MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 22, 2025

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Commissioner At-Large
Evelyn S. Spain, Vice Chairman, Sully District
Jeremy Hancock, Secretary, Providence District
Candice Bennett, Parliamentarian, Commissioner At-Large
Alyssa Batchelor-Causey, Dranesville District
John A. Carter, Hunter Mill District
Walter C. Clarke, Mount Vernon District
Mary D. Cortina, Braddock District
Chris Landgraf, Franconia District
Timothy J. Sargeant, Commissioner At-Large
James Thomas, Springfield District
Alis Wang, Mason District

ABSENT: NONE

OTHERS: Mary Ann Tsai, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
William Mayland, Zoning Administration Division (ZAD), DPD
Nina Aamodt, Fairfax County Department of Transportation (FCDOT)
Cathy Belgin, ZED, DPD
Carmen Bishop, ZAD, DPD
Daniel Creed, ZED, DPD
Kevin McMahan, ZED, DPD
Katelyn Quinn, ZED, DPD
Savannah Murray, ZED, DPD
Nicole Blackwell, Clerk to the Planning Commission, Department of Clerk Services (DCS)
Michelle Jordan, Deputy Clerk, DCS
Jordyn Crane, Administration, 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 for tonight's meeting included commission business, two decision-only items, and conduct of five public hearings.

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Commissioner Hancock announced that Commissioners were emailed copies of the draft minutes for Planning Commission meetings held in July 2025. Commissioner Hancock announced his intent to move for approval of the July meeting minutes during the Planning Commission meeting on October 29, 2025.

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Commissioner Bennett announced that the Land Use Process Committee would meet on Thursday, October 23, 2025, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the upcoming Zoning Ordinance Amendment on Congregate Living Facilities.

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Commissioner Clarke announced that the Planning Commission's Transportation Committee would meet jointly with the Transportation Advisory Commission on Thursday, October 23, 2024, at 8:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the draft active transportation and trails plan and the active transportation plan study.

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Chairman Niedzielski-Eichner stated that all committee meetings were televised on Channel 16.

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Chairman Niedzielski-Eichner preceded to acknowledge Daniel Creed, an analyst with the Department of Planning and Development, who would be leaving the County for a new opportunity. Chairman Niedzielski-Eichner expressed deep appreciation for Mr. Creed's professionalism, dedication, and the valuable support he had provided to the Commission. He noted that while such transitions were part of professional growth and were met with congratulations, Mr. Creed's departure would be felt as a personal loss among those who have worked closely with him.

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ROCK HILL ROAD – PLAN AMENDMENT SSPA 2023-III-20UP
(Decision Only) (The public hearing on this application was held on October 15, 2025.)

Commissioner Batchelor-Causey MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLAN AMENDMENT 2023-III-20UP, AS FOUND IN THE STAFF REPORT DATED SEPTEMBER 17, 2025, WITH THE MODIFICATIONS AS INDICATED BY BOLD ITALICS AND

HIGHLIGHTED IN YELLOW IN THE PLANNING COMMISSION HANDOUT DATED OCTOBER 22, 2025.

Commissioner Bennett seconded the motion which was carried by a vote of 12-0.

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Chairman Niedzielski-Eichner requested that Vice Chairman Spain conduct the public hearing for this amendment. Without objection, he relinquished the Chair to Vice Chairman Spain.

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PROPOSED ZONING ORDINANCE AMENDMENT – ELECTRICAL SUBSTATIONS
(Decision Only) (The public hearing on this application was held on October 16, 2025.)

Commissioner Sargeant disclosed he was employed by Dominion Energy, retired approximately three years ago, and recused himself from the public hearing and vote.

Commissioner Niedzielski-Eichner explained that the proposed Zoning Ordinance Amendment for Electrical Substations was complex and had received extensive community feedback. As the project lead, he worked with staff and the County Attorney to prepare a main motion recommending that the Board of Supervisors adopt the amendment with clarifying revisions and a preferred option. He noted that some commissioners held differing views and would have the opportunity to propose amendments and explain their reasoning before Vice Chair Spain led the votes. Following action on the main motion, the Commission would review an appendix outlining how pending applications would be evaluated under current or new provisions. Commissioner Niedzielski-Eichener also planned to introduce a follow-on motion recommending that 2232 and special exception applications be processed concurrently.

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Commissioner Niedzielski-Eichner MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR ELECTRICAL SUBSTATIONS AS SET FORTH IN THE STAFF REPORT DATED JULY 15, 2025, WITH THE STAFF RECOMMENDED OPTIONS, EXCEPT FOR THE FOLLOWING REVISIONS TO SUBSECTION 4102.4.X:

1. AT THE END OF THE FIRST PARAGRAPH OF (5), ADD: "ADDITIONALLY, THESE PROVISIONS DO NOT APPLY TO A PRIVATE STREET WHERE THE SUBSTATION AND THE LAND LOCATED ACROSS THE PRIVATE STREET ARE ZONED TO AN I DISTRICT."

2. IN SUBSECTION (5)(A), CHANGE THE MINIMUM SETBACK FROM RESIDENTIAL IN SUBSECTION (A)2 FROM 100 FEET TO 200 FEET AND THE MINIMUM SETBACK FROM COMMERCIAL IN SUBSECTION (A)3 FROM 20

FEET TO 30 FEET.

3. IN SUBSECTION (5)(B), ADD "THAT IS" IN THE SECOND SENTENCE TO READ: "A VISUALLY SOLID FENCE OR WALL THAT IS A MINIMUM OF 12 FEET IN HEIGHT …"

4. AT THE END OF THE PROPOSED SUBSECTION (5)(C)1, ADD: "WHERE LANDSCAPING IS REQUIRED UNDER THIS SUBSECTION, STREET FRONTAGE LANDSCAPING IN ACCORDANCE WITH SUBSECTION 5108.3 IS NOT REQUIRED."

