

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JANUARY 31, 2024**

**PRESENT:** Phillip A. Niedzielski-Eichner, Chairman, Commissioner At-Large  
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  
John A. Carter, Hunter Mill District  
Daniel G. Lagana, Franconia District  
Daren Shumate, Mason District  
Walter C. Clarke, Mount Vernon District  
Jeremy Hancock, Providence District  
Candice Bennett, Commissioner At-Large

**ABSENT:** Peter F. Murphy, Springfield District

**OTHERS:** William O'Donnell, Zoning Evaluation Division, (ZED)  
Department of Planning and Development (DPD)  
Brandon Mccadden, ZED, DPD  
Tabatha Cole, ZED, DPD  
Sharon Williams, ZED, DPD  
Daniel Creed, ZED, DPD  
Jacob Caporaletti, Clerk to the Planning Commission  
Samantha Lawrence, Senior Deputy Clerk, Department of Clerk Services (DCS)  
Mary Dryer, Deputy Clerk, 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 the Commissioners and the public to the meeting. He then stated that the agenda for the meeting included Commission matters that included the public hearing deferrals of two cases and the conduct of two public hearings. In addition, he said that the Commission would elect officers for 2024 at the conclusion of the public hearings.

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On behalf of the Planning Commission, Chairman Niedzielski-Eichner welcomed Boy Scout Troop 1533 for attending the meeting.

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On behalf of the Planning Commission, Chairman Niedzielski-Eichner sent regards to Commissioner Murphy, who was absent from the evening due to illness.

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Chairman Niedzielski-Eichner asked committee members to review the Committees they are interested in joining prior to the next Planning Commission meeting on February 7, 2024. He announced that the Commission would vote on membership of the Committees for 2024. Once that action was completed, each committee would be constituted in turn and elect a Chair and Vice Chair.

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### MEETING MINUTES

Secretary Spain informed Commission members that on Jan 26, 2024, draft meeting minutes were emailed for review for the following meetings:

- DECEMBER 6, 2023; and
- DECEMBER 14, 2023.

Commissioner Spain announced her intention to move for approval of the December meeting minutes during the February 7, 2024, Planning Commission meeting. She asked members to review the minutes and provide comments or revisions to staff no later than February 5, 2024.

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Commissioner Cortina congratulated all members whose terms were extended an additional four years. She informed Commission members that she was also reappointed for an additional four-year term by Supervisor Walkinshaw and was subsequently sworn in by the Clerk of the Circuit Court.

Commissioner Cortina expressed gratitude for the opportunity to continue serving as the Braddock District Commissioner. She also commended the staff, her fellow Commissioners, and the residents of Fairfax County.

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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 APRIL 24, 2024.

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

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RZ/FDP 2022-DR-00007 – DULLES CENTER LLC

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 22-DR-00007 DULLES CENTER LLC TO A TO A DATE CERTAIN OF FEBRUARY 7, 2024.

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

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Commissioner Hancock gave an update PCA-2011-PR-023-04/CDPA-2011-PR-023-03/FDP-2011-PR-023-06, Cityline Partners LLC. He stated that Cityline Partners LLC proposed to replace a group office building with a residential building and since there were a number of outstanding issues to resolve. Commissioner Hancock stated that his intent was to defer these applications at the Planning Commission hearing on February 28,2024. He added that he was working with staff to determine the appropriate timeline for them to do their work and determine a new hearing date.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. FDPA-2016-DR-027 (RZPA 2022-DR-00148) – BITTERSWEET FIELDS, LLC
2. SEA 2015-MV-003 – CLAUDIA C. TRAMONTANA AND FIRST YEARS LEARNING CENTER LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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FDPA 2016-DR-027 (RZPA 2022-DR-00148) – BITTERSWEET FIELDS, LLC –Appl. to amend the final development plan for RZ 2016-DR-027 to permit additional development options and associated changes to development conditions. Located on the N. side of Frying Pan Rd., W. of its intersection with Sunrise Valley Dr. on approx. 6.54 ac. of land zoned PDH-20. Tax Map 15-4 ((9)) B, C, 4 and 5. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lori R. Greenlief, Applicant’s Agent, McGuire Woods LLP, reaffirmed the affidavit dated December 13, 2023.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application FDPA 2016-DR-027.

Ms. Greenlief gave a presentation on the subject application.

There was a discussion between Ms. Greenlief; Peter L. Rinek, VIKA Virginia, LLC; William O'Donnell, ZED, DPD; and multiple Commissioners on the following issues:

- The alternative option for Development Condition Number 4 to lock parking lot gates only during pick-up/drop-off times at school or during scheduled school events, as opposed to a 24-hour time-period;
- Whether gates reduce a character of openness and hindered delivery drivers from entering the premises for drop off at the end of the facility;
- Whether a gate would constrain delivery trucks to temporary parking areas and loading spaces, thereby hindering deliveries to all units;
- Clarification on the architecture for triplex residential units and how each unit was accessed by the residents
- Clarification on the process for calculating parking provisions for triplex developments;
- Concern regarding the allowance for more parking spaces than the minimum allowed under the recently adopted rates from the Parking Reimagined initiative;
- Clarification on the extent to which street parking would be permitted with the proposal;
- Clarification on the size of the neighboring school site;
- Clarification on an interpretation of substantial conformance in the development conditions and verification that final stormwater management design would conform to the FDP in a manner to promote green elements;
- Explanation of the neighboring elementary school's role in managing on-site parking and traffic circulation;
- Whether it was possible to permit a gate on the site at a later date if it was determined that such a feature was; and
- Verification that emergency ingress/egress provisions was reviewed by the Fire Marshal and no concerns were expressed.

