

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 7, 2024**

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

**ABSENT:** Jeremy Hancock, Providence District  
Peter F. Murphy, Springfield District

**OTHERS:** Tabatha Cole, Zoning Evaluation Division (ZED),  
Department of Planning and Development (DPD)  
Curtis Rowlette, ZED, DPD  
Emma Estes, ZED, DPD  
William O'Donnell, ZED, DPD  
Jill G. Cooper, Director, Department of Clerk Services (DCS)  
Danielle George, DCS  
Samantha Lawrence, DCS  
Catherine Dushin, DCS

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The meeting was called to order at 7:31 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 explained that the agenda of tonight's meeting included action on two sets of outstanding meeting minutes, the conduct of four public hearings, finalizing the assignments for Planning Commission Committees in 2024, and the constitution of each Committee for the purpose of electing a Chair and Vice Chair for a two-year term.

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Chairman Niedzielski-Eichner announced the 2024 Committee assignments for the Fairfax County Planning Commission, as set forth in Attachment A of the memorandum dated February 6, 2024. He then explained the procedures for these appointments, which were intended to reflect the Commissioners' preferences. Chairman Niedzielski-Eichner also announced the proposed officers for each committee, as listed in Attachment B of the aforementioned memorandum.

Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION APPROVE MEMBERSHIP WITH THE POLICY AND PROCEDURES, PERSONNEL AND BUDGET, HOUSING, ENVIRONMENT, URBAN DEVELOPMENT AND PLACEMAKING, CAPITAL IMPROVEMENT PLAN, SCHOOLS, PARKS, LAND USE PROCESS REVIEW, TRANSPORTATION, AND INFRASTRUCTURE COMMITTEES, AS PROPOSED IN THE CHAIRMAN'S MEMORANDUM DATED FEBRUARY 6, 2024.

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

Chairman Niedzielski-Eichner explained that after the conclusion of the Planning Commission meeting, each Committee would be constituted for the purpose of electing a Chair and Vice Chair.

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APPROVAL OF DECEMBER 6, 2023 AND DECEMBER 14, 2023 MINUTES

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

- DECEMBER 6, 2023; AND
- DECEMBER 14, 2023

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

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Commissioner Shumate announced that February 7, 2024 would be his last meeting where he served a role as Planning Commissioner of the Mason District. He expressed gratitude for the opportunity to work on the Commission, adding that he had been appointed to the Economic Advisory Commission and would continue to serve the County.

Chairman Niedzielski-Eichner thanked Commissioner Shumate for his service on the Commission. Commissioners Bennett, Cortina, Spain, and Ulfelder echoed the Chairman's remarks.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. RZ/FDP 2022-DR-00007 – DULLES CENTER LLC
2. SE 2023-SP-00016 – 11 VALLEY ROAD LLC

- 3. SEA 81-P-025-02 – COMPASS COFFEE, LLC
- 4. PCA-79-C-089-02/RZ-2022-SU-00013/SE-2022-SU-00030/SEA-00-Y-017-02 – AGAPE PROPERTY MANAGEMENT LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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RZ/FDP 2022-DR-00007 - DULLES CENTER LLC - Appls. to rezone from PDC to PDH-12 to permit 48 stacked townhouse dwellings with an overall density of 11.38 dwelling units per acre (du/ac) inclusive of bonus density associated with affordable housing and to carry forward the previously approved drive through financial institution on a conceptual and final development plan. Located in the N.W. quadrant of the intersection of Centerville Rd. and Coppermine Rd. on approx. 4.69 ac. of land. Comp. Plan Rec: Residential Use at 8-12 du/ac. Dranesville District. Tax Map 16-3 (1) 6A, 6A1, 6B, 36 and 36A. DRANESVILLE DISTRICT. PUBLIC HEARING.

Sara V. Mariska, Applicant’s Agent, Odin, Feldman & Pittleman, P.C., reaffirmed the affidavit dated December 20, 2023.

There were no disclosures from the Commission.

Tabatha Cole, 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-DR-00007 and FDP 2022-DR-00007.