5. FOR THE PROPOSED SUBSECTION (5)(C)4, REVISE THE FIRST SENTENCE TO READ: "THE LANDSCAPE BUFFER MUST BE CONTINUOUS, EXCEPT WHERE DRIVEWAYS, ELECTRICAL LINE CONNECTIONS TO THE SUBSTATION (OVERHEAD OR UNDERGROUND), DUCT BANKS, AND RELATED EASEMENTS, OR OTHER OPENINGS ARE REQUIRED."

6. ADD A NEW PROPOSED SUBSECTION (5)(C)5.D TO READ: "THE MEASUREMENTS UNDER THIS SUBSECTION (C)5 MAY EXCLUDE AREAS OF EXISTING VEGETATION DESIGNATED FOR PRESERVATION AS DETERMINED BY THE DIRECTOR."

7. ADD A NEW PROPOSED SUBSECTION (5)(C)6 TO READ: "THE DIRECTOR, IN CONJUNCTION WITH A SITE PLAN, MAY MODIFY THE LANDSCAPING REQUIREMENTS OF THIS SUBSECTION IN ACCORDANCE WITH THE PROVISIONS FOR TRANSITIONAL SCREENING IN SUBSECTION 5108.6.B."

8. REVISE THE FIRST PARAGRAPH OF THE PROPOSED SUBSECTION (7) TO READ: "IF THE PROPOSED LOCATION IS IN AN R DISTRICT, OR ABUTS OR IS ACROSS THE STREET FROM THE LOT LINE OF AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE, THE USE MAY BE PERMITTED ONLY UPON A FINDING BY THE BOARD THAT: (A) THE PROPOSED LOCATION IS A CO-LOCATION OR EXPANSION OF AN EXISTING FACILITY AND WOULD MINIMIZE ADVERSE EFFECTS IN THE R DISTRICT AS COMPARED TO ALTERNATIVE SITES; OR (B) THERE IS NO ALTERNATIVE SITE AT AN EXISTING FACILITY OR IN A COMMERCIAL OR INDUSTRIAL DISTRICT THAT DOES NOT ABUT AND IS NOT ACROSS THE STREET FROM THE LOT LINE OF AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE, AND THAT CAN PROVIDE SATISFACTORY SERVICE WITHIN THE DISTANCES BELOW:

9. REVISE THE TABLE IN SUBSECTION 4102.4.X(1) SUCH THAT THE SECOND COLUMN OF THE ROW FOR I-5 AND I-6 READS, "ALL LIGHT UTILITY

FACILITIES, EXCEPT ELECTRICAL SUBSTATIONS THAT ABUT AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE" AND THE THIRD COLUMN OF THAT ROW READS, "ELECTRICAL SUBSTATIONS THAT ABUT AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE."

Commissioners Batchelor-Causey and Landgraff seconded the motion.

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Vice Chairman Spain announced that she would be making a motion to amend the main motion she requested that Secretary Hancock conduct the following motion. Without objection, she relinquished the Chair to Secretary Hancock.

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Commissioner Spain made the following amendment to the main motion where she MOVED TO RECOMMEND TO THE BOARD TO REVISE THE TABLE IN SUBSECTION 4102.4.X(1) TO REMOVE THE ROW FOR I-3 AND I-4 AND ADD THESE DISTRICTS TO THE ROW FOR I-5 AND I-6.

Commissioner Bennett seconded the motion.

Prior to the voting of Commissioner Spain's motion there was discussion between multiple commissioners regarding the following:

Commissioner Spain:

- Explained that industrial districts in Fairfax County were the most suitable locations for electrical substations;
- Clarified that these districts were designed to accommodate heavy utility and mechanical uses without conflicting with surrounding land uses;
- Explained that substations were already permitted by right in the I-3, I-4, I-5, and I-6 zoning districts;
- Explained that the Fairfax County Comprehensive Plan, which supported locating substations in non-residential areas to reduce neighborhood conflicts and preserve community character; and
- Concluded that additional restrictions, such as requiring special exceptions for substations in industrial districts, were unnecessary.

Commissioner Niedzielski-Eichener:

- Explained that the amendment to the electrical substation ordinance arose from community concerns about visual and operational impacts on nearby neighborhoods;
- Explained that, unlike I-5 and I-6 heavy industrial districts, I-3 and I-4 districts often border residential areas, necessitating additional review to protect adjoining communities;
- Emphasized that the proposed approach was balanced, aiming to safeguard neighborhoods without placing excessive burdens on property owners;

- Clarified that demand for substations would continue to increase, driven not only by data centers but by the county's overall growing electricity needs; and
- Concluded that the amendment was intended to ensure future facilities were properly sited and designed to minimize neighborhood impacts.

Commissioner Cortina:

- Aligned herself with Chairman Niedzielski-Eichener's viewpoint; Explained that the purpose of the I-3 district, as defined in the zoning ordinance, was to:
    - Provide areas for scientific research, development, and training offices;
    - Support light-intensity production of goods and related non-residential activities; and
    - Accommodate a broad spectrum of clean industries operating under enhanced performance standards.

There was a discussion between Carmen Bishop, Zoning Administration Division (ZAD) Department of Planning and Development (DPD), and multiple Commissioners regarding the following:

- Clarification that most substations require a 2232 review in accordance with state code;
- Explanation that substations exist across most zoning districts within the county; and
- Clarification that substations currently exist in the I-3 and I-4 districts.

The motion failed by a vote of 2-9. Commissioners Batchelor-Causey, Bennett, Carter, Clarke, Cortina, Hancock, Landgraf, Niedzielski-Eichner, and Wang voted in opposition. Commissioner Sargeant recused himself from the vote.

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Vice Chairman Spain resumed duties of the Chair.

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Commissioner Wang made the following amendment to the main motion where she MOVED TO RECOMMEND TO THE BOARD THAT SUBSECTION 4102.4.X(5)(A)2, BE REVISED TO CHANGE THE MINIMUM SETBACK TO 300 FEET.

Commissioner Batchelor-Causey seconded the motion.

