

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 14, 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  
Vacant, Mason District  
Walter C. Clarke, Mount Vernon District  
Jeremy Hancock, Providence District  
Candice Bennett, Commissioner At-Large

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

**OTHERS:** Sophia Fisher, Planning Division (PD),  
Department of Planning and Development (DPD)  
Kelly Atkinson, PD, DPD  
Catherine Lewis, Zoning Evaluation Division (ZED), DPD  
Zach Fountain, ZED, DPD  
Gregory Fuller, Jr., Fairfax County Department of Transportation (FCDOT)  
Samantha Lawrence, Department of Clerk Services (DCS)  
Joseline Cadima, DCS  
Catherine Dushin, 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 explained that the agenda of tonight's meeting included the conduct of two public hearings and Commission matters.

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Chairman Niedzielski-Eichner announced that the Planning Commission's Policy Plan Committee would meet on Thursday, February 15, 2024, at 7:30 p.m. in the Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to continue discussion regarding updates to the Policy Plan of the Fairfax County Comprehensive Plan. The Planning Commission established the special committee to support the update of the Policy Plan. Chairman Niedzielski-Eichner announced the agenda for the meeting, which included a report by staff on progress that had been made in the review of documents

regarding crosswalk policies for overlaps and gaps, identifying communities with which the County could be compared, and designing processes that would support this task. Chairman Niedzielski-Eichner also indicated the meeting would discuss the possibility of including a new element of the Policy Plan to address community health. He added that the public was invited to attend or watch proceedings on Channel 16.

Commissioner Ulfelder added that on the County's website, the public could access copies of staff presentations. Chairman Niedzielski-Eichner confirmed that all documents relating to public hearings and committee meetings were also available.

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### ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. AF 2023-SP-00005 (AR 2006-SP-003) – SCHULZ LOCAL AGRICULTURAL AND FORESTAL RENEWAL
2. RZ/FDP 2018-LE-009 CONCURRENT WITH PCA C-448-34 – EYA DEVELOPMENT LLC

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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AF 2023-SP-00005 (AR 2006-SP-003) – SCHULZ LOCAL AGRICULTURAL AND FORESTAL RENEWAL – Local A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 1983, to permit renewal of a previously approved agricultural and forestal district. Located at 8142, 8146 Rondelay Ln., Fairfax, 22039 on approx. 23.03 ac. of land zoned R-C and WS. Please call the Planning Division at 703-324-1380 after February 14, 2024, to obtain the A&F District Advisory Committee and Planning Commission recommendations. Springfield District. Tax Map 96-3 ((1)) 7Z, 8Z; 96-3 ((2)) 10Z, 11Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Sophia Fisher, Planning Division (PD), 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 AF 2023-SP-00005.

There were no disclosures by Commission members.

Susan Schulz, Applicant/Title Owner, concurred with staff and declined to give a presentation. There was a discussion between Ms. Fisher; Kelly Atkinson, PD, DPD; and multiple Commissioners regarding the following issues:

- Request for a map of existing Agricultural & Forestal Districts throughout the County;
- Explanation that a map of Agricultural & Forestal Districts was included in their annual report, the next version of which would be published in June 2024;
- Concern about other agricultural and forestal districts being established in the beginning of the year 2024;
- Clarification on the expansion of one of the agricultural and forestal districts;
- Inquiry whether expired districts had been renewed;
- Explanation that in December of each year, all agricultural and forestal districts received a certified letter to encourage them to renew their term;
- Confirmation that the update of the annual report contained information about newly established districts and what districts were no longer part of the program; and
- Request for a status update and timeline for the publication of the 2024 annual report

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 application.

Prior to the motion, Ms. Schulz affirmed her agreement to the Ordinance Provisions dated January 31, 2024.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS RENEW AF 2023-SP-00005 AND AMEND APPENDIX F OF THE *COUNTY CODE*, TO RENEW SCHULZ AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS DATED JANUARY 31, 2024.

Commissioner Cortina and Chairman Niedzielski-Eichner 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 2018-LE-009 - EYA DEVELOPMENT LLC – Appl. to rezone from PDH-4 and R-1 Districts to PDH-12 District to develop 174 single-family attached dwellings (inclusive of 18 ADUs) at 10.07 du/ac. Located on the E. side of South Van Dorn St., approx. 190 ft. S. of its intersection with Castlewellan Dr., on approx. 17.28 ac. of land. Current Comp. Plan Rec: Residential, 3-4 du/ac. Proposed Comp. Plan Rec: Residential, 10-12 du/ac. Franconia (Formerly Lee District) District. Tax Map 91-2 ((1)) 35A and 35B. (Concurrent with PCA-C-448-34 and associated with PA 2015-IV-RH1).