Ms. Mariska gave a presentation on the subject applications.

There was a discussion between Ms. Mariska, Ms. Cole, and Commissioner Ulfelder on the following issues:

- Concerns raised by Beacon Hill Missionary Baptist Church and expressed by Commissioner Ulfelder about potential impact of the proposal on two trailers utilized by Church to run a food bank and to conduct administrative activities for the congregation;
- Explanation by Ms. Mariska regarding the options proposed in the revised proffers dated February 6, 2024, which included the following:
  - A proposal to remove and replace the existing trailers within the church’s property in compliance with the requirements of the Fairfax County;
  - A proposal to evaluate the structural integrity of the trailers and the feasibility of their minimal relocation;

- A proposal to provide a donation to relocate, build, or lease trailers based on the preference of the Church; and
- The possibility of an off-site location for trailers proposed by the applicant.
- The applicant’s efforts to coordinate with the neighboring church property to resolve the issues with the presence of trailers associated with church activities; and
- The appropriateness of the proposed use for the subject property.

Chairman Niedzielski-Eichner called the first listed speaker.

Connell Lee, 2472 Centerville Road, Herndon, representing Beacon Hill Missionary Baptist Church, supported the proposed application. He stated that the applicant and the church had negotiated a recourse on the issue of trailers, as set forth in Section 16 of the proposed proffers. He then expressed his appreciation for the opportunity given by the County to concur with the applicant on the subject matter. A copy of Mr. Lee’s statement is in the date file.

Commissioner Ulfelder and Secretary Spain commended the efforts and contributions of Beacon Hill Missionary Baptist Church.

Nagadee Yanduru signed up to provide in person testimony, but he was not present.

There being no additional 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 the proposed application.

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

- RECOMMEND APPROVAL OF RZ 2022-DR-00007 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED JANUARY 26, 2024;
- THE PLANNING COMMISSION APPROVE FDP 2022-DR-00007, SUBJECT THE BOARD OF SUPERVISORS’ APPROVAL OF THE CONCURRENT REZONING APPLICATION;
- REAFFIRMATION OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN BOUNDARY LINE BETWEEN THE EXISTING FINANCIAL INSTITUTION AND RESIDENTIAL COMMUNITY ACROSS COPPERMINE ROAD IN FAVOR OF THE EXISTING LANDSCAPING SHOWN ON THE CDP/FDP;

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- REAFFIRMATION OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHWESTERN BOUNDARY LINE BETWEEN THE EXISTING BANK AND CHURCH IN FAVOR OF THE EXISTING LANDSCAPING SHOWN ON THE CDP/FDP;
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- REAFFIRMATION OF A WAIVER OF THE LOADING SPACE REQUIREMENT FOR THE DRIVE-THROUGH FINANCIAL INSTITUTION;
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- APPROVAL OF A MODIFICATION OF THE SECONDARY USE LIMITATIONS IN THE PDH-12 DISTRICT TO ALLOW FOR THE COMMERCIAL SECONDARY USE LAND AREA TO EXCEED 300 SQUARE FEET/DWELLING UNIT; AND
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- APPROVAL OF A MODIFICATION OF THE SECONDARY USE LIMITATIONS IN THE PDH-12 DISTRICT TO ALLOW FOR THE COMMERCIAL SECONDARY USE LAND AREA TO EXCEED 300 SQUARE FEET/ DWELLING UNIT.

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

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SE 2023-SP-00016 – 11 VALLEY ROAD LLC –Appl. to permit a waiver of the minimum lot width requirement in the R-1 District to permit a subdivision of the Subject Property into three lots. Located at 11433 Valley Rd., Fairfax, 22033 on approx. 3.83 ac. of land zoned R-1. Springfield District. Tax Map 46-4 ((2)) 25. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, P. C., reaffirmed the affidavit dated January 11, 2024.

There were no disclosures by Commission members.

Tabatha Cole, Zoning Evaluation Division, Department of Planning and Development presented the staff report, a copy is in the electronic date file. She stated that staff had recommended approval of application SE 2023-SP-00016.

