

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 5, 2020**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John C. Ulfelder, Vice Chairman, Dranesville District
Timothy J. Sargeant, Secretary, Commission At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:33 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

ELECTION OF OFFICERS

(Start Verbatim Transcript)

Commissioner Cortina: Thank you, Mr. Chairman. So it is that time of the year for the election of officers for the Planning Commission. And, the nominations have been vetted among the Commission and there were no objections. So therefore, I MOVE THE FOLLOWING SLATE OF OFFICERS FOR THE PLANNING COMMISSION...

Commissioner Cater: Second.

Commissioner Cortina: [Inaudible].

Chairman Murphy: She's gonna read the names. But we appreciate your efforts.

Commissioner Cortina: I paused a little too long. SO, THE FOLLOWING SLATE OF OFFICERS IS PROPOSED:

- PETER F. MURPHY, SPRINGFIELD DISTRICT, CHAIRMAN;

- JOHN C. ULFELDER, DRANESVILLE DISTRICT, VICE CHAIRMAN;
- TIMOTHY J. SARGEANT, AT-LARGE, SECRETARY; AND
- JULIE M. STRANGLIE, MASON DISTRICT, PARLIAMENTARIAN.

Commissioners Clarke and Carter: Second.

Chairman Murphy: Seconded by Mr. Clarke and Mr. Carter. Is there a discussion of the motion? All those in favor of the motion to adopt the slate of officers for the year 2020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the vote.

(End Verbatim Transcript)

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PCA 2002-HM-043-04/CDPA 2002-HM-043-03/ FDPA 2002-HM-043-06 – ARROWBROOK CENTRE, LLC

(Decision Only) (Public Hearing on these applications was held on January 29, 2020)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman.

Chairman Murphy: Excuse me.

Commissioner Ulfelder: We had scheduled a decision only this evening in a case. The Arrowbrook Centre case that we heard last week. The applicant has requested a further deferral for that decision only. And therefore, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER PCA 2002-HM-043-04, CDPA 2002-HM-043-03, AND FDPA 2002-HM-043-06, ARROWBROOK CENTRE, LLC UNTIL A DATE OF FEBRUARY 12TH, 2020, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Niedzielski-Eichner and Cortina: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of the motion? All those in favor of the motion to defer decision only on this application to a date certain of

Commissioner Ulfelder: February 12th.

Chairman Murphy: February 12th, say aye.

Commissioners: Aye.

Chairman Murphy: With the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Motion carries.

The motion carried by a vote of 11-0. Commissioner Strandlie was absent from the vote.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. CSP 2009-HM-017 – NUGGET JOINT VENTURE, L.C.
2. PCA 84-L-083-02 – THE UNITED COMMUNITY OF MUSLIMS OF THE UNITED STATES OF AMERICA

The order was accepted without objection.

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CSP 2009-HM-017 – NUGGET JOINT VENTURE, L.C. – CSP Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2009-HM-017. Located on the S. side of Sunrise Valley Dr. and Dulles Airport Access and Toll Rd., W. of Carta Way. N. of Magna Way and E. of King John's Way on approx. 13.61 ac. of land zoned PRM. Dranesville District. Tax Map 15-2 ((1)) 13A1 and 15-4 ((5)) 5B1. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commission Clarke disclosed that, due to potential conflicts with the case, he would recuse himself from the vote.

Commissioner Ulfelder asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. Would a representative of the applicant please come down? Thank you.

David S. Houston, Applicant's Agent, Bean, Kinney & Korman, P.C.: Thank you. David Houston with Bean, Kinney and Korman.

Commissioner Ulfelder: Thank you.

Mr. Houston: On behalf of the applicant.

Commissioner Ulfelder: I request that the applicant confirm for the record their agreement to the proposed development conditions for CSP 2009-HM-017 dated January 29, 2020, with a proposed additional language to the end of Condition Number 5, "and comply with the performance standard in Article 12 of the Zoning Ordinance" and said conditions to now be dated January 5th, 2020...

Mr. Houston: February 5th, I believe.

Commissioner Ulfelder: As – as – as approved by the Planning Commission. Do you...

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Development:

Commissioner Ulfelder, that's February 5th, 2020.

Commissioner Ulfelder: Yes. It's what I said.

Commissioner Sargeant: No. You said January.

Commissioner Ulfelder: Okay. Dated February 5th, 2020, as approved by the Planning Commission. Do you – do you agree with that?

Mr. Houston: Yes. On behalf of the applicant, we agree with that...

Commissioner Ulfelder: Okay.

Mr. Houston: Modification.

