

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 14, 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
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Franconia District
Walter C. Clarke, Mount Vernon District
Jermey Hancock, Providence District
Candice Bennett, Commissioner At-Large

ABSENT: Daren Shumate, Mason District
Peter F. Murphy, Springfield District

OTHERS: Zach Fountain, Zoning Evaluation Division, (ZED)
Department of Planning and Development (DPD)
Andrew Stone, ZED, DPD
Cathrine Lewis, ZED, DPD
Katelyn Quinn, ZED, DPD
Samantha Hudson, Park Authority
Chris Blough, Planning and Development Division,
Fairfax County Department of Transportation (FCDOT)
Jeremy Ko, Transportation Planning Division (TPD), FCDOT
Marc Dreyfuss, TPD, FCDOT
Sahar Hamdard, Planning Division (PD), DPD
Clara Johnson, PD, 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, an update to the bylaws, items for deferral, and items scheduled public hearing.

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SEA 2015-MV-003 – CLAUDIA C. TRAMONTANA AND FIRST YEARS LEARNING CENTER LLC

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 2015-MV-003 TO A DATE CERTAIN OF JANUARY 31, 2024.

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

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Commissioner Spain announced her intent to move approval of the October 2023 meeting minutes at the January 10, 2024, Planning Commission meeting. She added that any corrections or edits should be forwarded to staff by January 8, 2024.

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UPDATES TO THE PLANNING COMMISSION BYLAWS

Commissioner Carter MOVED APPROVAL OF THE UPDATED PLANNING COMMISSION BYLAWS DATED DECEMBER 14, 2023.

Prior to the vote, Commissioner Carter gave a summary of the changes made to the bylaws. He confirmed that the Department of Clerk Services received no written comments on these changes.

Chairman Niedzielski-Eichner and Commissioner Sargeant seconded the motion which was carried by a vote of 10-0. Commissioners Murphy and Shumate were absent from the meeting.

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Commissioner Hancock announced that at the January 10, 2024, Planning Commission meeting, he intended to defer the public hearing on PCA-2011-PR-023-04/CDPA-2011-PR-023-03/FDP-2011-PR-023-06, Cityline Partners, LLC, to a date certain of February 28, 2024.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. RZ 2023-PR-00009 – MASEBOY, LLC
2. SE 2023-FR-00008 – HIRUT TESFAYE AND YAYA FAMILY CHILDCARE LLC
3. CSP-2000-MV-046 – BVT AVENTON HUNTING STA OWNER JV LLP
4. PCA/CDPA 2011-HM-032 – JBG TYSONS HOTEL L.L.C
5. PA 2023-III-3UP – AGAPE HOUSE

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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RZ 2023-PR-00009 - MAESBOY, LLC –Appl. to rezone from C-6 to C-3 District to permit a veterinary hospital, office, financial institution, hotel, or a college/university with a maximum Floor Area Ratio (FAR) of 0.70. Located on the N. side of Arlington Blvd. and E. side of Executive Park Ave. on approx. 2.64 ac. of land. Comp. Plan Rec: Office. Providence District. Tax Map 49-3 ((1)) 102. PROVIDENCE DISTRICT. PUBLIC HEARING.

David I. Schneider, Applicant's Agent, Holland & Knight, LLP, reaffirmed the affidavit dated October 7, 2023.

There were no disclosures from the Commission.

Zachary Fountain, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended approval of application RZ 2023-PR-00009.

Mr. Schneider gave a presentation on the subject application.

There was a discussion between Mr. Fountain, Mr. Schneider, and multiple Commissioners on the following:

- Clarification that the subject application was limited to providing greater flexibility for future redevelopment of the site;
- Clarification on purpose and on all three scenarios presented;
- Clarification on the amount of open space agreed to in the proffered conditions;;
- Explanation on the implementation and the number of electric vehicle charging stations proffered;
- Clarification that there were no anticipated changes to the Comprehensive Plan for the subject area;
- Comparison of the number of parking spaces proposed under Scenario 1 and Scenario 3; and
- Explanation of the options for underground parking garage.

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 Hancock for action on this application.

