive Plan guidelines for CBC pertaining to public access;
- Explanation of staff's justification for determining that the applicant's urban park space plan met the recommendations of the Comprehensive Plan;
- Explanation of the height of potential future development on the subject site;
- Confirmation of the applicant's commitment to the green infrastructure for the proposed development;
- Support for the applicant's commitment for additional parking, green space, and covered bus stops, which would benefit employees who report to the office;
- Explanation of the company's expectations for employee work schedule and how it related to the proposed development; and

- Explanation of the proposed percentage of electric vehicle charging stations and intentions for future expansion.

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 Ulfelder for action on this application.

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

- RZ 2022-DR-00008, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 11, 2023;
- MODIFICATION OF THE LOADING SPACE REQUIREMENT TO THAT SHOWN ON THE GDP; AND
- A 20 PERCENT REDUCTION OF THE PARKING REQUIREMENTS, EITHER CURRENT OR AS AMENDED BY PARKING REIMAGINED, SO LONG AS THERE ARE NO LESS THAN 205 PARKING SPACES.

Commissioners Murphy and Niedzielski-Eichner seconded each of the motions, which was carried by a vote of 11-0.

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RZ/FDP 2023-MA-00001 - EASTGATE JV, LLC – RZ and FDP Appls. to rezone from C-6, HC, CRD and SC to PRM, HC, CRD and SC to permit mixed use multi-family apartment building with an overall intensity of 2.34 Floor Area Ratio (FAR) including bonus density associated with affordable housing and approval of the conceptual and final development plan. Located on the E. side of John Marr Dr. approx. 425 ft. S. of intersection of John Marr Dr. and Columbia Pike on approx. 3.22 ac. of land. Comp. Plan Rec: Alternative Uses. Mason District. Tax Map 71-1 ((1)) 103A2 and 103A3. MASON DISTRICT. PUBLIC HEARING.

Scott E. Adams, Applicant's Agent, McGuire Woods, reaffirmed the affidavit dated August 31, 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 RZ/FDP 2023-MA-00001.

Mr. Adams gave a presentation on the subject applications.

Commissioner Shumate shared the recommendation from the Mason District Land Use Committee.

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

- The extent to which the proposal would improve the character of the surrounding area;
- Concerns related to parking that had been raised by the Mason District Land Use Committee;
- Explanation on the proposed reduction in parking and the compliance of such a reduction with the Parking Reimagined initiative;
- Clarification on the requested modifications for loading spaces;
- Explanation of projected uses for loading spaces;
- Clarification on the portions of the parking areas that could accommodate short-term parking areas for delivery vehicles and taxi services;
- Explanation of the urban park space;
- Clarification on how the proposed streetscapes met the County's Urban Park Standards;
- The potential for further expansion of urban park space;
- Clarification that the existing trees and lighting on the frontage of the subject would be removed to accommodate the 10-foot multi-use trail and other future development;
- Concern regarding practices that involved the removal mature trees and updated lighting;
- Explanation of the potential impact of new development on current tree canopy;
- Clarification that staff had worked with the applicant to ensure the use of native, fast-growing trees for the replacement of the current trees;
- Clarification on the language used in Proffered Number 23, which stated the proposed development would ensure accommodation for an additional two percent of parking space as future electric vehicle charging spaces if the market conditions supported such an expansion;
- Clarification of the existing retail uses around the subject property;
- Clarification of the integration of a residential development in a retail environment;
- Comparison of the cost of retail space between the southern part of Alexandria to the Annandale Community Business Center; and
- Concerns related to the potential for gentrification of the subject area, which had a heavy concentration of existing family-owned businesses and retail establishments that were unique and valuable to the Annadale community.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience but received no response.

There was a final discussion between Mr. Adams, Maurice A. Stern, Applicant Agent, Eastgate JV, LLC, and multiple Commissioners on the following:

- Clarification of the applicant's intent to maintain the existing character of the neighborhood to the greatest extent possible; and
- The applicant's commitment to preserve the character of the area by continuing to lease retail space to businesses like what currently exists.

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 Shumate for action on these applications.