Commissioner Ulfelder: The – the one change is involving the – the one video screen that it – by complying with the – with the Article 12, it will automatically be – dimmed it at night. So that was an issue that was raised. With that I move that the Planning Commission...

Chairman Murphy: Hold on. I think Mr. Carter has a question for you.

Commissioner Ulfelder: Yes.

Commissioner Carter: One question. I – I don't have any real concerns. But I – I notice there is a Type G light fixture and banners on Page 16. I don't know if you could look at that. But then that's not shown on the plans at all. It's a – it's a Type G. And I wondered why that was. Actually,

I was interested in the light fixture itself. I notice the light fixture is the same as we use in Tysons and I hope we can use that fixture in other areas. But, do you see that? But I don't see it on the plan. Maybe I missed it. And I wonder if that should be in the proffers in some way? Should it – I thought, well maybe it's in the right of way and that's why it's not shown.

Ms. Atkinson: Commissioner Carter, they're not shown on the plan because they'll be attached to the streetlights and we don't get into that much detail on the CSP.

Commissioner Carter: So, the streetlights are probably in the right-of-way for the most part?

Ms. Atkinson: More than likely.

Commissioner Carter: And so, they wouldn't be subject to this...

Ms. Atkinson: And that's...

Commissioner Carter: In any...

Ms. Atkinson: That's why they have a 10-foot clearance on them...

Commissioner Carter: Yeah.

Ms. Atkinson: That's required by VDOT. Sorry. Kelly Atkinson, Department of Planning and Development.

Commissioner Carter: Okay.

Commissioner Ulfelder: Does – does that answer?

Commissioner Carter: Yes.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Since Mr. Carter raised a question. Let me ask a quick one. The WMATA garage and the wayfinding for your development in relation to the garage. We – we – you know, I've had some concerns expressed about the confusion of Wiehle and...

Mr. Houston: Right.

Commissioner Niedzielski-Eichner: And – and I'm hoping that ...

Mr. Houston: Well – well what happened here in the development of this sign plan was that we tried to learn from some issues that may have occurred at the Wiehle station when it opened. And the applicant was meeting – the County actually owns the land where the garage is. And between

the applicant and the County, there was discussions back and forth with WMATA on what – what their needs were. And we feel we incorporated them into this plan...

Commissioner Niedzielski-Eichner: Do – do you agree with that staff? I'm sure you do. Okay. Thank you. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Now, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2009-HM-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 29TH, 2020, WITH THE PROPOSED ADDITIONAL LANGUAGE TO THE END OF CONDITION NUMBER 5, "AND COMPLY WITH THE PERFORMANCE STANDARDS OF ARTICLE 12 OF THE ZONING ORDINANCE" AND SAID CONDITIONS TO NOW BE DATED FEBRUARY 5TH, 2020, AS APPROVED BY THE PLANNING COMMISSION.

Commissioners Niedzielski-Eichner and Cortina: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner. Is there a discussion of that motion? All those in favor of the motion to approve CSP 2009-HM-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioner Clarke recused himself from the vote. Commissioner Strandlie was absent from the vote.

(End Verbatim Transcript)

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PCA 84-L-083-02 – THE UNITED COMMUNITY OF MUSLIMS OF THE UNITED STATES OF AMERICA – PCA Appl. to amend the proffers for RZ 84-L-083 previously approved for warehouse and storage yard to permit a place of worship and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.20. Located on the E. side of Cinder Bed Rd., approx. 370 ft. South of the Terminus of Cinder Bed Rd. on approx. 1.14 ac. of land zoned I-5. Comp. Plan Rec: Industrial Uses up to 0.35 FAR. LEE DISTRICT. PUBLIC HEARING.

Matthew G. Roberts, Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated November 25, 2019.

There were no disclosures by Commission members.

Daniel Creed, Zoning Administration Division, Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of PCA 84-L-083-02.

Mr. Roberts gave a presentation on the subject application.

There was a discussion between Mr. Creed; Mr. Roberts; Catherine Lewis, Zoning Evaluation Division, DPD; Brian Thomas, Charles P. Johnson and Associates, Inc.; Henry M. Fox, Jr., Charles P. Johnson and Associates, Inc.; and multiple Commissioners regarding the following:

- The environmental considerations proposed by the applicant to improve the site;
- The applicant's commitment to proffer a Phase I environmental study to evaluate the history of the site to determine whether further mitigation efforts were required;
- Proposed parking requirements compared to other places of worship;
- The reasons for including a 15-foot wide access easement along the southern property line;
- The green building certification requirements;
- The basis for Proffer Number 19 and the constitutionality of the proposed language;
- The purpose of the screening wall located on the north side of the site;
- Clarification of the hours of operation for worship services;
- Whether the Hawthorne community had an opportunity to review the revised proffers; and
- Whether street parking was permitted along Cinder Bed Road and possible options for installing no parking street signs.