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

- APPROVAL OF RZ 2023-PR-00009, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 13, 2023;
- MODIFICATION OF THE LOADING SPACE REQUIREMENT TO PERMIT TWO LOADING SPACES WITH SCENARIO 2 AND 3;
- WAIVER OF THE COMPREHENSIVE PLAN TRAIL REQUIREMENT FOR SCENARIO 1 TO PERMIT THE EXISTING SIDEWALK TO REMAIN; AND
- WAIVER OF THE 10-FOOT OFF-STREET PARKING SETBACK TO ALLOW THE EXISTING OFF-STREET PARKING TO REMAIN WITH SCENARIO 1.

Chairman Niedzielski-Eichner and Commissioners Lagana and Clarke seconded the motions, which was carried by a vote of 10-0. Commissioners Murphy and Shumate were absent from the meeting.

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SE 2023-FR-00008 HIRUT TESFAYE AND YAYA FAMILY
CHILDCARE LLC–Appl. to permit a home day care facility.
Located at 6026 Kestner Cir., Alexandria, 22315 on approx. 1,700
sq. ft. of land zoned PDH-8 and NR. Franconia District. Tax Map
91-2 ((15)) (13) 27. FRANCONIA DISTRICT. PUBLIC
HEARING.

Hirut Tesfaye, Applicant/Title Owner, reaffirmed the affidavit dated June 3, 2023.

There were no disclosures from the Commission.

Andrew Stone, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended approval of application SE 2023-FR-00008.

Ms. Tesfaye declined to give a presentation.

There was a discussion between Mr. Stone; Ms. Tesfaye; Cathrine Lewis, ZED, DPD; and multiple Commissioners on the following:

- Clarification on the designated parking location for non-residential staff;
- Confirmation on the non-residential staff's working hours;
- Clarification on the basement's point of egress;

- Explanation on the reason for requesting a smaller number of children than what was permitted by the State of Virginia; and
- Explanation of the location of the proposed sleeping area in relation to doors and windows.

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 this case.

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Prior to the motion, Commissioner Lagana requested that the applicant confirm for the record their agreement to the development conditions dated November 29, 2023.

Ms. Tesfaye affirmed agreement to the development conditions dated November 29, 2023.

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2023-FR-00008, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 29, 2023.

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

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CSP-2000-MV-046 BVT AVENTON HUNTING STA OWNER
JV LLP – Appl. for approval of a Comprehensive Sign Plan associated with RZ 2000-MV-046. Located 5921 Ashlar Way, Alexandria, 22303 on approx. 4.02 ac. of land zoned PRM. Mount Vernon District. Tax Map 83-3 ((38)) C4. MOUNT VERNON DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Andrew Stone, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy of which is in the electronic date file. He noted that staff recommended approval of application CSP-2000-MV-046.

Patrick Lugar, Applicant's Agent, Aventon Companies, declined to give a presentation.

There was a discussion between Mr. Stone; Cathrine Lewis, ZED, DPD; Mr. Lugar; and multiple Commissioners on the following:

- The existing condition and aesthetics of the site;
- Explanation of the public art proffer;
- Explanation of the applicant's efforts to produce adequate wayfinding to the Huntington Metrorail Station; and
- Clarification on where the design for the Privately Owned Public Space (POPS) signs originated.

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 Clarke for action on this case.

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Prior to the motion, Commissioner Clarke requested that the applicant confirm for the record their agreement to the development conditions dated November 29, 2023.

Ms. Lugar affirmed agreement to the development conditions dated November 29, 2023.

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2000-MV-046, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 29, 2023.

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

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PCA/CDPA 2011-HM-032 (RZPA 2022-HM-00027) - JBG TYSONS HOTEL L.L.C.– Appl(s). to amend RZ 2011-HM-032, previously approved for mixed use development, to permit modifications to proffers and site design at a 2.66 Floor Area Ratio (FAR) inclusive of bonus density. Located in the N.W. quadrant of the intersection of Leesburg Pike and Westwood Center Dr. on approx. 11.49 ac. of land zoned PTC, HC and SC. Comp. Plan Rec: Residential Mixed-Use, Transit Station Mixed-Use, and Civic Use/Public Facility. Hunter Mill District. Tax Map 29-3 ((34)) 2, 3B, 4B, 5, 6 and B. HUNTER MILL DISTRICT PUBLIC HEARING.

There were no disclosures from the Commission.

Robert D. Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated November 20, 2023.

Katelyn Quinn, Zoning Evaluation Division (ZED), 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 approval of application PCA 2011-HM-032 and CDPA 2011-HM-032.