Prior to the voting of Commissioner Wang's motion there was discussion between multiple commissioners regarding the following:

Commissioner Wang:

- Explained that this adjustment would align with the Data Center Zoning Ordinance Amendment (ZOA), which required data center equipment to be located at least 300 feet from the lot line of any residential (R) district or property developed with residential use;

- Clarified that since most new substations in the county were associated with data centers, they could reasonably be classified in a similar category; and
- Concluded that, therefore, substations should follow the same 300-foot setback provisions for consistency and neighborhood protection.

Commissioner Niedzielski-Eichener:

- Acknowledged the connection between substations and data centers but noted that future substations would also serve residential and mixed-use demands, not solely data centers;
- Proposed a 150-foot setback as a balanced alternative between the staff recommendation and the 300-foot proposal;
- Clarified that the measurement should be from the equipment to the lot line, rather than from the fence line, and the extra 50 feet would provide adequate protection for nearby residential properties; and
- Concluded that the 300-foot requirement would be impractical, limiting viable locations for substations on appropriately sized lots across the county.

Commissioner Landgraf:

- Noted that residential energy demand continues to grow and would require additional substations, even beyond those supporting data centers; and
- Explained the importance of maintaining flexibility to meet the county's electrical grid needs without overly restrictive setbacks.

There was a discussion between Ms. Bishop and multiple Commissioners regarding the following:

- Clarification that setback and screening standards could be modified through a Special Exception and noted that a sentence had been added to the proposed standard clarifying this flexibility;
- Clarification that for substations in any district requiring an SE, the setback would be part of the overall review process;
- Explanation that the amendment included a requirement for a noise study to be submitted;
- Concerns raised by industry representatives who argued that Fairfax County's ordinance changes added extra requirements after years of coordination with the State Corporation Commission (SCC) and Dominion Energy;
- Explanation that by knowing Fairfax County's standards upfront, applicants could integrate those requirements into their project design while pursuing state-level approvals, avoiding surprises later;
- Clarification that a 150-foot setback offers adequate neighborhood protection through distance and landscaping while still giving industry a predictable framework for compliance;
- Explanation that there had been very few complaints and noted that a review of the Department of Code Compliance records showed only one case, which was addressed; and
- Explanation that staff did not know the setback distance of the existing substation within that specific community.

Commissioner Batchelor-Causey:

- Emphasized that the Planning Commission's responsibility was to protect the interests of local communities and residents; and
- Explained that starting with a 300-foot setback provided greater oversight during the Special Exception process, allowing for flexibility while minimizing impacts on nearby neighborhoods.

The motion failed by a vote of 5-6. Commissioners Bennett, Carter, Clarke, Landgraf, Niedzielski-Eichner, and Spain voted in opposition. Commissioner Sargeant recused himself from the vote.

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Commissioner Cortina made the following amendment to the main motion where she MOVED TO RECOMMEND TO THE BOARD TO REVISE THE TABLE IN SUBSECTION 4102.4.X(1) SUCH THAT THE SECOND COLUMN OF THE ROW FOR I-5 AND I-6 READS, "ALL LIGHT UTILITY FACILITIES, EXCEPT ELECTRICAL SUBSTATIONS THAT ABUT AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE" AND THE THIRD COLUMN OF THAT ROW READS, "ELECTRICAL SUBSTATIONS THAT ABUT AN R DISTRICT OR A PROPERTY DEVELOPED WITH A RESIDENTIAL USE".

Commissioner Bennett seconded the motion.

Prior to the voting of Commissioner Cortina's motion there was discussion between multiple Commissioners regarding the following:

Commissioner Cortina:

- Explained that in recent years, nearly all new substation facilities have been built to support data centers rather than residential or other industrial uses;
- Referenced Fairfax County staff's January 9, 2024, research paper, which highlighted the vast energy demands of data centers and the extensive infrastructure such as substations, grading, and transmission lines required to support them;
- Explained that while industrial I-5 and I-6 districts were the proper place for large-scale substations, their placement within those districts should minimize impacts on nearby residential areas and be environmentally responsible;
- Described how suburban neighborhoods in her district such as Burke Centre, West Springfield, Kings Park, and North Springfield developed near historic industrial corridors along railroad lines;
- Argued that as industrial activity intensifies near these residential areas, the county should not rely on a "buyer beware" mindset for residents but instead apply the "agent of change" principle, requiring industry to mitigate its impacts;
- Explained that a recent zoning change eliminated buffering requirements between industrial and residential areas along railroad tracks, making it even more important to ensure transparency and public review; and

- Concluded that when utilities or developers place substations along the periphery of industrial zones near neighborhoods, those projects should undergo a public process, including I-5 and I-6 districts.

Commissioner Batchelor-Causey requested from staff to clarify how the term "abutting" was defined in the zoning ordinance and staff explained that abutting meant touching.

Commissioner Bennett noted that the gradual conversion of industrial areas to residential neighborhoods had created ongoing friction and stated that preserving industrial districts was essential to maintaining proper land use balance and accommodating necessary infrastructure.

Commissioner Niedzielski-Eichner:

- Explained that I-5 and I-6 industrial areas were a scarce and valuable resource in a rapidly growing county, and the Commission must preserve these zones for a variety of industries not just data centers;
- Explained that imposing Special Exception requirements in these heavy industrial districts could discourage desirable industrial investment and limit opportunities for future economic growth;
- Clarified that the Planning Commission already holds authority under the 2232 process to evaluate the location, character, and extent of public facilities such as substations;
- Explained that, historically, 2232 applications have been largely routine, but he believed the Commission should be prepared to exercise its authority more assertively when projects raise concerns; and
- Concluded that the Commission could use the 2232 review process to ensure substations were appropriately located, that developers engage with surrounding neighborhoods, and that impacts on nearby residential areas were properly considered without adding new restrictions to I-5 and I-6 districts.

The motion was carried by a vote of 6-5. Commissioners Clarke, Landgraf, Niedzielski-Eichner, Spain, and Wang voted in opposition. Commissioner Sargeant recused himself from the vote.