The discussion resulted in staff agreeing to update the proffers to include language for a Phase I environmental study.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Lance Jenkinson, 6937 Rolling Creek Way, Alexandria, opposed the proposed application because of the noise, pollution, and lighting impact.

There was a discussion between Mr. Jenkins, Mr. Creed, Ms. Lewis, and multiple Commissioners regarding the location of Mr. Jenkinson's property in correlation to the proposed

development, and the status of the outdoor storage facility located along Cinder Bed Road. Ms. Lewis stated that, under the Comprehensive Plan, all outdoor storage was prohibited along the east side of the road. Alternative lighting options for the parking lot was also discussed. Mr. Creed stated that the language was common in most proffers to provide flexibility should the exact typical shown on the plan was not available. The intent was to provide bollard style lighting.

The discussion resulted in staff agreeing to revisions to the proffer language that addressed the types of alternative lighting comparable to the bollard style lighting.

Ralph Menzel, 6872 Rolling Creek Way, Alexandria, opposed the proposed application because of the environmental, noise, light and parking impact.

Kenneth Betz, 19846 Smith Circle, Ashburn, opposed the proposed application. A copy of Mr. Betz's statement is in the date file.

Stephanie Tavares, 7870 Azalea Cove Terrace, Alexandria, opposed the proposed application. A copy of Ms. Tavares' statement is in the date file.

Thomas Olney, 7874 Azalea Cove Terrace, Alexandria, did not oppose the proposed development, however addressed issues regarding increased disturbances of light, noise, increased traffic, privacy, and parking impact. Mr. Olney suggested that the parcel was too small to accommodate the proposed development to include the required number of parking spaces. He added the parking area within the Hawthorne community was meant to service the residents of the community.

There was a discussion between Mr. Olney and multiple Commissioners regarding whether there was signage that acknowledged parking was reserved for the residents of the Hawthorne community. Mr. Olney stated the signage did acknowledge the parking spaces were designated for the residential community and their visitors.

Gifford Hampshire, 4020 University Drive, Drive, Fairfax, opposed the proposed application. A copy of Mr. Hampshire's statement is in the date file.

There was a discussion between Ms. Lewis and Commissioner Niedzielski-Eichner as to whether the proposed development was consistent with the Comprehensive Plan and the previously approved proffered conditions. Ms. Lewis stated the Comprehensive Plan addressed Parcels 17, 22, 23, 25, and 29. These parcels were planned for industrial use for up to a 0.35 floor area ratio and was subject to provisions for substantial vegetative buffers and screening. Ms. Lewis added that the only uses prohibited per the Comprehensive Plan were outdoor storage and heavy industrial uses.

The discussion resulted in no changes to the application.

Isata Conteh, 4941 Manitoba Drive, Alexandria, supported the proposed development because of the financial assistance it provided to the community, and the moral and physical support provided to her family during her time of bereavement.

Yahya Serry, 13708 Gran Deur Drive, Woodbridge, supported the proposed application. Mr. Serry's statement is in the date file.

Javed Farooqi, 7867 Birch Bench Terrace, Alexandria, opposed the proposed application. A copy of Mr. Farooqi's statement is in the date file.

Chairman Murphy commented that the County had a rigorous review at all stages of the application process and each application was carefully analyzed by County staff. Chairman Murphy added that staff gave their professional opinion, and the Commission made the best land use recommendation to the Board of Supervisors. In response to Chairman Murphy's comment, Mr. Farooqi stated that the scope of his comments regarding the set of defined criterias used to generate proffers was based on what he observed during the Land Use Committee meetings.

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The Commission went into recess at 9:24 p.m. and reconvened in the Board Auditorium at 9:42 p.m.

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Abu Turay, 9607 Franklin Woods Place, Lorton, supported the proposed application because of the educational opportunities, moral obligation, and guidance offered to its members.

Jeannette Tavares, Birch Branch Terrace, Alexandria, opposed the proposed application. A copy of Ms. Tavares' statement is in the date file.

Chairman Murphy commented that the Commission did not consider the proposed use as a commercial use. He added that all houses of worship were considered institutional uses.