Mr. Brant gave a presentation on the subject applications.

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Chairman Niedzielski-Eichner announced that there were some technical issues with the cable broadcast of the meeting. He noted that the meeting was streamed through the County's website <https://www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream>, and could also be viewed on-demand tomorrow.

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There was a discussion between Ms. Quinn; Mr. Brant; Samantha Hudson, Fairfax County Park Authority (FCPA); Chris Blough, Development Review Section Supervisor, Planning and Development Division; and multiple Commissioners on the following:

- The challenges associated with the redevelopment of the subject property;
- The challenges associated with converting office development into residential uses;
- The challenges associated with meeting the urban park standards for an office development conversion into residential development;
- Clarification on the process and criteria for adaptive reuse;
- Explanation on affordability and design of workforce dwelling units;
- Explanation on the potential opportunity for indoor/outdoor amenities;
- Explanation of the conversation of the subject property at the current stage of development;
- Clarification on the amount of park space with the proposed redevelopment;
- Concerns raised regarding the quality and functionality of the proposed park space;
- Explanation on the contributions for off-site improvements, which would connect publicly accessible park space;
- Clarification of the applicant's commitment to working with the adjacent neighborhood on concerns related to the traffic impact on the subject area;
- Clarification of the applicant's commitment to addressing the escalation of contributions for parks and schools through an additional proffered condition;
- Concerns the applicant's ability to negotiate the quality and functionality of parks in the FDPA stage of the proposal.

There being no listed speakers, Chairman Niedzielski-Eichner called for speakers from the audience, but received no response. He recognized the speaker on the phone and recited the rules for public testimony.

Reid Brown, 8834 Mansion View Court, Vienna, voiced concerns about connectivity to Boone Boulevard from the Dulles Access Road and the traffic impact on residents of Westwood Village.

Chairman Niedzielski-Eichner called on staff to speak to Mr. Brown's concern.

Jeremy Ko, Transportation Planning Division (TPD), Fairfax County Department of Transportation (FCDOT), stated that there was an ongoing study to assess the traffic impact on the subject area and at the conclusion of said study, community outreach would take place to inform the community of the findings and determine the most appropriate recourse.

Chairman Niedzielski-Eichner asked if there was a timeline for completion of the study. In response, Mr. Ko noted that a timetable had not been determined, but staff indicated they intended to inform the surrounding community once a proper timetable for the study was determined.

Marc Dreyfuss, TPD, FCDOT, noted that staff was aware of the potential impact in the surrounding area and was committed to working with the Hunter Mill District Supervisor and staff to meet with the community once the findings from the study were available.

Commissioner Carter stated that staff has been working diligently on the current and future traffic configuration of the area and noted that construction was set to begin at a later date.

Chairman Niedzielski-Eichner recognized Ms. Quinn for closing comments.

Ms. Quinn noted the unique challenges with this project as it related to the adaptive reuse of existing infrastructure. She thanked the applicant for their efforts in this process.

There were no further comments or questions from the Commission. Therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Carter for action on these cases.

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

- APPROVAL OF PCA 2011-HM-032, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 14, 2023, WITH A MODIFICATION TO PROFFER #59 PRIOR TO PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS TO INCLUDE AN ESCALATION CLAUSE TO SERVE THE NEED FOR THE PARKS CONTRIBUTION;
- APPROVAL OF CDPA 2011-HM-032;
- MODIFICATION OF SUBSECTIONS 5108.5.A(1) AND 5108.5.A(2) OF THE ZONING ORDINANCE ON THE INTERIOR PARKING LOT LANDSCAPE

REQUIREMENTS FOR THE EXISTING ABOVE-GRADE PARKING STRUCTURE AND SPACES ON PRIVATE STREETS BASED ON SUBSECTION 5108.5.A(5)(B) OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE CDPA;