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Commissioner Batchelor-Causey made the following amendment to the main motion where she MOVED TO RECOMMEND TO THE BOARD THAT SUBSECTION 4102.4.X(5)(A)2, BE REVISED TO CHANGE THE MINIMUM SETBACK TO 200 FEET.

Commissioner Wang seconded the motion.

Prior to the voting of Commissioner Batchelor-Causey's motion there was discussion between multiple commissioners regarding the following:

Commissioner Batchelor-Causey:

- Explained that a 200-foot setback would serve as a reasonable compromise balancing public concerns about proximity with the county's spatial and land-use constraints; and

- Clarified that this adjustment would better reflect the feedback received from residents while still addressing practical development needs.

Commissioner Niedzielski-Eichner:

- Explained that a 150-foot setback was roughly equivalent to 50 yards on a football field, helping to illustrate the scale; and
- Clarified that adding another 50 feet would not create a substantial visual difference in practice.

The motion was carried by a vote of 6-5. Commissioners Bennett, Clarke, Landgraf, Niedzielski-Eichner, and Spain voted in opposition. Commissioner Sargeant recused himself from the vote.

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The Commission proceeded to vote on the main motion as amended which carried by a vote of 11-0. Commissioner Sargeant recused himself from the vote.

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Prior to the motion, Chairman Niedzielski-Eichner addressed the key issue of pending applications and explained that the proposed Appendix 1 update established criteria for evaluating applications already in the pipeline under the amended provisions.

Commissioner Niedzielski-Eichner proceeded with a follow-on motion and MOVED THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION AND THAT APPENDIX 1, PROVISIONS RELATING TO PREVIOUS APPROVALS, BE UPDATED TO INCLUDE THE FOLLOWING LANGUAGE FOR THE ELECTRICAL SUBSTATIONS ZONING ORDINANCE AMENDMENT:

(A) ANY APPLICATION FOR A SPECIAL EXCEPTION OR SITE PLAN FOR AN ELECTRICAL SUBSTATION THAT IS (I) ACCEPTED FOR REVIEW BEFORE THE EFFECTIVE DATE OF AMENDMENT, OR (II) ACCEPTED FOR REVIEW BEFORE 6 MONTHS AFTER THE EFFECTIVE DATE OF AMENDMENT AND THAT IS IN ACCORDANCE WITH A VA. CODE SECT. 15.2-2232 APPLICATION, (III) OR HAS BEEN ACCEPTED FOR REVIEW PRIOR TO THE EFFECTIVE DATE OF THE AMENDMENT AND IS APPROVED BEFORE APPROVAL OF THE SPECIAL EXCEPTION OR SITE PLAN – WILL BE REVIEWED BASED ON THE PROVISIONS OF THE ZONING ORDINANCE IN EFFECT ON THE DAY PRIOR TO EFFECTIVE DATE OF AMENDMENT, IF:

1. THE APPLICATION IS APPROVED BY 12 MONTHS AFTER EFFECTIVE DATE OF AMENDMENT, UNLESS THE BOARD OF SUPERVISORS APPROVES AN EXTENSION BEYOND THE 12 MONTHS;
2. THE APPROVAL REMAINS VALID; AND

3. THE USES, FEATURES, AND SUBSTATION ARE ESTABLISHED OR CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS AND PERMITS.

AN APPROVED PLAN MAY BE REVISED NOTWITHSTANDING THIS AMENDMENT IF IT DOES NOT AGGRAVATE CONFLICTS WITH THE AMENDMENT. BUILDING PERMITS AND OTHER RELATED SUBSEQUENT PLAN AND PERMIT SUBMISSIONS MAY BE ACCEPTED, AND NEW APPROVALS MAY BE GRANTED, CONSISTENT WITH THE APPROVED PLAN. THE APPLICANT/OWNER MAY ELECT TO HAVE THE ABOVE APPLICATIONS REVIEWED IN THEIR ENTIRETY UNDER THE PROVISIONS OF THIS AMENDMENT.

(B) FOR ALL REZONINGS AND RELATED DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, OR SITE PLANS THAT INCLUDE AN ELECTRICAL SUBSTATION APPROVED BEFORE THE EFFECTIVE DATE OF AMENDMENT, THE APPLICANT/OWNER MAY CONTINUE UNDER THEIR PREVIOUS APPROVAL. SUBSEQUENT PLAN AND PERMIT SUBMISSIONS MAY BE ACCEPTED, AND NEW APPROVALS MAY BE GRANTED, CONSISTENT WITH THOSE PRIOR APPROVALS. REVISIONS TO SUCH PRIOR APPROVALS MAY BE APPROVED IF THEY DO NOT AGGRAVATE CONFLICTS WITH THIS AMENDMENT.

Commissioner Bennett seconded the follow-on motion.

Prior to the voting of Commissioner Niedzielski-Eichner follow-on motion there was discussion between multiple commissioners regarding the following:

Commissioner Niedzielski-Eichner:

- Explained that the purpose of his motion was to clarify how pending substation applications those already submitted and under county review would be handled during the transition to new zoning ordinance standards;
- Clarified that such pipeline applications would continue to be evaluated under the current regulations, not the updated standards that would take effect if the Board of Supervisors adopted the proposed amendments;
- Clarified that while the appendix language contained complex legal terminology, its intent was straightforward to establish which version of the ordinance applied based on the application's submission date;
- Asked staff to confirm how many substation applications were currently in progress.
    - Staff responded that approximately five substations were in various stages of review, including applications with pending 2232 and site plans, and one with both a Special Exception and 2232 review.

