

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 28, 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
John A. Carter, Hunter Mill District
Alis Wang, Mason District
Walter C. Clarke, Mount Vernon District
Jeremy Hancock, Providence District
Candice Bennett, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
Daniel G. Lagana, Franconia District

OTHERS: William O'Donnell, Zoning Evaluation Division (ZED),
Department of Planning and Development (DPD)
Tabatha Cole, ZED, DPD
Jennan Qato, Zoning Administration Division (ZAD), DPD
Carmen Bishop, Deputy Zoning Administrator, DPD
Chris Falcon, Clerk of the Fairfax Circuit Court
Jacob Caporaletti, Clerk to the Planning Commission,
Department of Clerk Services (DCS)
Malena Belen, DCS
Catherine Dushin, Deputy Clerk to the Planning Commission, 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 swearing-in of Alis Wang, the newly appointed Planning Commissioner for the Mason District. He also announced Commission business, three public hearing deferrals, and the conduct of three public hearings. He added that after the conclusion of the public hearings, the Commission would convene in a closed session to discuss security matters with the County's security officials.

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Chairman Niedzielski-Eichner announced the appointment of Alis Wang that occurred on February 20, 2024 by the Board of Supervisors. She would complete the term of former Commissioner Daren Shumate, who recently resigned.

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Chris Falcon, Clerk of the Fairfax Circuit Court, performed the swearing-in ceremony for Commissioner Alis Wang for a term to expire on December 31, 2026.

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PCA-80-L-070-02 (RZPA-2023-MV-00062) – MILESTONE PROPERTIES IN LORTON LLC

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA-80-L-070-02 (RZPA-2023-MV-00062) TO A DATE CERTAIN OF APRIL 24, 2024.

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

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

Commissioner Hancock MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA 2011-PR-023-04/CDPA 2011-PR-023-03/FDP 2011-PR-023-06 TO A DATE CERTAIN OF APRIL 3, 2024 AND RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DEFER ITS PUBLIC HEARING FOR THE AFOREMENTIONED APPLICATIONS TO A DATE FOLLOWING PLANNING COMMISSION'S ACTION.

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

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FDPA-2016-DR-027 (RZPA-2022-DR-00148)– BITTERSWEET FIELDS, LLC

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR FDPA-2016-DR-027 (RZPA-2022-DR-00148) TO A DATE CERTAIN OF APRIL 24, 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 10-0. Commissioners Murphy and Lagana were absent from the meeting.

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Commissioner Sargeant announced that the Planning Commission’s Capital Improvement Program Committee would meet on Thursday, February 29, 2024 at 7:30 p.m. He noted that the meeting would be open to the public and everyone was welcome to attend.

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Commissioner Ulfelder announced that the Planning Commission’s Land Use Process Review Committee was scheduled for Thursday, February 29, 2024, at 8:30 p.m. to discuss zoning application fees and other fees in the Fairfax County. He noted that the meeting would be held in Conference Room 11 at the Fairfax County Government Center. The meeting would be accessible on Channel 16 and would be open to the public.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. SEA 89-S-072-02 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE (Popes Head)
2. SEA 95-Y-024-08 – COSTCO WHOLESALE CORPORATION
3. ZONING ORDINANCE AMENDMENT (COUNTYWIDE) – MINOR AND EDITORIAL REVISIONS

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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SEA 89-S-072-02 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE (Popes Head) – Appl. to amend SE 89-S-072 previously approved for electric substation and telecommunications facility to permit a new 95 foot tall transmission pole with attached facilities within the existing equipment compound area and associated modifications to site design and development conditions. Located at 12700 Popes Head Rd., Clifton, 20124 on approx. 4.80 ac. of land zoned R-C and WS. Springfield District. Tax Map 66-4 ((3)) 1. This hearing is in addition to one previously held on January 10, 2024; anyone who testified in that previous hearing is on record and need not testify

again at this new hearing. SPRINGFIELD DISTRICT. PUBLIC
HEARING.

Gifford R. Hampshire, Applicant's Agent, Blankingship & Keith, P.C., reaffirmed the affidavit dated February 13, 2024.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation 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 SEA 89-S-072-02.

Mr. Hampshire gave a presentation on the subject application in which he addressed the issues identified at the January 10, 2024, public hearing, as well as multiple issues that had been raised after the hearing.

