

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 15, 2023**

**PRESENT:** Phillip A. Niedzielski-Eichner, Chairman, Commissioner At-Large  
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  
Jermey Hancock, Providence District

**ABSENT:** Candice Bennett, Commissioner At-Large

**OTHERS:** Karen Yee, Zoning Evaluation Division, (ZED)  
Department of Planning and Development (DPD)  
Salem Bush, Planning Division, (PD) DPD  
Kazi Mohaimin, PD, DPD  
Casey Judge, Zoning Administration Division, (ZAD) DPD  
Leslie Johnson, ZAD, DPD

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The meeting was called to order at 7:30 p.m., by Chairman Phillip A. Niedzielski-Eichner, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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**COMMISSION MATTERS**

Chairman Niedzielski-Eichner announced the items to be considered during Commission matters and the items scheduled for public hearing.

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**APPROVAL OF MINUTES**

Commissioner Spain MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MEETING MINUTES:

- SEPTEMBER 13, 2023;
- SEPTEMBER 14, 2023;
- SEPTEMBER 20, 2023; AND

- SEPTEMBER 27, 2023.

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

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PA 2020-CW-1CP – PUBLIC FACILITIES POLICY PLAN

On behalf of Commissioner Bennett, Commissioner Lagana MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PA 2020-CW-1CP TO A DATE CERTAIN OF JANUARY 24, 2024.

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

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SE 2023-BR-00015 – 8003 FORBES PLACE, LLC

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2023-BR-00015 TO A DATE CERTAIN OF JANUARY 31, 2024.

Commissioners Sargeant and Murphy seconded the motion, which was carried by a vote of 11-0.  
Commissioner Bennett was absent from the meeting.

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PCA-2011-PR-023-04/ CDPA-2011-PR-023-03/ FDP-2011-PR-023-06 – CITYLINE PARTNERS LLC

Commissioner Hancock MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA-2011-PR-023-04, CDPA-2011-PR-023-03, AND FDP-2011-PR-023-06 TO A DATE CERTAIN OF JANUARY 10, 2024.

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

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RZ/FDP 2022-DR-00007 DULLES CENTER LLC

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION INDEFINITELY DEFER THE PUBLIC HEARING FOR RZ/FDP 2022-DR-00007.

Commissioners Sargeant and Murphy seconded the motion, which was carried by a vote of 11-0.  
Commissioner Bennett was absent from the meeting.

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Kazi Mohaimin, Planning Division (PD), Department of Planning and Development (DPD), gave a brief description of the application.

There was a discussion between Mr. Mohaimin; Salem Bush, PD, DPD; Andy Galusha, Planning and Development, Park Authority; and multiple Commissioners on the following:

- Clarification on additional lighting to the athletic fields, the parking lot, and at the entrance of the park;
- Staff confirmed that full cut-off mechanism for the lighting fixtures in the parking lot, athletic fields, and park entrance was to mitigate light spill in accordance with the International Dark-Sky Association (IDA) standards;
- Staff confirmed that LED lighting would be installed on the athletic fields, the parking lot, and at the entrance of the park;
- Staff clarified that the park and the current dog park was previously approved through a 2232 application process and, therefore, the proposed application was considered a feature shown;
- Staff confirmed that the proposed lighting was in accordance with the IDA standards;
- Staff confirmed there was no change to the facility's hours of operation;
- Staff confirmed the types of evening activities held on the athletic fields;
- Staff confirmed that there had been a scheduled user group of the athletic field, but that group chose not to renew their agreement and the Park Authority was in the process of seeking other users;
- A discussion on the type of lighting being proposed by the Park Authority compared to existing lighting and the associated cost savings; and
- A clarification that a combination of cut-off fixtures, the type of lighting fixtures installed, and the amount of light projected down on the playing surface of the athletic field all factored into efforts to comply with the dark-skies standards.