Commissioner Wang MOVED TO SUBSTITUTE THE PREVIOUS FOLLOW-ON MOTION AS FOLLOWS: RECOMMEND TO THE BOARD THE FOLLOWING LANGUAGE FOR THE ELECTRICAL SUBSTATIONS ZONING ORDINANCE AMENDMENT:

"(A) FOR ALL APPLICATIONS FOR SUBDIVISION PLATS, SITE PLANS, BUILDING PERMITS, PROFFERED REZONINGS, AND SPECIAL EXCEPTIONS SUBMITTED AND ACCEPTED FOR REVIEW BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT, THE APPLICANT/OWNER IS ENTITLED TO HAVE THE APPLICATION REVIEW AND APPROVAL BASED ON THE PROVISIONS OF THE ZONING ORDINANCE AS AMENDED PRIOR TO THE EFFECTIVE DATE OF THE PROPOSED AMENDMENT IF:

1. APPROVAL IS GRANTED WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS AMENDMENT;
2. THE APPROVAL REMAINS VALID; AND
3. THE USES, FEATURES, AND STRUCTURES ARE ESTABLISHED OR CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS AND PERMITS. REQUIRED SUBSEQUENT PLAN AND PERMIT SUBMISSIONS MAY BE ACCEPTED AND APPROVALS MAY BE GRANTED, CONSISTENT WITH THOSE APPROVALS.

REVISIONS TO SUCH APPROVALS MAY BE APPROVED IF THEY DO NOT AGGRAVATE CONFLICTS WITH THIS AMENDMENT. APPLICANT/OWNER MAY ELECT TO HAVE THE ABOVE APPLICATIONS REVIEWED IN THEIR ENTIRETY UNDER THE PROVISIONS OF THIS AMENDMENT.

(B) FOR ALL APPLICATIONS FOR REZONINGS AND RELATED DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, PRC PLANS, SUBDIVISION PLATS, SITE PLANS, AND BUILDING PERMITS APPROVED BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT, THE APPLICANT/OWNER MAY CONTINUE UNDER THEIR PREVIOUS APPROVAL. REQUIRED SUBSEQUENT PLAN AND PERMIT SUBMISSIONS MAY BE ACCEPTED AND NEW APPROVALS MAY BE GRANTED, CONSISTENT WITH THOSE PRIOR APPROVALS. REVISIONS TO SUCH PRIOR APPROVALS MAY BE APPROVED IF THEY DO NOT AGGRAVATE CONFLICTS WITH THIS AMENDMENT."

Commissioner Batchelor-Causey seconded the follow-on motion.

Prior to the voting of Commissioner Wang's follow-on motion there was discussion between multiple commissioners regarding the following:

Commissioner Wang:

- Explained that her reasoning for the proposed amendment was to maintain consistency with the Data Center ZOA adopted by the Planning Commission the previous year;
- Explained that since most new substation applications in Fairfax County were tied to data center development, it made sense for the same transition language to apply;

- Clarified that her intent was to ensure that the new substation zoning provisions would apply to any applications currently under review but not yet approved, aligning the treatment of substations with that of data centers; and
- Concluded by emphasizing that the language he proposed mirrored the Planning Commission's previous approach with the Data Center ZOA.

Commissioner Carter:

- Asked staff what impact the proposed amendment would have on the five pending substation applications currently under review;
    - Staff responded that the effect would vary depending on how quickly each application progressed through the approval process; and
    - Staff estimated that a few applications might receive approval within six months, while others likely would not meet that timeline.
- Clarified that his concern was not just timing but whether the proposed changes would create problems or complications for the pending cases; and
- Explanation from staff that the impact would differ by case, as each application is unique, but acknowledged that some projects would likely require revisions to comply with the new standards.

Commissioner Niedzielski-Eichner:

- Explained that his comments were in support of the original motion and emphasized two key points;
- Clarified that several substation cases were already in the development pipeline, and requiring them to comply with new zoning standards could force applicants to reconsider their designs, configurations, or locations, potentially causing unnecessary setbacks;
- Clarified that of the five cases currently under review, only one may present challenges, and that issue could be addressed through the Commission's existing 2232 authority rather than through new regulatory changes; and
- Explained that a similar motion had previously been made for data centers, but the Board of Supervisors declined to adopt it, suggesting that reintroducing the same approach for substations would likely yield the same result.

Commissioner Cortina:

- Asked staff to clarify the recommended timeframe for processing applications under the proposed amendment;
    - Explanation from staff that their recommendation allowed a two-year transition period for pending applications: one year to submit follow-up applications such as a site plan and an additional year to obtain approval.
- Explained that this meant staff's recommendation provided two years total for applicants to complete the process and asked when the Board of Supervisors would take action;
    - Explanation from staff that the public hearing was scheduled for December 9th.
- Explained that in the data center Zoning Ordinance case, the Board adopted staff's recommendation rather than the Planning Commission's;
- Explained that there were currently three timelines under consideration six months, one year, and two years and commented that historically, Zoning Ordinance amendments

took effect immediately, with such transition provisions being relatively new and now appearing more frequently;
    - Clarification from staff that while the Board-approved appendix for the data center amendment differed slightly, the general practice had been to include applicability provisions when new amendments impose more restrictive regulations; and
    - Explanation that the transition language varies based on the type and number of applications already in the development pipeline.

There was a discussion between Ms. Bishop, and multiple Commissioners regarding the following:

- Clarification that two of the five pending applications were located on sites that directly abut residential properties;
- Explanation that those two residentially adjacent applications were the ones least likely to be completed within six months; and
- Clarification that the six-month timeframe would be too short for those applications to finish.

Commissioner Niedzielski-Eichner:

- Explained that his appendix motion intentionally reduced the transition period from two years to one year to promote efficiency while still providing flexibility;
- Emphasized that the 12-month timeframe included a caveat allowing applicants to request an extension from the Board of Supervisors if additional time was needed, provided they could justify the necessity;
- Explained that a two-year period was excessive, as it risked sending the wrong message to the development community by implying, they had extended time to comply; and
- Concluded that the one-year deadline, coupled with the option for a Board-approved extension, struck a reasonable balance between maintaining project momentum and allowing for exceptional circumstances.

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The Commission proceeded to vote on the substitute motion which failed by a vote of 4-7. Commissioners Bennett, Carter, Clarke, Landgraf, Niedzielski-Eichner, Thomas and Spain voted in opposition. Commissioner Sargeant recused himself from the vote.