Ms. Strobel gave a presentation on the subject application.

There was a discussion between Ms. Strobel, Ms. Cole, and multiple Commissioners on the following issues:

- Concerns about maintenance of the pipestem that would serve the proposed development and other associated responsibility;

- Clarification on the applicant’s previous discussions with the civil engineer on the subject of waste management, drainage fields and reserve fields, and confirmation of obtaining all necessary approvals;
- Concerns about tree preservation area in Outlots A and B, including the area contained in the protected easements;
- Clarification of the applicant’s intent to plant trees along the shared property line;
- Confirmation of the applicant’s intent to construct a fence parallel to Route 66 in the southern part of the property to ensure adequate noise mitigation;
- Concerns regarding the wooden privacy fence not being a sufficient measure to provide noise mitigation and the restrictive nature of the language in Part 12 of the Development Conditions;
- Confirmation that all criteria and requirements for the preservation of current topography, the 10-year tree canopy, tree vegetation, and stormwater management had been fulfilled and met a waiver requirement;
- Clarification regarding a shared driveway being accessed by each developed lot and consideration of the common ownership as an alternative to three individual ownership areas;
- Clarification on the operation of fire vehicles servicing the property; and
- Concurrence to the modification in the language in Section 12 of the Proposed Development Conditions dated January 25, 2024 to include “to allow alternative materials for noise mitigation” at the end of the last sentence of the paragraph.

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 Sargeant for action on this proposed application.

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Ms. Strobel confirmed for the record agreement to the proposed development conditions dated January 25, 2024, as amended.

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS SE 2023-SP-00016, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 25, 2024, WITH A CHANGE TO DEVELOPMENT CONDITION 12 TO ALLOW ALTERNATIVE MATERIALS FOR NOISE MITIGATION.

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

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This application was located in the Providence District and as a result of Commissioner Hancock’s absence, Chairman Niedzielski-Eichner relinquished the Chair to Vice Chairman Sargeant.

SEA 81-P-025-02 – COMPASS COFFEE, LLC –Appl. to amend SE 81-P-025 previously approved for a drive-in financial institution and fast food restaurant to permit a fast food restaurant with a drive-through and associated modifications to site design and development conditions. Located at 7393A Lee Hwy., Falls Church, 22042 on approx. 3.87 ac. of land zoned C-8 and HC. Providence District. Tax Map 50-1 ((1)) 39D. PROVIDENCE DISTRICT. PUBLIC HEARING.

Richard L. Flather, Applicant’s Agent, Edens & Avant Investments Limited Partnership, reaffirmed the affidavit dated October 26, 2023.

There were no disclosures by Commission members.

Curtis Rowlette, Planning 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 application SEA 81-P-025-02.

Joel Shetterley, Applicant’s Agent, gave a presentation on the subject application.

There was a discussion between Mr. Rowlette and Chairman Niedzielski-Eichner regarding a concern about the quantity of parking spaces for the establishment and whether that number met the requirements. Mr. Rowlette confirmed that 27 parking spaces would be added and that this number was consistent with the Zoning Ordinance. He further noted that the applicant would provide the total of 200 parking spaces.

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, Vice Chairman Sargeant closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this application.

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Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- APPROVAL OF SEA 81-P-025-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 16, 2024;

- APPROVAL OF A WAIVER OF MAJOR PAVED TRAIL REQUIREMENT ALONG THE ROUTE 29; AND
- APPROVAL OF THE MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINES IN FAVOR OF EXISITING LANDSCAPING.

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

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Chairman Niedzielski-Eichner resumed duties of the Chair.

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PCA 79-C-089-02 (RZPA 2022-SU-00129) - AGAPE PROPERTY MANAGEMENT LLC, Appl. to amend the proffers for RZ 79-C-089 previously approved for office to permit deletion of land area and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.08. Located on the S.E. side of Thunderbolt Pl., W. of Centerview Dr. on approx. 3.79 ac. of land zoned I-5, AN, HC and WS. Comp. Plan Rec: Mixed Uses. Sully District. Tax Map 34-4 ((12)) C7. (Concurrent with RZ 2022-SU-00013, SE 2022-SU-00030, and SEA 00-Y-017-02 and associated with PA 2023-III-3UP).