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

- RZ 2023-MA-00001 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN 2023-MA-00001, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 10, 2023;
- PARKING REDUCTION PURSUANT TO SECTION 6100.4.C TO ALLOW FOR A REDUCTION IN THE NUMBER OF PARKING SPACES BASED ON PROXIMITY TO METRO TO REDUCE THE PARKING RATIO FROM 1.6 TO 1.34 SPACES PER DWELLING UNIT AS SHOWN ON THE CDP/FDP AND AS A CONDITION IN ATTACHMENT 1 OF APPENDIX 9 AS CONTAINED IN THE STAFF REPORT;
- MODIFICATION OF SUBSECTION 5100.2.C (5) OF THE ZONING ORDINANCE TO ALLOW FOR A PARAPET WALL, CORNICE, OR SIMILAR PROJECTION TO EXCEED THE HEIGHT LIMIT ESTABLISHED BY MORE THAN THREE (3) FEET BUT NOT MORE THAN 12 FEET IN ORDER TO SCREEN MECHANICAL EQUIPMENT WITHOUT COUNTING TOWARDS BUILDING HEIGHT AS SHOWN ON THE CDPA/FDPA;
- MODIFICATION OF MINIMUM LOADING SPACE REQUIREMENT SET FORTH IN SUBSECTION 6101.3 OF THE ZONING ORDINANCE TO PERMIT ONE LOADING SPACE IN LIEU OF THE REQUIRED THREE LOADING SPACES;
- WAIVER OF SUBSECTION 5107.3.A.3 OF THE ZONING ORDINANCE TO ALLOW PRIVATE STREETS IN EXCESS OF 600 FEET IN LENGTH; AND
- MODIFICATION OF SUBSECTION 5108.7.A.3 FOR TRANSITIONAL SCREENING AND BARRIERS TO THE EAST IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Cortina seconded the motions, which were carried by a vote of 11-0.

Commissioner Shumate MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2023-MA-00001, SUBJECT TO THE BOARD OF SUPERVISOR'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Cortina seconded the motion, which was carried by a vote of 11-0.

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FDPA 82-P-069-02-03 (RZPA 2023-SP-00007) - FAIRFAX COMMERCE, LLC – FDPA Appl. to amend the final development plans for RZ 82-P-069 to modify the restaurant with drive-through and make associated changes to development conditions. Located on the N. side of Fair Lakes Pkwy., S. side of Federal Park Dr., and E. side of Fair Valley Dr. on approx. 1.23 ac. of land zoned PDC and WS. Springfield District. Tax Map 45-4 ((11)) 1A. (Concurrent with CSPA 82-P-069-07 (RZPA 2023-SP-00008)).

CSPA 82-P-069-07 (RZPA 2023-SP-00008) - FAIRFAX COMMERCE, LLC – CSPA Appl. to amend the previously approved Comprehensive Sign Plan associated with RZ 82-P-069 to permit sign modifications. Located on the N. side of Fair Lakes Pkwy., S. side of Federal Systems Park Dr., and E. side of Fair Valley Dr. on approx. 1.23 ac. of land zoned PDC and WS. Springfield District. Tax Map 45-4 ((11)) 1A. (Concurrent with FDPA 82-P-069-02-03 (RZPA 2023-SP-00007)). SPRINGFIELD DISTRICT. PUBLIC HEARING.

Matthew G. Roberts, Esq, Applicant's Agent, Hirschler Fleischer, P.C., reaffirmed the affidavit dated April 17, 2023.

There were no disclosures from the Commission.

Damaris Martinez, 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 FDPA 82-P-069-02-03 and CSPA 82-P-069-07.

Mr. Roberts gave a presentation on the subject applications.

Commissioner Murphy commended the staff and the applicant for putting together a quality report. He voiced his support for the increased drive-through capacity and extended pedestrian walkway along Fair Lakes Parkway. Commissioner Murphy requested that the applicant clarify the location of the proposed electric vehicle charging stations. In response, Mr. Roberts stated that the location of the electric vehicle charging station would be determined at the time of the site plan review.

Commissioner Cortina voiced her support for the proposed application and supported the Limits of Disturbance for the trail that had been marked on the conceptual development plan. She also shared her concern related to the potential for removal of trees along the trail on Fair Lakes Parkway. She requested a response from staff on the matter.

In response, William O'Donnell, Zoning Evaluation Division, Department of Planning and Development, stated he supported the preservation of the existing tree buffer along the trail. He also recognized that this was a challenge associated with redevelopment; therefore, he stated that staff had addressed this concern in the most environmentally sensitive way possible.

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 Murphy for action on these applications.

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Prior to the motion. Commissioner Murphy requested that the applicant confirm for the record their agreement to the development conditions dated September 26, 2023.

Mr. Roberts affirmed agreement to the development conditions dated September 26, 2023.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-02-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 26, 2023.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 82-P-069-07, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 26, 2023.

Commissioner Sargeant seconded the motion, which was carried by a vote of 11-0.

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The meeting was adjourned at 9:25 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.

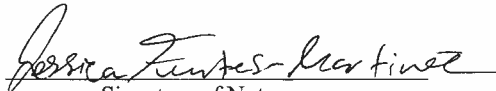
Minutes by: Satabdi Samaddar
Approved on: January 10, 2024



Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 17 day of January, 2024 by


Signature of Notary

Notary Seal

Notary registration number: 8050379

Commission expiration: 03/31/2027