Alhabi Mohamednour, 6941 Rolling Creek Way, Alexandria, supported the proposed application because the parking issue was manageable. Mr. Mohamednour added that Cinder Bed Road was owned by the Virginia Department of Transportation and they also supported the development. He concurred with staff's recommendation for approval.

David Amos, 3970 Chainbridge Road, Fairfax, representing Hawthorne Community Association, opposed the proposed application. A copy of Mr. Amos' statement is in the date file.

There was a discussion between Mr. Amos and multiple Commissioners regarding the following:

- The types of by-right uses permitted in an I-5 District;

- Clarification of the service hours during worship; and
- The traffic volume along Cinder Bed Road.

The discussion resulted in no changes to the application.

Jane Kelly, 7801 Locust Leaf Lane, Alexandria, concurred with speakers' opposition to the proposed development.

David Vandy, 5813 Banning Place, Burke, supported the proposed application because he believed that members of all communities should work together to help build the nation. He added that the Muslim community longed for a place where they could practice their faith and a place where their children would be comfortable. He stated that the current place of worship was located in hotel. One of the hotel's requirements management of traffic flow where the applicant always complied. Mr. Vandy suggested that the narrative of overflow traffic was not accurate.

Commissioner Niedzielski-Eichner commented that it was his general observation that the leaders of religious institutions regularly exercised the moral authority. He added that in order to be a good neighbor, if there were parking issues, those issues should be resolved by the leadership of that institution.

Brandon Rushing, 7805 Cinder Bed Road, Lorton, opposed the proposed application. A copy of Mr. Rushing's statement is in the date file.

Marita Kamara, 7327 Golden Horseshoe Court, Springfield, supported the proposed application because it would provide a central place of worship for the Muslim community.

Mohammed A.B. Kargeo, 9796 Hagel Circle, Lorton, supported the proposed application and concurred with the supporters. He stated worship service would not disrupt the community and large events would be managed. Mr. Kargeo stated the overarching goal was to be a good neighbor.

Commissioner Bennett commented that she resided in Lorton Station area. She welcomed and thanked Mr. Kargeo and Mr. Turay for addressing the Planning Commission.

Ramil Ahmed, 7846 Locust Leaf Lane, Alexandria, supported the proposed development because it was be within walking distance from his home. Mr. Ahmed added parking on Cinder Bed Road was not a concern.

Jamal Kakar, 8351 Jovin Circle, Springfield, supported the proposed application, but understood the concerns of the community. Mr. Kakar stated that, as a visitor of Mr. Ahmed, he noticed parking was vigorously enforced. Parking accommodations were made for him in advance. No parking signage was visible, and towing was enforced. Mr. Kakar stated that Cinder Bed Road was expanded to mitigate traffic. He encouraged the community to work with the leadership of institution to mitigate any concerns.

There being no additional speakers, Chairman Murphy called for a rebuttal statement from Mr. Roberts who deferred to the Commission for clarifications, questions, and comments.

A discussion followed between Mr. Roberts and multiple Commissioners regarding the following:

- Compliance for a 25-foot buffer on the east side of the property;
- The age and types of tree plantings that would be included as a buffer;
- The applicant's commitment to complying with the appropriate lighting requirements;
- The types of uses that were prohibited under the original application; and
- The ability to curtail the hours of operation for larger events.

The discussion resulted in staff providing the Commission with a list of the types of uses that were prohibited under the original application.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Lagana for action on the application.

(Start Verbatim Transcript)

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Commissioner Lagana: Thank you, Mr. Chairman. I wanna thank everyone for coming out and speaking tonight. We certainly had a lot of comments and we've had a lot to digest, and a lot to think about as well. I particularly wanna extend my thanks to UCM for their commitment and the open and fraternal approach they have taken in their – in their application. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER PCA 84-L-083-02 FOR DECISION ONLY, TO A DATE CERTAIN OF FEBRUARY 12TH, 2020.

Chairman Murphy: With the record remaining open for comment.

Commissioner Lagana: Yeah, that's correct. WITH THE RECORD REMINING OPEN FOR COMMENT, Mr. Chairman.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of the motion? All those in favor of the motion to defer decision on PCA 84-L-083-02 to a date certain of February 12th, with record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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Chairman Murphy announced that the Commission received a list of standing and special committees. Chairman Murphy asked that the Commissioners submit their list of committees of interest.

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The meeting was adjourned at 10:40 p.m.
Peter F. Murphy, Chairman
Timothy J. Sargeant, 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: Samantha Lawrence

Approved on: May 20, 2020

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 15 day of June 2020, by
Jacob Caporaletti.

Dorothy M. S. [Signature]
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