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 DEFER FDPA-2016-DR-027 (RZPA 2022-DR-00148) FOR AN ADDITIONAL PUBLIC HEARING DATE ON FEBRUARY 28, 2024. ANY TESTIMONY THAT WAS PROVIDED AT THE FIRST PUBLIC HEARING DATE ON JANUARY 31, 2024, WILL BE INCLUDED AS PART OF THE RECORD AND PERSONS WHO TESTIFIED AT THE FIRST HEARING ARE ALREADY ON RECORD AND DO NOT NEED TO TESTIFY AGAIN AT THE ADDITIONAL HEARING.

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

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SEA 2015-MV-003 – CLAUDIA C. TRAMONTANA AND FIRST YEARS LEARNING CENTER, LLC - Appl. To amend SE 2015-MV-003 previously approved for a home child day care facility, to amend development conditions to permit up to 12 children. Located on approx.. 10,488 sq. ft. of land zoned PDH-2. Tax Map 99-2 ((17)) 34. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Claudia C. Tramontana, Applicant/Title Owner, reaffirmed the affidavit dated November 28, 2023.

There were no disclosures by Commission members.

Daniel Creed, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. He noted that Staff recommended approval of the application SEA 2015-MV-003.

Ms. Tramontana gave a presentation on the subject application.

Commissioner Clarke thanked Ms. Tramontana for her business and acknowledged the value small businesses bring to the community. He then stated that there were still unanswered questions at the supervisor's office and that he intended to defer consideration of the subject application to provide additional time to understand the uniqueness of this application.

There was a discussion between Mr. Creed; Ms. Tramontana; William O'Donnell, Zoning Evaluation Division, Department of Planning and Development; and multiple Commissioners on the following:

- The issue of shared use and maintenance implications of the pipestem that provided access to the subject property and four other dwellings;
- Whether there were existing issues with congestion or heavy traffic flow along the pipestem due to the operation of a home childcare facility on the site;

- Explanation of the staggered drop-off and pick-up procedures in the morning and evening for clients and employees
- Clarification on the hours of operation for the home childcare facility and the time employees could work at the facility;
- Clarification on whether the neighborhood homeowners association (HOA) supported or opposed the application;
- Clarification on whether the HOA bylaws address home-based childcare services;
- Clarification on whether there had been any complaints or violations regarding the operation of a home childcare facility on the site;
- Clarification that the development conditions update was a minor revision based on a typo error on the plat date; Clarification on whether State and County codes supersede HOA covenants;
- Clarification on how HOA covenants were enforced;
- Clarification on whether the surrounding roads that serviced the subject property were public roads maintained by the Virginia Department of Transportation;
- Clarification on the maintenance responsibilities of a private shared driveway pipestem over a shared easement;
- Clarification on whether the HOA covenants for the neighborhood contained provisions regarding home-based child-care businesses;
- Clarification on the demand for the services provided by the applicant's home childcare facility and the extent of the outstanding waitlist;
- The extent to which permitting additional children at the home child care facility would impact vehicular traffic flow on the pipestem; and
- Clarification on whether the reported pipestem or private road maintenance issue was within the purview of the subject application.

Chairman Niedzielski-Eichner called the first listed speaker..

Remi Andexler, a parent at First Years Learning Center LLC, spoke in support of the application. She noted the quality of care that Ms. Tramontana and her staff provided at the facility. She also said that Ms. Tramontana clearly explained the policy for drop-off and pick-up to each parent. In addition, she stated that she had not seen parents blocking a driveway or mailbox.

Chairman Niedzielski-Eichner called for speakers from the audience.

Randy Cole, 6955 Cromarty Drive, Alexandria, spoke in support of the application. A copy of Mr. Cole's statement is in the date file.

Jennifer Alushakefford, 4701 Greenfield Place, Dumfries, spoke in support of the application. She echoed remarks from previous speakers regarding the quality of care the applicant provided, as well as the effectiveness of the pick-up and drop-off policy.

Stephen Driggins, 6166 Castletown Way, Alexandria, spoke in support of the application. A copy of Mr. Driggins' statement is in the date file.

James Albratton, 8052 Winstead Lane, Lorton, spoke in support of the application. He stated that his house was located directly behind Ms. Tramontana's house and that he never observed any issues.

There being no more speakers, Chairman Niedzielski-Eichner called for a rebuttal statement from Ms. Tramontana, who declined.

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 application.