2232-2023-SU-00015 - ROCK HILL DISTRICT PARK INTERIM LIGHTING

Commissioner Spain MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSED APPLICATION, 2232-2023-SU-00015, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE*

SECTION 15.2-2232, AND FIND THE SUBJECT APPLICATION A FEATURE SHOWN OF THE COMPREHENSIVE PLAN.

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

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Chairman Niedzielski-Eichner announced that the Policy Plan Committee would meet with staff from the Department of Planning and Development on Thursday, November 16, 2023, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. He added that the Committee provided the overarching land use policy framework for the Policy Plan portion of the Comprehensive Plan. Chairman Niedzielski-Eichner added that the Board of Supervisors directed a comprehensive update of the Policy Plan.

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Chairman Niedzielski-Eichner announced that the last Planning Commission of the calendar year would be held on Thursday, December 14, 2023, to accommodate the Board of Supervisors' inauguration ceremony, which was scheduled for Wednesday, December 13, 2023.

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Commissioner Lagana announced his absence from the Thursday, November 16, 2023, Policy Plan Committee meeting.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. SE-2022-HM-00035 – CARLA S. MARTY AND CARLA’S DAYCARE LLC
2. ZONING ORDINANCE AMENDMENT – SIGNS PART II

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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SE 2022-HM-00035 - CARLA S. MARTY AND CARLA’S DAYCARE LLC – SE Appl. to permit a home day care facility. Located at 1307 Deep Run Ln., Reston, 20190 on approx. 19,744 sq. ft. of land zoned PRC. Hunter Mill District. Tax Map 12-3 ((4)) (6) 46. HUNTER MILL DISTRICT. PUBLIC HEARING.

Carla S. Marty, Applicant/Title Owner, reaffirmed the affidavit dated February 28, 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 electronic date file. She noted that staff recommended approval of application SE 2022-HM-00035.

Luis F. Marty, Applicant/Title Owner, declined to give a presentation, but noted that he was available for questions from the Commission.

Commissioner Carter made preliminary comments on the application, which included strong support for childcare in the Reston area.

Multiple Commissioners praised Ms. Marty for providing a vital service to the Reston area and noted the Planning Commission received several letters in support of the application.

Commissioner Hancock inquired of the potential impact on the state licensure from the child-to-staff ratio. Mr. Marty confirmed there was no impact to the licensure.

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

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 this application.

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Prior to the motion, Commissioner Carter requested that the applicant confirm for the record their agreement to the development conditions dated November 1, 2023.

Ms. Marty affirmed agreement to the development conditions dated November 1, 2023.

Commissioner Carter MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2022-HM-00035, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 1, 2023.

Chairman Niedzielski-Eichner and Commissioners Lagana and Cortina seconded the motion, which was carried by a vote of 11-0. Commissioner Bennett was absent from the meeting.

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ZONING ORDINANCE AMENDMENT – SIGNS PART II –

- (1) Exempt from sign regulation scoreboards located at

- school, college, university, or Park Authority property from sign regulations.
- (2) Increase size of address and building entrance identification exempt from sign permit requirements from two to four square feet in area.
  - (3) Exempt from sign permit requirement and maximum allowed sign area signs located in or immediately adjacent to reserved parking spaces.
  - (4) For minor signs located at new residential development containing at least three dwelling units, add requirement that the dwelling units under construction must be on contiguous lots to qualify for 60 square foot sign.
  - (5) Add allowance for one illuminated or electronic window sign per nonresidential establishment, up to four square feet (two – four square feet) in area, and with no moving images or content.
  - (6) For multi-faced signs where the sign faces are parallel to one another, change the measurement from the interior distance to the exterior distance between faces, and increase this measurement from 18 inches or less to 24 inches or less.
  - (7) For electronic display signs, specify maximum nit limitations (100 – 1,000 nits) to control brightness at night based on factors which may include zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts; add requirement that sign specifications be submitted with associated sign permit applications; and allow for Board approval for an increase in nits.
  - (8) Add requirement that signs located at single-family residential subdivisions or stacked townhouse developments may only be located at each major vehicular entrance and within an agreement or easement recorded for signage purposes or on common area.
  - (9) Include option for multifamily developments to have one freestanding sign up to 30 square feet or 50 square feet (25 – 50 square feet) of building-mounted signage.