There was a discussion between Mr. Hampshire; Mr. O'Donnell; Daniel Swingle, Applicant's Engineer; and multiple Commissioners regarding the following issues:

- Discussions about the difference between an existing and the proposed telecommunications poles;
- Explanation about the function of the proposed pole to how it improved the applicant's internal network and provided services to customers in accordance with modern advanced metering;
- Concerns about the current usage of an existing pole and why it was not feasible to install new antennas on an existing pole;
- Clarification that an existing pole's height was not sufficient;
- Clarification that an existing facility did not conform to the security requirements;
- Concerns about the use and function of gateway screening at the entrance area;
- Explanation that gateway screening was not complete with respect to terms of design;
- Request to provide updates to staff regarding final designs for screening and security measures;
- Clarification that an existing pole was lower than the proposed pole and that the proposed pole would offer better security options, which allowed improved access to the fenced area;

- Confirmation that all poles on the site were connected to the main operational center;
- Clarification that the proposed pole would allow monitoring of operations of the substation through a camera system provide for better network connections;
- Clarification that the proposed pole would accommodate the effective notifications system in case of the outage;
- Request for the explanation of the provision on the plat that specified the designs were for informational purposes only;
- Comments on the applicant's efforts to control the containment and pursue the removal of bamboo on the site;
- Concerns about the necessity of 20 green arborvitae that had been planted near the site; and
- Explanation of how the applicant determined additional natural screening provisions.

Chairman Niedzielski-Eichner called the first listed speaker.

William Lukaczyk, 12710 Popes Head Road, spoke in opposition of the subject application because of concerns regarding the inspection process for evaluating the site. He noted that the applicant had removed the narrow-curved driveway that would frequently block a view of the substation to build a 70-foot-wide parking lot. He recommended that the applicant implement further changes to meet the necessary commitments that had been agreed to. A copy of Mr. Lukaczyk's statement is in the date file.

Chairman Niedzielski-Eichner called for speakers from the audience.

Aaron Edlow, 6018 Salaberry Street, Clifton, expressed concern about the project and asked for a deferral until the applicant met the appropriate obligations.

Danh Nguyen-Huynh, 12711 Popes Head Road, Clifton, spoke in opposition of the subject application because of concerns regarding lighting on the site. He noted that that the lights were on during the day and incurred light pollution during night hours. He asked for verification that this issue had been addressed.

There was a discussion between Mr. Hampshire; Mr. O'Donnell; and multiple Commissioners regarding the following issues:

- Confirmation that, after the approval of the application and after the site plan had been filed, the conformances of the SEA plat would be reviewed before the start of the construction phase;
- Explanation that there were formal interpretations documented in the file records that allowed for the removal of some landscaping screening in front of the telecommunications cabinets;
- Explanation that formal parking spaces were approved;
- Confirmation on the applicant's intent to comply with the development conditions;
- Explanation of the applicant's efforts to address the concerns raised by the neighboring residents;
- Confirmation that a letter with attached photographs was sent by agent that documented a substation camera monitored the lights at different times of the day;
- Confirmation that on regular and sunny days, the lights were kept off;
- Request that the applicant report to Supervisor Herrity's office during the filing of the site plan;
- Concerns about providing reassurances for the neighbors that appropriate requirements and commitments were met;
- Comments about the interpretations of the residents and the Zoning Administrator's consideration of the testimonies and letters from the residents;
- The potential impact of a new interpretation upon any change in the plan;
- Confirmation that public testimonies would be considered in determining that the plans were implemented effectively;
- Explanation that, in the correspondence from the Zoning Administrator, it was determined that the telecommunications tower did not have to be screened;
- Request for interpretations to be reported to the Springfield District Supervisor's office;
- Confirmation that all interpretations were in conformance with what had been previously approved on the site; and
- Confirmation that it would take approximately six weeks to install light shielding.

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 Sargeant for action on this application.

Prior to the motion, Mr. Hampshire affirmed his agreement to the Development Conditions dated February 27, 2024.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 89-S-072-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 27, 2024.

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

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS REAFFIRMATION OF THE PREVIOUSLY APPROVED TRANSITIONAL SCREENING MODIFICATION AND WAIVER OF BARRIER REQUIREMENTS TO THAT SHOWN ON THE SEA PLAT.