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Commissioner Clarke MOVED TO DEFER THE CONSIDERATION OF SEA 2015-MV-003 FOR AN ADDITIONAL PUBLIC HEARING ON MARCH 13, 2024. ANY TESTIMONY THAT WAS NOT PROVIDED AT THE FIRST PUBLIC HEARING ON JANUARY 31, 2024, WILL BE INCLUDED AS PART OF THE RECORD AND PERSONS WHO TESTIFIED AT THE FIRST HEARING AND ARE ALREADY ON RECORD DO NOT NEED TO TESTIFY AGAIN.

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

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Chairman Niedzielski-Eichner announced that the public hearing was completed.

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ELECTION OF PLANNING COMMISSION OFFICERS

Chairman Niedzielski-Eichner announced that the Planning Commission would elect new officers for the 2024 term. He explained that Commission officers are elected annually for one-year terms, or until a successor takes office. The ground rules for these elections were as follows:

- There were four officers to be elected, the Chair, Vice Chair, Secretary, and Parliamentarian;
- Officers would be elected by majority vote of the Commissioners who are present and since Commissioner Murphy was absent, the majority would be 6 votes of the 11 Commissioners present;
- Voting would occur by a show of hands in support of each candidate and the clerk would report the count;
- All commissioners were eligible to be considered for these positions and if a commissioner was not elected for a position, he or she could be considered for subsequent positions;
- Candidates for all positions would be self-nominated by raising their hand when asked and each candidate would have two minutes to advocate for their candidacy; and
- If there are more than two candidates for a position and if a majority of votes was not secured after the first vote, the candidate with the least number of votes would drop out to trigger a runoff vote between or among remaining candidates until there was a majority vote for one candidate.

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CANDIDATES SEEKING ELECTION FOR CHAIRMAN

Since he intended to be a candidate for the role of Chairman, Chairman Niedzielski-Eichner relinquished the Chair to Secretary Spain for the procedure.

Secretary Spain called upon Commissioners seeking to be elected Chairman of the Planning Commission to nominate themselves. Commissioners Bennett and Niedzielski-Eichner raised their hands to nominate themselves for the role. Secretary Spain then stated that each candidate would have two minutes to make their case to the Commission for their role.

Commissioner Bennett made a statement regarding her qualifications, vision, goals, and capabilities for the role of Chair.

Commissioner Niedzielski-Eichner made a statement regarding his qualifications, vision, values, and capabilities for the role of Chair.

Secretary Spain requested that Commissioners supporting Commissioner Bennett for the role of Chairman vote. Commissioner Bennett received three votes in support of her role as Chairman.



Secretary Spain requested that Commissioners supporting Commissioner Niedzielski-Eichner for the role of Chairman vote. Commissioner Niedzielski-Eichner received eight votes in support of his role as Chairman.

Having received a majority of votes, Secretary Spain announced that Commissioner Niedzielski-Eichner had been re-elected Chairman of the Planning Commission.

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

Chairman Niedzielski-Eichner thanked the Commission for their continued support for his role as Chairman.

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CANDIDATES SEEKING ELECTION FOR VICE CHAIRMAN

Chairman Niedzielski-Eichner called upon Commissioners seeking to be elected Vice Chairman of the Planning Commission to nominate themselves. Commissioners Sargeant and Spain raised their hands to nominate themselves for the role. Chairman Niedzielski-Eichner then stated that each candidate would have two minutes to make their case to the Commission for their role.

Commissioner Sargeant made a statement regarding his qualifications, vision, goals, and experience for the role of Vice Chairman.

Commissioner Spain made a statement regarding her qualifications, vision, goals, and experience for the role of Vice Chairwoman.

Chairman Niedzielski-Eichner requested that Commissioners supporting Commissioner Sargeant for the role of Vice Chairman vote.. Commissioner Sargeant received seven votes in support of his role as Vice Chairman.

Chairman Niedzielski-Eichner requested that Commissioners supporting Commissioner Spain for the role of Vice Chairman vote. Commissioner Spain received four votes in support of her role as Vice Chairman.

Having received a majority of votes, Chairman Niedzielski-Eichner announced that Commissioner Sargeant had been re-elected Vice Chairman of the Planning Commission.

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CANDIDATES SEEKING ELECTION FOR SECRETARY

Chairman Niedzielski-Eichner called upon Commissioners seeking to be elected Secretary of the Planning Commission to nominate themselves. Commissioner Spain raised her hand to nominate herself for the role.

There being no other nominee, Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSIONER SUPPORT COMMISSIONER SPAIN'S CANDIDACY FOR SECRETARY BY ACCLAMATION.

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

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CANDIDATES SEEKING ELECTION FOR PARLIAMENTARIAN

Chairman Niedzielski-Eichner called upon Commissioners seeking to be elected Parliamentarian of the Planning Commission to nominate themselves. Commissioner Ulfelder raised his hand to nominate himself for the role.

There being no other nominees, Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSIONER SUPPORT COMMISSIONER ULFELDER'S CANDIDACY FOR PARLIAMENTARIAN BY ACCLAMATION.

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

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The meeting was adjourned at 9:33 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: Mary Dryer  
Approved on March 20 2024

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 26 day of March 2024, by

Doreen M. Steele  
Signature of Notary

Notary registration number: 7114113  
Commission expiration: January 31, 2028