- (10) Clarify that mixed use buildings in residential districts with ground-floor nonresidential uses may have the building-mounted signage permitted for a nonresidential use, but the building is limited to a maximum of one freestanding sign not to exceed 30 square feet in area or eight feet in height.
- (11) Remove 20-acre minimum for agricultural operations to have a sign.
- (12) Specify that freestanding signs at hospitals may only be located at a vehicular entrance.
- (13) For building-mounted signs in C and I districts, remove standard where a single tenant with frontage resulting in sign area greater than 200 square feet occupying an area with more than one perimeter wall containing a main entrance may place 200 square feet on each perimeter wall when it does not exceed 1.5 times the length of the wall.
- (14) Include an option for the Board to consider allowing building-mounted signs in C and I districts to be measured using 1.5 square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.
- (15) For freestanding signs associated with a shopping center with frontage on two or more major thoroughfares, prohibit the two signs from being located on the same major thoroughfare.
- (16) Add regulations allowing freestanding signs associated with the ordering station of a use with a drive through, limited to a maximum size of 20 square feet (10 – 30 square feet).
- (17) Delete Administrative Comprehensive Sign Plan regulations and sign regulations regarding special exceptions, special permits, and comprehensive sign plans in Planned districts, and replace them with a new consolidated procedure and regulations, described below.
- (18) Consolidate current sign applications (comprehensive sign plan, special exception, and special permit) into a single special exception application available for any property in a P District, and any property in a C or I district with or planned for development with a minimum gross floor area of 30,000 square feet (25,000 – 50,000 square feet). The

special exception may also be requested for any C or I district development under 30,000 square feet (25,000 – 50,000 square feet) with unusual circumstances or conditions. The application includes review criteria, set standards for modifications to electronic display sign limitations, and submission requirements.

- (19) Reduce appeal timeframe for minor sign violations from 30 days to ten days from the date of the notice.
- (20) Revise existing definitions of moving or windblown sign and roof sign.
- (21) Edit language throughout for plain language and readability.

#### COUNTYWIDE. PUBLIC HEARING.

Chairman Niedzielski-Eichner explained that the first public hearing for Zoning Ordinance Amendment, Signs Part II, on October 25, 2023, but consideration was deferred to a later date to provide additional time to address the concerns raised by the Commission and the public. Due to public hearing notification procedures prescribed by the Virginia State Assembly, a second public hearing on this item was necessary.

Casey Judge, Zoning Administration Division (ZAD), Department of Planning and Development (DPD) presented the staff report, a copy of which is in the electronic date file. She noted that staff recommended adoption of the Zoning Ordinance Amendment, Signs Part II, except for the electronic display signs in favor of the alternative text articulated in the memorandum dated November 15, 2023, a copy of which is in the date file.

Commissioner Lagana made preliminary comments on the amendment.

There was a discussion between Ms. Judge; Leslie Johnson, Director, ZAD, DPD; and multiple Commissioners on the following issues:

- Staff confirmed that home-based businesses were not permitted an illuminated window signage;
- Staff confirmed that non-residential uses permitted illuminated window signage;
- Staff confirmed that the proposed amendment complied with the recommendation from International Dark-Sky Association, as it pertained to light pollution;
- Staff confirmed that their recommendation exceeded IDA's recommendation on how nits on LED signage was measured;
- Staff clarified that a district-specific approach was recommended when measuring nits on electronic signage rather than a use approach;
- Concerns that the maximum nit level of 500 nits were too high for electronic display signs in planned, commercial, and industrial districts;