- MODIFICATION OF SUBSECTION 5108.5.B(1) AND 5108.5.B(2) OF THE ZONING ORDINANCE ON THE PERIPHERAL LANDSCAPE REQUIREMENTS FOR ABOVE-GRADE PARKING STRUCTURE AND PARKING ON PRIVATE STREETS BASED ON SUBSECTION 5108.5.B(3) OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE CDPA;
- WAIVER OF SUBSECTIONS 5108.6.B(1)(A) AND 5108.6.C OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTHERN LOT LINE BASED ON SUBSECTION 5108.7.J OF THE ZONING ORDINANCE;
- REAFFIRMATION OF THE WAIVER TO ALLOW THE USE OF UNDERGROUND STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES IN A RESIDENTIAL DEVELOPMENT (6279-WSWD-001-1) SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 28, 2013, AND CONTAINED IN ATTACHMENT A TO APPENDIX 10 OF THE STAFF REPORT [RZ 2011-HM-032];
- REAFFIRMATION OF THE WAIVER OF SECTION 2-505 OF THE ZONING ORDINANCE TO PERMIT STRUCTURES AND VEGETATION ON A CORNER LOT AS SHOWN ON THE CDP AND FDP;
- REAFFIRMATION OF THE MODIFICATION 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, AS MAY BE INDICATED ON THE FDP TO SCREEN MECHANICAL EQUIPMENT;
- REAFFIRMATION OF THE WAIVER OF THE MAXIMUM FENCE HEIGHT FROM SEVEN TO FOURTEEN FEET AROUND ACCESSORY USES/STRUCTURES LOCATED WITHIN THE REAR YARD FOR AREAS ASSOCIATED WITH SPORTS COURTS AND URBAN PLAZAS AS IDENTIFIED ON THE FDP;
- REAFFIRMATION OF THE MODIFICATION TO THE REQUIREMENT OF A MINIMUM DISTANCE OF 40 FEET FOR LOADING SPACE IN PROXIMITY TO DRIVE AISLES, TO THAT AS DEMONSTRATED ON A CDP OR FDP;
- REAFFIRMATION OF THE WAIVER OF SECTION 11-302 OF THE ZONING ORDINANCE TO ALLOW A PRIVATE STREET TO EXCEED 600 FEET IN LENGTH AS SHOWN ON THE CDP;
- REAFFIRMATION OF THE MODIFICATION OF SECTION 7-800 OF THE PFM TO ALLOW THE USE OF TANDEM PARKING SPACES AND VALET SERVICES TO BE

COUNTED AS REQUIRED PARKING (AS PERMITTED BY THE PTC DISTRICT REGULATIONS);

- REAFFIRMATION OF THE MODIFICATION OF THE ZONING ORDINANCE REQUIREMENT FOR A FINAL DEVELOPMENT PLAN AS PREREQUISITE TO A SITE PLAN FOR PUBLIC IMPROVEMENTS PLANS ASSOCIATED WITH PUBLIC ROADWAY, INFRASTRUCTURE, OR PARK SPACES;
- REAFFIRMATION OF THE WAIVER OF THE ZONING ORDINANCE TO PROVIDE ANY ADDITIONAL INTER-PARCEL CONNECTIONS TO ADJACENT PARCELS BEYOND THAT SHOWN ON THE PLANS AND AS PROFFERED;
- REAFFIRMATION OF THE MODIFICATION OF ALL TRAILS AND BIKE TRAILS IN FAVOR OF THE STREETScape AND ON-ROAD BIKE LANE SYSTEM SHOWN ON THE PLANS;
- REAFFIRMATION OF THE WAIVER OF THE SERVICE DRIVE ALONG LEESBURG PIKE;
- REAFFIRMATION OF THE WAIVER TO ALLOW ESTABLISHMENT OF PARKING CONTROL, SIGNS, AND PARKING METERS ALONG PRIVATE STREETS WITHIN THE DEVELOPMENT;
- REAFFIRMATION OF THE WAIVER OF THE ZONING ORDINANCE REQUIREMENT FOR ANY FURTHER DEDICATION AND CONSTRUCTION FOR WIDENING OF EXISTING ROADS TO ADDRESS COMPREHENSIVE PLAN REQUIREMENTS BEYOND THAT WHICH IS INDICATED IN THE PLANS AND PROFFERS;
- REAFFIRMATION OF THE MODIFICATION OF THE PFM MINIMUM PLANTER OPENING AREA FOR TREES USED TO SATISFY THE TREE COVER REQUIREMENT IN FAVOR OF THAT SHOWN ON THE PLANS;
- REAFFIRMATION OF THE MODIFICATION TO ALLOW TREES LOCATED ABOVE ANY PROPOSED PERCOLATION TRENCH OR BIORETENTION AREAS TO COUNT TOWARDS COUNTY TREE COVER REQUIREMENTS AS DEPICTED ON THE CDP AND FDP;
- REAFFIRMATION OF THE MODIFICATION OF THE 10-YEAR TREE CANOPY REQUIREMENTS IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED; AND
- REAFFIRMATION OF THE MODIFICATION OF THE ZONING ORDINANCE AND PFM FOR REQUIRED TREE PRESERVATION TARGET AND TEN PERCENT CANOPY TO BE CALCULATED AS SHOWN ON THE OVERALL CDP AREA.