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

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SEA 95-Y-024-08 – COSTCO WHOLESALE CORPORATION – Appl.
to amend SE 95-Y-024, previously approved with a mix of uses in a Highway Corridor Overlay District, to permit an expansion of the tire center in the existing retail warehouse building and associated modifications to site design and development conditions. Located at 14390 Chantilly Crossings Ln., Chantilly, 20151 on approx. 13.39 ac. of land zoned C-8, AN, HC and WS. Sully District. Tax Map 34-3 ((1)) 41B. SULLY DISTRICT. PUBLIC HEARING

David Houston, Applicant's Agent, Bean, Kinney & Korman, P. C., reaffirmed the affidavit dated January 25, 2024.

There were no disclosures from the 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 recommended approval of SEA 95-Y-024-08.

Mr. Houston gave a presentation on the subject application.

There was a discussion between Mr. Houston, Ms. Cole, and multiple Commissioners regarding the following issues:

- Concerns about name adjustment on page 495 of the map regarding Route 50, previously known as Lee Jackson Memorial Highway;
- Concerns about traffic condition at the backway of the warehouse, for which the applicant expressed intent to install traffic calming devices at the place of the turn into this area;
- Confirmation that applicant proposed to add a speed bump, a stop sign, and a stop bar on the site;
- Concerns about the conditions of the soil under the provisions in Development Condition Number 9, Soil Remediation, and the applicant’s ability to meet the necessary remediation requirements; and
- Explanation about the relocation of five 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, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Spain for action on this application.

Mr. Houston affirmed agreement to the development conditions dated February 26, 2024.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 95-Y-024-08, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 26, 2024.

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

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Chairman Niedzielski-Eichner stated that he would be handling the next item; therefore, he relinquished the Chair to Vice Chairman Sargeant.

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ZONING ORDINANCE AMENDMENT – MINOR AND
EDITORIAL REVISIONS – To amend Chapter 112 (the Zoning
Ordinance) of the 1976 Code of the County of Fairfax. The
amendment includes the following proposed changes:

- (1) Correct typographical errors, correct or add cross references, make changes to reflect *Virginia Code* updates, and make other minor, editorial revisions.
- (2) Add the term “dwelling” after stacked townhouse.
- (3) Replace references to multiple family with multifamily.
- (4) Add agritourism to the Noise Compatibility table in the Airport Noise Impact Overlay District section and revise the table to indicate that certain Agricultural and Related Uses do not need to provide acoustical treatment.
- (5) Revise the permissions for personal service establishments from an associated service use to by right in the C-1 through C-4 Districts.
- (6) Include a standard to the Standards for Administrative Permit Approvals to indicate that the Zoning Administrator may deny the renewal of an administrative permit if there is evidence of noncompliance by the applicant.
- (7) Delete references to residents being “low-income” and replace tenants with residents in the standards for Independent Living Facility.
- (8) Revise the standards for wireless facilities approved by special exception and the general standards for accessory uses and structures to allow a fence or wall that exceeds the maximum fence or wall height.
- (9) Add a standard for Animal Shelters or Kennels located in a planned district that any outdoor component must specifically be shown on the approved development plan.
- (10) Add a standard to allow accessory retail sales for a warehouse use approved by special exception in the I-3 District.
- (11) Clarify that gates and gateposts, limited by height and other associated standards, may be located in any part of the front yard

and that gates and gateposts located in side and rear yards are regulated by the maximum fence or wall height standards.

(12) Clarify that the minimum front setback applies to each yard when there are two or more front yards on a corner lot.

(13) Revise the Required Notice for Public Hearing information to clarify that public notice is the hearing body's responsibility, and notice must be published at least in accordance with state law. Also delete the requirement that the advertisement must identify a descriptive summary of the proposed action.

(14) Clarify that to be accepted and to be complete, an appeal application must include all required submission materials.

(15) Clarify that appeals must be filed within 30 days from the issuance date of the decision being appealed.

(16) Add short-term lodging to the types of violations that are subject to a 10-day appeal deadline, and clarify that the Zoning Administrator determines which other short-term, recurring violations may be subject to the 10-day appeal period.

(17) Add specified sanitary sewer information to the submission requirements for generalized development plans, conceptual and final development plans, PRC development plans, PRC plans, and certain SE and SP plats.

(18) Revise submission requirements to remove requirement that a paper copy be submitted for each submission requirement and that multiple copies be submitted of other documents as all application materials are currently being submitted digitally via PLUS.

(19) Revise the Planning Commission provisions to reflect updates to the Planning Commission bylaws.

(20) Include language to reflect that the Board of Zoning Appeals may have up to three alternate members, in addition to seven permanent members, in accordance with state law.