- Staff confirmed that the Department of Code Compliance tracked sign complaints and reviewed those complaints by topic of concern;
- Staff confirmed that, as part of the County’s PLUS record for the sign permit, a checkbox feature was added for electronic display signs to produce necessary reports;
- Staff clarified that the Department of Code Compliance consolidated their complaint codes, adding that language referencing signs was included;
- Staff confirmed that they had access to a nit reader that measured the luminance on electronic signage, and they shared the reader with the Department of Code Compliance;
- Concerns for visual distractions from signage in commercial districts;
- Staff explained the various nit levels permissible based on its proximity to residential areas;
- Staff clarified the current regulations for nit measurements and noted that there was opportunity for further regulation on a case-by-case basis; Staff noted that they planned an educational outreach campaign to inform businesses in the community on new nit level regulations;
- Staff clarified that most LED signage have dimming capabilities that would enable businesses to come into compliance with the proposed regulations at no cost to the business owners; and
- Staff clarified the impact of the proposed Zoning Ordinance Amendment on current and future sign applications.

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

David Hicky, representing the International Sign Association, spoke in support of the proposed Zoning Ordinance Amendment. Mr. Hickey noted that he and his colleague, Kenneth Peskin, submitted a joint written statement, which included a table of calculations that demonstrated the impacts of electronic display sign brightness on neighbors. A copy of the joint written statement is in the date file.

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 this case.

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Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOAD OF SUPERVISORS THE FOLLOWING ACTIONS:

- ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR SIGNS PART II, WITH THE STAFF-RECOMMENDED OPTIONS AND THE PROPOSED AMENDMENTS TO APPENDIX 1 RELATING TO PREVIOUS APPROVALS, AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 3, 2023, EXCEPT FOR ELECTRONIC DISPLAY SIGNS;

- APPROVAL OF THE ALTERNATIVE TEXT FOR ELECTRONIC DISPLAY SIGNS IN P, C, AND I DISTRICTS TO HAVE THE MAXIMUM NIT LEVEL AFTER SUNSET BE 300 NITS, AND SIGNS WITHIN 150 FEET OF ANY PROPERTY DEVELOPED WITH A SINGLE-FAMILY DWELLING BE LIMITED TO 100 NITS, AS SET FORTH IN THE HANDOUT DATED NOVEMBER 15, 2023, WHICH WAS DISTRIBUTED TO THE PLANNING COMMISSION; AND
- THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M., THE DAY FOLLOWING ADOPTION.

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

In a series of follow-on motions, Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOAD OF SUPERVISORS THE FOLLOWING:

- DIRECT STAFF TO DEVELOP A POLICY FOR EXPEDITING THE SCHEDULING OF PLANNING COMMISSION AND BOARD HEARING DATES FOR SPECIAL EXCEPTIONS FOR SIGN MODIFICATIONS; AND
- DIRECT STAFF TO MONITOR, ANALYZE, AND REPORT ON THE IMPLEMENTATION OF TWO KEY CHANGES TO THE SIGN REGULATIONS THROUGHOUT THIS AMENDMENT SPECIFIC TO:
  - (A) MAXIMUM NIGHTTIME BRIGHTNESS OF ALL SUBMITTED PERMITS FOR ELECTRONIC DISPLAY SIGNS; AND
  - (B) SPECIAL EXCEPTION APPLICATIONS FOR SIGN MODIFICATIONS.

THIS INFORMATION SHOULD BE PROVIDED WITHIN 18 MONTHS OF ADOPTION OF THE AMENDMENT.

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

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The meeting was adjourned at 9:00 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.

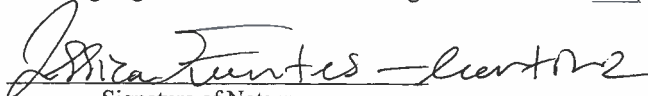
Minutes by: Satabdi Samaddar  
Approved on: January 24, 2024



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

County of Fairfax  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 24 day of January 2024, by

  
Signature of Notary

Notary Seal

Notary registration number: 8050379

Commission expiration: 03/31/2027