Chairman Niedzielski-Eichner and Commissioners Hancock and Cortina seconded the motions.

Chairman Niedzielski-Eichner noted his support for the motions.

The motions were carried by a vote of 10-0. Commissioners Murphy and Shumate were absent from the meeting.

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Commissioner Ulfelder suggested a follow-on motion to include language about escalation of contributions.

Chairman Niedzielski-Eichner suggested that the Commission proceed with the next scheduled public hearing and revisit the follow-on motion after.

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PA 2023-III-3UP – AGAPE HOUSE – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 3.79 acres, generally located at 3870 Centerview Drive, Chantilly; (Tax Map Parcels 34-4 ((12)) C7) in the Sully Supervisor District. The area is planned for a mix of uses including campus-style office and industrial flex uses up to a maximum of 0.35 FAR. The amendment will consider up to 250 units of affordable independent living, continuing care, and/or other senior living uses. Recommendations relating to the transportation network may also be modified. Plan Amendment 2023-III-3UP is concurrently under review with Rezoning application RZ-2022-SU- 00013. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Sahar Hamdard, Planning Division (PD), 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 PA 2023-III-3UP.

There was a discussion between Ms. Hamdrad; Clara Johnson, PD, DPD; and multiple Commissioner on the following:

- Clarification on whether there would be adequate wayfinding signage installed at the site;
- Support for independent living facilities in the area;
- Clarification on the applicant’s public outreach efforts and the extent to which the public supported an independent living facility on the site;

- Clarification on whether a memory care unit would be included in any independent living facility on the site;
- Concern regarding the adequacy of any transition screening for an independent living facility on the site;
- The extent to which the use of business covenants was sufficient to implement appropriate transitional screening provisions on the site;
- Clarification on whether the speed limit along Thunderbolt Place would be modified under the development options within the proposed amendment;
- Concerns regarding potential safety issues for vehicles utilizing Thunderbolt Place if an independent living facility were installed on the site;
- Clarification on whether the sidewalks and pedestrian paths would be improved under a redevelopment of the site with an independent living facility;
- Clarification on the possibility of installing a bus shelter along Thunderbolt Place under a redevelopment of the site;
- Clarification on the status of the concurrent rezoning application under review for the site;
- Clarification on the extent to which an independent living facility on the site was compatible with the character of the surrounding area;
- Clarification on the extent to which the language in the proposed amendment was sufficient to address issues related to pedestrian paths, crosswalks, and transitional screening;
- Clarification on the extent to which issues related to pedestrian paths, crosswalks, and transitional screening would be addressed in a rezoning application for the site;
- Confirmation that the minimum noise mitigation level for interior noise should be 45 dBA and that the 60 dBA figure listed on page 9 of the staff report was an error that would be corrected;
- Concern regarding ongoing development trends throughout the County that were incurring a loss of industrially zoned areas;
- Clarification on the process for correcting the interior noise level reduction minimum within the staff report prior to the Commission rendering a recommendation;
- Clarification on whether an independent living facility on the site could accommodate appropriate urban park space or recreational amenities;
- Clarification on the existing noise levels on the subject property, the noise mitigation standards for residential development on the site, and the extent to which outdoor activities could be utilized in areas subject to significant noise levels;
- Concern regarding residential development sites that were subject to significant noise levels;
- Clarification on whether an independent living facility would be subject to residential development standards, which included noise mitigation provisions;
- Clarification on the standards for sidewalks, trails, and pedestrian paths that connected with the subject property;
- Concern regarding the extent to which the area around an independent facility on the site would be sufficiently walkable; and

- Clarification on whether the standards prescribed in the Comprehensive Plan regarding parking, public transportation, pedestrian paths, and walkability were sufficient to ensure an independent living facility on the site was feasible.

Chairman Niedzielski-Eichner called the first listed speaker.