(21) Revise the definition of a shopping center to include commercial uses on the first or lower floors of a residential building.

(22) Include examples of uses in the definitions of a specialized instruction center and a small health and exercise facility.

COUNTYWIDE. PUBLIC HEARING.

Jennan Qato, Zoning Administration Division (ZAD), Department of Planning and Development (DPD), presented the staff report, a copy of which is in the electronic data file. She noted that staff recommended approval of the Zoning Ordinance Amendment, Minor and Editorial Revisions.

There was a discussion between Ms. Qato; Carmen Bishop, Deputy Zoning Administrator, DPD; and multiple Commissioners regarding the following issues:

- Question about the recourse for updating the Zoning Ordinance by the County in response to modifications to the *Code of Virginia*;
- Clarification on specific timeframes in the Zoning Ordinance for issuing advertisements to the Washington Times in advance of any public meeting;
- Confirmation that advertisements were published in accordance with the *Code of Virginia* and this provision was appropriately referenced in the Zoning Ordinance;
- Concerns about the ability of staff and the public to search and locate information about public notices;
- Concerns about the letter submitted by Board of Zoning Appeals (BZA) member regarding an incongruence in the text of the proposed amendment;
- Confirmation that reference to the word issuance was removed to address the concerns raised by the BZA.

David Silek, 8229 Boone Boulevard, Vienna, supported the proposed amendment because it included appropriate updates to the personal services table.

There being no more speakers, no rebuttal, 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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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR MINOR AND EDITORIAL REVISIONS AND CHANGES TO REFLECT *VIRGINIA*

CODE UPDATES, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 6, 2024, WITH THE ADDITIONAL CHANGES AS FOLLOWS:

- FOR SUBSECTION 8100.10.A(2)(A), MAINTAIN EXISTING ZONING ORDINANCE LANGUAGE;
 - REVISE SUBSECTION 8100.1.B(1)(B) TO READ, “THE SUBJECT OF THE PUBLIC HEARING IS NOT REQUIRED TO BE ADVERTISED IN FULL BUT MAY BE ADVERTISED BY REFERENCE. EVERY ADVERTISEMENT MUST IDENTIFY THE PROPOSED ACTION AND MUST IDENTIFY THE PLACE(S) WITHIN THE COUNTY WHERE COPIES OF THE SUBJECT OF THE PUBLIC HEARING MAY BE EXAMINED.”;
 - REVISE SUBSECTION 8100.1.B(1)(C) TO READ, “PUBLIC NOTICE IS THE HEARING BODY’S RESPONSIBILITY. NOTICE OF ANY HEARING MUST BE PUBLISHED AT LEAST IN ACCORDANCE WITH THE STANDARDS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2204 AND SUCH OTHER STATE LAW PROVISIONS THAT MAY APPLY.”; AND
 - REVISE SUBSECTION 8100.10.A(1)(A) TO READ, “THE APPELLANT MUST SUBMIT MATERIALS IN ACCORDANCE WITH SECTION 8101. TO BE COMPLETE, AN APPLICATION MUST INCLUDE ALL REQUIRED MATERIALS.”
- THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. THE DAY FOLLOWING ADOPTION.

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

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CLOSED SESSION MOTION

Chairman Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECESS AND GO INTO CLOSED SESSION PURSUANT TO *VIRGINIA CODE* § 2.2-3711(19) FOR A BRIEFING BY SECURITY OFFICIALS TO DISCUSS SECURITY SYSTEMS AND VULNERABILITY ASSESSMENTS AND ANY RELATED REPORTS OR PLANS PURSUANT TO *VIRGINIA CODE* § 2.2-3705.2(14) RELATING TO THE SECURITY OF THE

FAIRFAX COUNTY GOVERNMENT CENTER LOCATED AT 12000 GOVERNMENT CENTER PARKWAY, AND THE SAFETY OF PERSONS USING THAT BUILDING.

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

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The Planning Commission went into closed session at 9:05 p.m. and reconvened at 10:52 p.m.

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CLEANSING MOTION

Chairman Niedzielski-Eichner MOVED THAT THE COMMISSION MEMBERS CERTIFY, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, THAT ONLY SUCH PUBLIC BUSINESS MATTERS AS ARE LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS AND ONLY SUCH MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED MEETING WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED DURING THE CLOSED SESSION.

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

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The meeting was adjourned at 10:54 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 20 24, by Jacob Caporaletti

Doreen M. Steele
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2028