RZ 2022-SU-00013 - AGAPE PROPERTY MANAGEMENT LLC, Appl. to rezone from I-5, AN, HC and WS to C-4, AN, HC and WS to permit an independent living facility for low-income residents and adult day care with an overall Floor Area Ratio (FAR) of 1.08. Located on the S.E. side of Thunderbolt Pl., W. of Centerview Dr. on approx. 3.79 ac. of land. Comp. Plan Rec: Mixed Uses. Sully District. Tax Map 34-4 ((12)) C7. (Concurrent with PCA 79-C-089-02 (RZPA 2022-SU-00129) and SE 2022-SU-00030/SEA 00-Y-017-02 and associated with PA 2023-III-3UP).

SE 2022-SU-00030 - AGAPE PROPERTY MANAGEMENT LLC, Appl. to permit an independent living facility for low-income residents and adult day care center. Located on the S.E. side of Thunderbolt Pl., W. of Centerview Dr. on approx. 3.79 ac. of land zoned I-5, AN, HC and WS. Sully District. Tax Map 34-4 ((12)) C7. (Concurrent with PCA 79-C-089-02 (RZPA 2022-SU-00129) and RZ 2022-SU-00013/SEA 00-Y-017-02 and associated with PA 2023-III-3UP).



SEA 00-Y-017-02 - AGAPE PROPERTY MANAGEMENT LLC,  
Appl. to amend SE 00-Y-017 previously approved for office to permit deletion of land area and associated modifications to site design and development conditions. Located on the S.E. side of Thunderbolt Pl., W. of Centerview Dr. on approx. 3.79 ac. of land zoned I-5, AN, HC and WS. Sully District. Tax Map 34-4 ((12)) C7. (Concurrent with PCA 79-C-89-02 (RZPA 2022-SU-00129), RZ 2022-SU-00013 and SE 2022-SU-00030 and associated with PA 2023-III-3UP). SULLY DISTRICT. PUBLIC HEARING.

Michael D. Van Atta, Applicant's Agent, McGuire Woods LLP, reaffirmed the affidavit dated November 20, 2023.

There were no disclosures by Commission members.

Emma Estes, Zoning Evaluation Division, Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of applications PCA-79-C-089-02, RZ-2022-SU-00013, SE-2022-SU-00030, and SEA-00-Y-017-02.

Mr. Van Atta gave a presentation on the subject applications.

There was a discussion between Ms. Estes, Mr. Van Atta; Corinne Bebek, Planning Division, DPD; and multiple Commissioners regarding the following issues:

- Confirmation of the property's location in an industrially zoned area and concerns regarding compatibility of the proposed residential nature with the surrounding Dulles Business Park;
- Clarification that the applicant had intended to maintain some areas for industrial, but site had been vacant and not been used for such purposes;
- Confirmation that the size of the proposed development was compatible with the area and the character of the surrounding mixed-use properties;
- Staff confirmed that the subject applications had met the requirements regarding compatibility measures, such as buffering, open space, and transportation connectivity;
- Concerns about transportation provisions and the applicant's proposed improvements to achieve pedestrian-oriented environment;
- Confirmation that the applicant intended to develop existing pedestrian infrastructure, create interpersonal connections with the adjacent properties, and design multiple crosswalks and drop-off areas;