PCA-C-448-34 - EYA DEVELOPMENT LLC – Appl. to amend the proffers for RZ-C-448, previously approved for mixed use development to remove the land area to permit proffers and site design modifications at a density of 10.07 du/ac. Located on the E. side of S. Van Dorn St., approx. 190 ft. S. of its intersection with Castlewellan Dr., on approx. 6.28 ac. of land zoned PDH-4. Current Comp. Plan Rec: Residential, 3-4 du/ac. Proposed Comp. Plan Rec: Residential, 10-12 du/ac. Franconia (Formerly Lee District) District. Tax Map 91-2 ((1)) 35A (pt.) and 35B. (Concurrent with RZ/FDP 2018-LE-009 and associated with PA 2015-IV-RH1). FRANCONIA DISTRICT. PUBLIC HEARING.

Mark Looney, Applicant’s Agent, Cooley LLP, reaffirmed the Affidavit dated January 31, 2024.

There were no disclosures from the Commission members.

Zachary Fountain, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of RZ/FDP 2018-LE-009 and PCA C-448-34.

Mr. Looney gave a presentation on the subject applications.

There was a discussion between Mr. Looney; Mr. Fountain; Catherine Lewis, ZED, DPD; Gregory Fuller, Jr., Fairfax County Department of Transportation (FCDOT); and multiple Commissioners regarding the following issues:

- Concerns about a vacant restaurant on the property and its usage in the event the owner did not pursue redevelopment;
- Confirmation that the restaurant could be reestablished as any type of restaurant other than a drive-thru in that location and a single or multiple restaurants could potentially become part of the property;
- Clarification that the shift from commercial use to residential use modified transportation patterns to change distribution of trips throughout the day, which included a reduction in peak-hour trips;
- Clarification that a restaurant operating on the site at full capacity incurred more daytime traffic, as well as higher peak-hour traffic along South Van Dorn Street;
- Explanation of the difference in peak-hour trips generated by residential use compared to a commercial use;
- Discussion about the periods of time when customers attended a restaurant and the associated traffic impact in various hours of the day;
- Concerns about the existing open space on the site and the impact of astroturf on stormwater drainage;
- Clarification that there was concrete beneath the astroturf and the stormwater systems were constructed in the 1990s;
- Explanation of the improvement to the stormwater system in the area, which was intended to be a stormwater detention facility with the purpose of supporting the other developments in the area;
- Confirmation that applicant would construct an underground stormwater detention vault that would capture the bulk of the runoff from the streets and sidewalks;
- Explanation that the proposed stormwater management system would allow sediment to settle before cleaning the water as it came out through a narrow pipeline that would slow the volume of the water, which subsequently lessened erosion downstream;
- Confirmation that the number of stormwater facilities would be constructed in the neighborhood parks with provisions for bioretention features that would capture the water to filter out sediment prior to release;
- Concern about the extent to which stormwater runoff would be mitigated under the proposed redevelopment;

- Confirmation that the applicant's stormwater management commitments would improve the treatment and discharge of runoff at a level that was a significant improvement over the existing conditions on the site;
- Clarification that the stormwater runoff reduction levels under the proposed development would be approximately 10 to 20 percent below the existing level;
- Concerns about erosion and sediment control provision set forth in the Proffer 35 (c) and a request for clarity on the measures taken by the applicant, specifically, during the construction phase;
- Clarification that the property would be developed in phases and that one of the measures would be creating a bigger drainage system to mitigate stormwater runoff, protect tree preservation areas, and preserve the northern and eastern slopes of the site;
- Recommendation to incorporate the proposed commitments in the Proffer 35 (c) for Land Development Services (LDS) approval;
- Clarification that the site plan would need to be approved by LDS;
- Concerns about the trail along South Van Dorn Street and whether FCDOT would need to approve it;
- Confirmed that the trail along South Van Dorn Street had been moved back to preserve trees, which would be on private property with public access easements and was beyond the purview of FCDOT;
- Confirmation that a settlement was reached between the applicant, the Virginia Department of Transportation, and FCDOT regarding the trail along South Van Dorn Street;
- Considerations about the future amendments in the Transportation Policy Plan regarding pedestrian facilities, tree preservation, and accommodations for the handicapped and disabled;
- Clarification on the decrease in number of trips and concern about the relationship between dwelling units, open spaces, private streets, and alleys;
- Concern about applicant's treatment of the site debris from previous decades;
- Confirmation that a portion of the site would be developed in a manner to accommodate future stormwater management facilities;

- Explanation that there would be modifications to create space for some of the residential units, but a portion of the berm would be retained and enhanced as part of a community park;
- Explanation that the applicant performed an analysis to confirm the stability of the landscape to accommodate the dwelling units and that all construction plans would submit a follow-on geotechnical study that would inform any subsequent recommendations regarding additional stabilization;
- Clarification on the areas of the subject property that would be utilized for community park space;
- Concern about the number of affordable dwelling units that would be included with the proposed development and clarification that there would be 18 units included;
- Clarification on the singular development plan provision being compatible with singular design;
- Clarification on the applicant's public outreach efforts and efforts to address community concerns regarding the development of high-intensity residential and retail components on the site;
- Concerns about the noise impact on the proposed development and efforts to mitigate it;
- Explanation that certain units facing South Van Dorn Street would utilize noise mitigation features to reduce the levels below the maximum threshold prescribed in the Zoning Ordinance;
- Explanation that the use of berms near the community park space would help mitigate the noise impact generated by traffic along South Van Dorn Street; and
- Explanation about the applicant's pedestrian safety measures, which included the usage of the double-ramping systems, sidewalk improvements, and adequate open space.