The Commission proceeded to vote on the follow-on motion which was carried by a vote of 10-1. Commissioner Wang voted in opposition. Commissioner Sargeant recused himself from the vote.

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Commissioner Niedzielski-Eichner proceeded with a follow-on motion and MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO PROCESS

2232 AND SPECIAL EXCEPTION APPLICATIONS FOR ELECTRICAL SUBSTATIONS CONCURRENTLY WHEN THEY ARE SUBMITTED AT THE SAME TIME.

Commissioners Bennett and Landgraf seconded the follow-on motion.

Prior to the voting of Chairman Niedzielski-Eichner's follow-on motion there was discussion between multiple commissioners regarding the following:

Chairman Niedzielski-Eichner stated the following:

- Explained that the proposal responded to concerns about extending an already lengthy approval process;
- Explained that substations already required a 2232 review addressing location, character, and extent;
- Clarified that the motion would allow substations requiring 2232, and now also requiring a Special Exception (SE) for I-3 and I-4 districts, to be reviewed concurrently;
- Explained that concurrent review would streamline the process by combining requirements into a single public hearing;
- Clarified that this approach would allow all issues to be heard at the same time rather than in separate proceedings; and
- Explained that handling the SE and 2232 together would give the county greater leverage to impose conditions through the SE process.

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The commission proceeded to vote which was carried by a vote of 11-0. Commissioner Sargeant recused himself from the vote.

Chairman Niedzielski-Eichner resumed duties of the Chair.

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ORDER OF THE AGENDA

Secretary Hancock established the following order of the agenda:

1. PROPOSED ZONING ORDINANCE AMENDMENT – PRC PLAN EXCEPTION AND MINOR MODIFICATIONS
2. SE-2024-PR-00039 - VIP MANAGEMENT, LLC
3. RZ/FDP 2024-PR-00008 CONCURRENT WITH PCA 78-P-137-06 - FLINT HILL PROPCO LLC
4. PCA 2003-HM-046-04 & CDPA/FDPA 2003-HM-046-002 (RZPA-2025-HM-00004) - UNION INVESTMENT REAL ESTATE GMBH CORPORATION
5. SE 2019-PR-008 CONCURRENT WITH RZ 2019-PR-004 - TYSONS MK, LLC AND TYSONS MK II, LLC

This order was accepted without objection.

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Chairman Niedzielski-Eichner thanked staff, especially William Mayland and Carmen Bishop, for their hard work on the ordinance under a tight timeline. He commended both staff and commissioners for their collaboration in preparing motions quickly and acknowledged the valuable input from the community, state representatives, and stakeholders that helped shape the Commission's decisions before proceeding to the public hearings.
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Chairman Niedzielski-Eichner recited the rules for public testimony.

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PROPOSED ZONING ORDINANCE AMENDMENT – PRC PLAN EXCEPTION AND MINOR MODIFICATIONS - (1) amending provisions regarding when a PRC Plan is required, including adding a new exception for certain additions or changes to approved recreational uses and structures in common open space and deleting certain PRC Plan exceptions; (2) adding a new provision for minor modifications to replace an active recreational facility with another facility with similar recreational opportunities and impacts; (4) reducing the fee for homeowners' associations for interpretations of approved zoning applications and minor variations to proffered conditions; and (5) adding a new fee for PRC Plans for community recreation in common open space. COUNTYWIDE. PUBLIC HEARING.

William Mayland Zoning Administration Division, Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. He stated that staff recommended adoption of the Zoning Ordinance Amendment.

Commissioner Bennett deferred making preliminary comments on the application.

There was a discussion between Mr. Mayland; Cathy Belgin, Zoning Evaluation Division, DPD, and multiple Commissioners regarding the following:

- Clarification on whether the addition of a dumpster by a condominium association within existing parking spaces would fall under the new PRC plan regulations;
- Explanation that such a request was not explicitly addressed but could typically be reviewed as a minor modification or through an interpretation process, depending on the specifics particularly if the dumpster displaces required parking or disrupts approved site components;

- Explanation that similar requests have been handled before and confirmed that the filing fee for a minor modification was currently $700;
- Explanation that staff met with Burke Centre Conservancy Board and that the meetings took place in December 2024 and again in May 2025, noting that updates were provided and no significant concerns remained after those discussions;
- Explanation that, despite multiple outreach attempts using contact information provided by the Supervisor's office, no response was received from Cardinal Forest; and
- Explanation that the amendment was not more restrictive than the current ordinance and generally provided more flexibility and opportunities for PRCs, particularly homeowners' associations, through the minor modification process.

There being no listed speakers, no speakers from the audience, no further comments or questions from the Commission, no rebuttal from the applicant, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner recognized Commissioner Bennett for action on this proposed application.

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Prior to the vote, Commissioner Bennett stated that the zoning ordinance amendment reflected the Board of Supervisors' direction through the adopted work program to update the PRC process. She noted that the amendment had evolved through community and stakeholder input and overall represented a thoughtful response to both board priorities and community feedback. She proceeded to thank staff for their hard work on this application.

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Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT FOR PRC PLAN EXCEPTIONS AND MINOR MODIFICATIONS WITH THE STAFF-RECOMMENDED OPTIONS AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 9, 2025, AND THAT THE AMENDMENT BECOME EFFECTIVE AT 12:01 AM THE DAY FOLLOWING ADOPTION.

Commissioners Carter, Landgraf, Sargeant, and Spain seconded the motion, which was carried by a vote of 12-0.

Chairman Niedzieski-Eichner formally closed the public hearing.

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SE-2024-PR-00039 - VIP MANAGEMENT, LLC – Appl. to permit an adult day care center. Located on approx. 36,822 sq. ft. of land zoned C-2 and HC. Tax Map 49-3 ((1)) 60. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Farhnag Mojgani, Applicant's Agent, Civiland LLC, reaffirmed the affidavit dated August 6, 2025.