Michael Van Atta, 1750 Tysons Boulevard, Tysons, representing Agape Property Management LLC, spoke in support of the proposed amendment because it would provide affordable housing opportunities in the area for elderly residents of the County, met the growing demand for the services provided by such facilities, and was consistent with the County's One Fairfax policy. He also indicated that an independent living facility was compatible with the character of the surrounding area and provided adequate walkable amenities for residents. In addition, he indicated that a prospective developer did not object to implementing additional safety features along Thunderbolt Place and improvements to pedestrian paths. Mr. Van Atta also addressed the concerns raised by Commissioners regarding noise mitigation for residential development, pedestrian safety features, and the overall traffic impact of an independent living facility on the site.

There was a discussion between Mr. Van Atta, Ms. Hamdard, and multiple Commissioners on the following:

- Explanation of the prospective developer's justification for selecting the subject property for developing an independent living facility;
- Addressed concerns regarding the loss of industrially zoned areas throughout the County due to ongoing development trends;
- Clarification that the existing site was vacant and there were no efforts to develop the site with industrial uses;
- Clarification on the types of development permitted within certain noise contours on the site and the efforts to mitigate the noise levels within a residential development located within certain contours;
- Clarification on the extent to which the design, amenities, and noise mitigation features for an independent living facility on the site had been finalized;
- Clarification on the proximity of the subject property to existing residential development;
- The potential reason for why the site had remained vacant;
- Concern regarding the adequacy of the pedestrian paths, parking, and amenities that would serve an independent living facility on the site;
- Concern regarding the loss of industrially zoned area;
- Clarification on the extent to which the noise policies within the Comprehensive Plan was adequate to address the concerns regarding noise mitigation for an independent living facility on the site;
- Concern regarding the adequacy of the language in the staff report regarding noise mitigation for any residential development on the site; and
- Clarification on the language of a motion or follow-on motion for the proposed amendment that would adequately address concerns raised by the Commission on noise mitigation.

In order to provide adequate time for staff to finalize the language for a motion that addressed the concerns raised by the Commission, Chairman Niedzielski-Eichner suggested that the Commission go into recess. No objections were expressed.

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The Commission went into recess at 10:37 p.m. and reconvened at 10:46 p.m.

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Upon returning from recess, Chairman Niedzielski-Eichner called for speakers from the audience but received no response.

Chairman Niedzielski-Eichner called for closing remarks from Ms. Hamdard, who declined.

There were no further comments or questions from the Commission; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Spain for action on this case.

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

- ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2023-III-3UP, AS FOUND IN THE STAFF REPORT DATED NOVEMBER 30, 2023;
- THAT PAGE 9 OF THE STAFF REPORT BE CLARIFIED TO INCLUDE THE FOLLOWING LANGUAGE:
 - FOR THE INTERIOR NOISE WITHIN THE RESIDENTIAL UNITS SHOULD BE REDUCED TO DNL 45 DBA OR LOWER; AND
- THAT THE CONCURRENT REZONING APPLICATION BE REVIEWED IN ACCORDANCE WITH THE AIRPORT NOISE POLICY.

Commissioner Sargeant seconded the motion, which was carried by a vote of 8-0-1. Commissioners Murphy and Shumate were absent from the meeting. Commissioner Bennett was not present for the vote. Commissioner Ulfelder abstained from the vote.

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Commissioner Carter MOVED TO REOPEN THE PUBLIC HEARING FOR PCA/CDPA 20110HM-032, JBG TYSONS HOTEL LLC.

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

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS INSTRUCT THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO PUT TOGETHER APPROPRIATE LANGUAGE ADDRESSING ACCELERATION CONTRIBUTIONS FOR PARKS, SCHOOLS, AND TRANSPORTATION IN CONNECTION WITH THIS AND FUTURE APPLICATIONS.

Commissioner Carter seconded the motion.

Commissioner Cortina offered A FRIENDLY AMENDMENT TO MODIFY THE MOTION TO CHANGE THE WORD “ACCELERATION” TO “ESCALATION.”

This amendment was accepted without objection.

The motion carried by a vote of 9-0. Commissioner Bennett was not present for the vote. Commissioners Murphy and Shumate were absent from the meeting.

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The meeting was adjourned at 11:02 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:

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 9th day of May 2024 by

Jessica Fuentes-Martinez
Signature of Notary

Notary Seal

Notary registration number: 8050379

Commission expiration: 03/31/2027