Chairman Niedzielski-Eichner called the first listed speaker.

Keith Jerdan, 6567 Kelsey Point Circle, Kingstowne, supported the proposed applications because the proposed residential development would improve the character of the surrounding area, enhance the environmental conditions on the site, and implement needed pedestrian safety features.

Michael Lamarche, representing Kingstowne Residential Owners Corporation, supported the proposed applications, and echoed remarks from Mr. Jerdan. He noted that the applications were consistent with the recommendations of the Comprehensive Plan.

John O'Connor spoke in support of the subject applications, but expressed concerns on the location of a gas pipeline that bordered the edge of the construction zone and the entrance onto South Van Dorn Street. He pointed out that there might be a possible safety hazard incurred due to the location of this pipeline.

There was a discussion between Mr. Fuller, Mr. Looney; Catherine Lewis, ZED, DPD; and multiple Commissioners on the following:

- Confirmation that the entrance to the site would be constructed in compliance with existing standards and appropriate the sight distances;
- Explanation that the entrance met the requirements prescribed by the Virginia Department of Transportation regarding intersection spacing;
- Request for the map of a pipeline valve to illustrate Mr. O'Connor's concern;
- Confirmation that the pipeline referenced by Mr. O'Connor's was not shown on the map;
- Concern about whether any structure could be built around the pipeline;
- Confirmation that no structure could be built on the pipeline and that the applicant did not intend to perform any land disturbing activity on that portion of the property;
- Clarification of the distance from the houses to the property line;
- Concerns about the absence of major utility facilities along the property line;
- Clarification on the proximity of any features or facilities from utility or stormwater pipelines; and
- Request to clarify the aforementioned issue before the hearing was considered by the Board of Supervisors.

Tim Nank, 5684 Tower Hill Circle, Alexandria, supported the proposed applications. A copy of Mr. Nank's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Joshua Booth, 6232 Shackelford Terrace, Alexandria, representing YIMBYs of NOVA, supported the proposed applications. A copy of Mr. Booth's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.



Tyler Overfelt, 6844 Brindle Heath Way, Alexandria, supported the proposed applications. A copy of Mr. Overfelt's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Ruth Massie, 6616 Thurlton Drive, Alexandria, supported the proposed applications. A copy of Ms. Massie's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Pete MacDowell, 6857 Grange Lane, Alexandria, representing Friends of Kingstowne Lake, supported the proposed applications. A copy of Mr. MacDowell's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Sonya Breehey, 2902 Marshall Street, Falls Church, representing Coalition for Smarter Growth, supported the proposed applications. A copy of Ms. Breehey's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16. A copy of Ms. Breehey's statement is in the date file.

There was a final discussion between Ms. Lewis and multiple Commissioners on the following issues:

- The extent to which staff and the applicant had coordinated with the community to address concerns and garner support for the subject applications;
- The extent to which plans for redevelopment on the subject property had evolved; and
- The extent to which the public opposed previous redevelopment efforts on the site compared to the extent of the support the public had expressed for the subject applications.

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 Lagana for action on this application.

Commissioner Lagana commented on the project, provided insights into the history of the proposal, and commended staff and the members of the community for their expertise, dedication, and commitment to the project.

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Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA C-448-34.

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

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-LE-009 AND ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 31, 2024.

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

Commissioner Lagana MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2018-LE-009.

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

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

- APPROVAL OF A WAIVER OF THE 200-SQUARE-FOOT PRIVACY YARD REQUIREMENT IN FAVOR OF THAT SHOWN ON THE CDP/FDP; AND
- APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

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

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The meeting was adjourned at 9:28 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

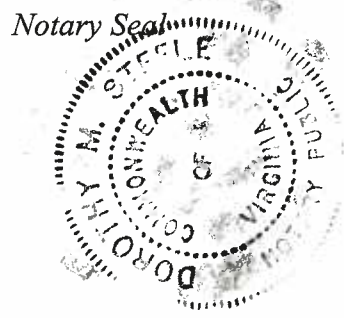
*Jacob Caporaletti*

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

*Dorothy M. Steele*  
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Signature of Notary



Notary registration number: 7114113

Commission expiration: January 31, 2028