Savannah Murray, Zoning Evaluation Division, Department of Planning and Development DPD, presented the staff report, a copy is in the electronic date file. She stated that the staff recommended approval of SE-2024-PR-00039.

Mr. Mojgani gave a brief presentation on the subject application.

There was a discussion between Ms. Murray; Mr. Mojgani; Brian Woo, Operational Director of Evergreen Health Care Management LLC; and multiple Commissioners regarding the following:

- Explanation that the daycare use was limited to the first floor, and any future expansion to the second floor would require a new approval process;
- Clarification that parking would primarily be used by staff rather than clients;
- Explanation that transportation for clients would be provided via a management-operated van system, with designated parking for two minivans to drop off seniors at the lower level of the building;
- Explanation the facility relied solely on private transportation rather than public transit;
- Explanation that the outdoor area would serve as a small seating area for outdoor meals or relaxation, not for physical activity;
- Explanation that the daycare session ended at 1:30 p.m., after which clients were transported home;
- Explanation that not all clients required after-hours care, but for those who did, personal care assistants (PCAs) were assigned. Each client was handed off directly to a designated chaperone or caregiver upon drop-off to ensure safety;
- Clarification that transportation routes were organized efficiently by location, and all clients typically arrived home within an hour;
- Explanation that participants were required to use the facility's designated vans or buses for both pickup and drop-off, as private vehicle drop-offs were not permitted;
- Clarification that the outdoor space would be used exclusively by daycare participants and would not be shared with other building occupants;
- Clarification that the outdoor area would be fenced;
- Concern regarding the adjacent parking space, explaining that the auto-turn diagram showed vehicles pulling in close to the safety barrier;
- Explanation that three doors provided access to the first floor and that not all would be unlocked;
- Clarification that alarm systems would be installed at each door, sounding whenever a door was opened; and
- Explanation thar staff would be trained to monitor the alarm board and respond immediately;

There being no further comments or questions from the Commission and staff had no closing remarks, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Hancock for actions on this proposed application.

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Prior to the motion, Commissioner Hancock requested that the applicant confirm for the record their agreement to the proposed development conditions dated October 9, 2025.

Mr. Mojgani affirmed agreement to the development conditions dated October 9, 2025.

Commissioner Hancock MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2024-PR-00039, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 9, 2025, AS INCLUDED IN THE STAFF REPORT.

Commissioner Cortina seconded the motion which was carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

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RZ/FDP 2024-PR-00008 - FLINT HILL PROPCO LLC - Appls. to rezone from PDC to PDH-16 to permit residential development with an overall density of 15.77 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located in the E. of Jermantown Rd., generally S. of Rosehaven St., and generally N. of Arrowhead Dr. on approx. 7.04 ac. of land. Comp. Plan Rec: Residential, 16 – 20 dwellings units/acre. Tax Map 47-2 ((1)) 46D. (Concurrent with PCA 78-P-137-06). PROVIDENCE DISTRICT. PUBLIC HEARING.

PCA 78-P-137-06 - FLINT HILL PROPCO LLC - Appl. to amend the proffers for RZ 78-P-137 previously approved for office to delete land area. Located in the E. of Jermantown Rd., generally S. of Rosehaven St., and generally N. of Arrowhead Dr. on approx. 7.04 ac. of land zoned PDC. Comp. Plan Rec: Residential (16 – 20 dwellings units/acre). Tax Map 47-2 ((1)) 46D. (Concurrent with RZ/FDP 2024-PR-00008). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

David Gill, Applicant's Agent, Wire Gill LLP, reaffirmed the affidavit dated October 2, 2025

Daniel Creed 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 the staff recommended approval of RZ/FDP 2024-PR-0008 and PCA 78-P-137-06.

Mr. Gill gave a brief presentation on the subject applications.

There was a discussion between Mr. Gill, Mr. Creed, and multiple Commissioners regarding the following:

- Concern regarding stormwater management, noting that the parks would likely experience heavy use and contain significant impervious surfaces, particularly Park Area A;
- Explanation that maintaining stormwater functionality was a shared goal and highlighting that the project's conversion from a surface parking lot to parkland significantly reduced impervious area overall;
- Explanation that a maintenance agreement with the county would be required at the site plan stage to ensure that stormwater facilities, including park-related features, were properly maintained in perpetuity;
- Explanation that the project included a commitment to four Affordable Dwelling Units (ADUs) for sale two townhomes and two units within the two-over-two buildings;
- Concerns about pedestrian safety, describing the road as dangerous to cross;
- Explanation the exact expiration details of the crosswalk related proffer were not available but that it was not the applicants intent for the proffer to expire;
- Concerns that developers often face delays outside of their control, which could stall key safety improvements and leave communities frustrated;
- The applicant responded that both Virginia Department of Transportation (VDOT) and Fairfax County Department of Transportation (FCDOT) had reviewed and expressed strong preliminary support for the proposed crosswalk design, adding that they fully intended to deliver the improvement at the site plan stage;
- Clarification from staff that neither VDOT nor FCDOT had raised objections to the proposed crosswalk;
- Explanation that a few minor editorial revisions could be made to the proffer language to ensure flexibility in case VDOT requested alternative treatments or modifications;
- Explanation that VDOT had not raised objections and agreed that the crosswalk was warranted at this location;
- Explanation that streetlights would be installed consistently throughout the community and designed to match those shown in the urban park areas, explaining that this was part of the proffered commitment;
- Clarification that the original commitment had always been four ADUs, all located in stacked units, but they requested a mix and provided more variety;
- Explanation that the applicant agreed to split the ADUs evenly two in stacked units and two in single-family attached homes;
- Explanation that the original office park was governed by an existing de facto HOA with easement agreements already in place between the three property owners;
- Explanation that the properties transition to residential use would evolve into a unified HOA which would maintain cooperation, ensuring consistent design elements, park features, and community aesthetics so the developments function as one cohesive neighborhood rather than three separate projects;
- Clarification that the developments would share uniform street furniture, benches, trash receptacles, signage, and wayfinding elements linking the parks and trails throughout the community;

- Explanation that consistent signage would also help residents and visitors navigate between the Cross County Trail and the I-66 bike trail, reinforcing cohesion across the entire site; and
- Explanation that that the crosswalk would include push-button flashing beacons and added that the sidewalk along Jermantown Road would also connect pedestrians to the nearby retail areas.