- Confirmation that the Fairfax County Department of Transportation had approved the proposed pedestrian and transportation improvements;
- Concerns about provided accessibility measures that were above the minimum required standards;
- Confirmation that the proposed development met the appropriate standards for an independent living facility and was adequately compatible with the character of the surrounding area;
- Clarification on the possibility of including accessible elevators in the proposed facility;
- Clarification on the design and accommodations included in the proposed facility to improve accessibility for residents;
- Concerns about the impact of airport noise on the site;
- Clarification on proposed noise mitigation measures and the results of the conducted noise study;
- Explanation that the DNL (Day Night Average Sound Level) noise level measured on the site was 54 dBA, which was below the standard noise ordinance policy;
- Confirmation that the applicant had met all necessary obligations in terms of noise mitigation and standard construction techniques;
- Confirmation that the applicant would perform noise testing after the project had been developed to ensure adequate mitigation;
- Confirmation that the applicant's commitments were consistent with those of other applications similarly situated within the noise contours of the airport;
- Confirmation that additional mitigation noise measures in terms of the maximum noise level were considered;
- Clarification on the possibility of installing solar panels at the proposed facility and whether the Green Building Certification would include them;
- Concerns about the absence of noise mitigation requirement in common open space area of the proposed facility;
- Clarification that the proposed facility would be of the appropriate noise standards in the common open space area;

- Concerns about the restrictions and constraints of the application due to the facility's design and the topography of the site;
- Concerns about the compliance of additional low-impact development (LID) stormwater provisions in the event they were deemed necessary;
- Confirmation that the applicant was prepared to meet all existing and potential requirements of the Virginia Department of Environmental Quality provisions by providing supplemental LID stormwater features, as set forth in the proffers;
- Clarification on the proximity to retail sites and the pond;
- Explanation of the general efficiency of the network of pedestrian sidewalks around the site;
- Further clarification about noise differentiation and consideration of all changes within the noise contours; and
- Confirmation the applicant's proffers were adequate and that multiple noise studies had been conducted on the site

Chairman Niedzielski-Eichner called two listed speakers, who had a collaborative statement.

Mike Jeck, 1 Saarinen Circle, Dulles, and David Mould, 1 Saarinen Circle, Dulles, both representing Metropolitan Washington Airports Authority, spoke in opposition of the subject application. A copy of their statement is in the electronic date file. They expressed the following concerns:

- The proximity of the site to the flight paths to the end of the runway;
- The impact of aircraft noise on the quality of life of the residents at the facility;
- The potential growth in the number of flights over time at the airport; and
- The potential for resident submission of complaints about the noise from the airport.

There was a discussion between Mr. Jeck, Mr. Mould, and multiple Commissioners regarding the following:

- Concern about air pressure and the noise created by vibrations from landing and take-off of aircrafts at the airport;
- Clarification on the impact of noise sound pressure;

- Discussions about impact of noise on residents and the construction characteristics of the project; and
- Concerns about the infeasibility of the applicant's noise mitigation commitments.

John Boylan, 14449 N. Slope Street, Centerville, representing Dulles Regional Chamber of Commerce, spoke in opposition of the subject application. He echoed remarks from previous speakers regarding the noise impact and the unsuitable location of the proposal.

Chairman Niedzielski-Eichner called for a rebuttal statement from Mr. Van Atta, who reiterated that the project complied with the County policy regarding noise mitigation and reaffirmed that a land use decision was based on the current airport noise contours.

When Commissioner Cortina inquired about the availability of data on noise complaints, Mr. Rowlett explained the process staff utilized for evaluating the noise impact on the site and indicated that there had been no such complaints for the subject property.

There being no additional speakers, 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 these proposed applications.

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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-00013, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED JANUARY 25, 2024;
- APPROVAL OF PCA 79-C-089-02;
- APPROVAL OF SE 2022-SU-00030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 25, 2024;
- APPROVAL OF SEA 00-Y-017-02; AND
- APPROVAL OF A MODIFICATION OF THE ZONING ORDINANCE TO ALLOW REDUCTION IN LOADING SPACES FROM THREE TO ONE.

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

The meeting was adjourned at 9:50 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, VA 22035.

Minutes by: Catherine Dushin

Approved on May 15, 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 16 day of May 2024, by Jacob Caporaletti

*[Handwritten Signature]*  
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Signature of Notary

Notary Seal



Notary registration number: 7114113

Commission expiration: January 31, 2028