Chairman Niedzielski-Eichner called the first listed speaker.

Keith Henning, 7640 Tremayne Place Apt 308, McLean, A copy of Mr. Henning's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Chairman Niedzielski-Eichner called for additional speakers, there were none. With no further comments or questions from the Commission and no closing remarks from staff, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Hancock for a motion.

Prior to the motion, Commissioner Hancock thanked Daniel Creed for his final contributions, noting that his efforts on the Flint Hill applications were evident and would benefit the future community. He also acknowledged the applicant's willingness to address concerns and make meaningful commitments, including open space, pedestrian and bicycle connections, Capital Bikeshare, and provisions that, while not required, aligned with the spirit of the county's affordable housing goals.

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

- PCA-78-P-137-06;

- RZ-2024-PR-00008 AND ITS ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 22 2025;

- WAIVER OF ZONING ORDINANCE SECTION 2105 WHICH REQUIRES A PRIVACY YARD OF 200 SQUARE FEET FOR SINGLE FAMILY ATTACHED UNITS;

- WAIVER OF THE PRIVATE STREET MAXIMUM LENGTH OF 600 FEET OF ZONING ORDINANCE SECTION 5107.3.A(3);

- MODIFICATION OF THE PRIVATE STREET WIDTH REQUIREMENT OF ZONING ORDINANCE SECTION 5107.3.A(2) TO PERMIT STREETS 22 FEET IN WIDTH AS SHOWN ON THE CDP/FDP; AND

- MODIFICATION OF TRAILS AND BIKE TRAILS RECOMMENDATION OF THE COMPREHENSIVE TRAILS PLAN ALONG JERMANTOWN ROAD TO THAT SHOWN ON THE CDP/FDP.

IN A RELATED ACTION, THE PLANNING COMMISSION VOTED 11-0 (COMMISSIONER BENNETT WAS NOT PRESENT FOR THE VOTE) TO APPROVE FDP-2024-PR-00008.

Chairman Niedzielski-Eicher and Commissioners Sargeant, and Spain seconded the motion which was carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

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PCA 2003-HM-046-04 & CDPA/FDPA 2003-HM-046-002 (RZPA-2025-HM-00004) - UNION INVESTMENT REAL ESTATE GMBH CORPORATION - Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ 2003-HM-046, to permit an additional office building at an overall site Floor Area Ratio of 0.96. Located on the N. side of Woodland View Dr. at its intersection with Woodland Pointe Ave., on approx. 6.78 ac. of land zoned PDC. Comp. Plan Rec: Mixed Use. Tax Map 16-4 ((1)) 44. DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh P.C., reaffirmed the affidavit dated October 7, 2025.

Kevin McMahan, 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 the staff recommended adoption of PCA 2003-HM-046-04 & CDPA/FDPA 2003-HM-046-002.

Prior to the applicant's presentation Chairman Niedzielski-Eichner requested that Mr. McMahan, give a brief summarization of the changes reflected in staff's most recent memo.

- Explanation that the applicant made several revisions, including:
  - Agreed to pursue Leadership in Energy and Environmental Design (LEED) Silver certification for the project;
  - Proposing a $1.00 per square foot contribution instead of the standard $2.00 in the event the building fails to achieve LEED certification, payable before bond extension or final bond release whichever occurred first.
  - Clarification that staff, however, recommended maintaining the $2.00 per square foot standard; and
- Revising Proffer 12 to commit to installing six operational Electrical Vehicle (EV) charging stations instead of only preparing the design for future installation.Staff added

that they recommended further strengthening the EV commitment by requiring all six stations to be wired and functional prior to non-RUP issuance and ensuring infrastructure for future additional EV chargers was incorporated into the parking garage.

Mr. Brant gave a brief presentation on the subject applications.

There was a discussion between Mr. Brant; Mr. McMahan; Mary Ann Tsai, Branch Chief, ZED, DPD; Nina Aamodt, Fairfax County Department of Transportation (FCDOT); Edmund J. Ignacio, Engineer, VIKA Virginia, LLC; and multiple Commissioners regarding the following:

- Explanation that the applicant had recently spoken with a neighborhood representative to address these issues. They clarified that:
  - Construction vehicles would not use private neighborhood streets, as those roads were not built to handle heavy truck traffic;
  - A construction management plan would be submitted at site plan review, detailing truck and hauling routes to ensure construction activity avoids the adjacent residential areas; and
  - Concerns about office traffic were discussed, with the applicant emphasizing that the new project would not increase overall traffic volume since the number of employees would remain capped at the same level as the site's previous office use.
- Explanation that the applicant's proffers would allow an easement for the sidewalk connection, but the construction responsibility for the remaining segment would fall on the adjacent property owner when redevelopment occurs;
- Because part of the sidewalk area lies on land owned by a homeowners association (HOA), not the applicant, staff expressed concern about potential implementation challenges and requested the applicant build the portion now to ensure continuity;
- Explanation that the applicant had worked closely with FCDOT and staff and included proffer commitments to install two future crosswalks across Woodland View Drive, contingent upon obtaining necessary permissions from property owners on the south side of the road;
- Explanation that the southern property was owned by the Woodland Park Property Owners Association, which had previously reserved land for potential right-of-way dedication should Woodland View Drive be reconfigured. The applicant emphasized that their property was also part of the same HOA, making them a stakeholder in coordinating the improvements;
- Explanation that the location of the crosswalks would be positioned at two access points one on each side of the development's frontage along Woodland View Drive;
- Clarification that the applicant's obligation to construct the crosswalks was conditional if curb ramps on the south side of the street must be redesigned or reconstructed to meet VDOT alignment standards, the applicant would no longer be required to install the crosswalks;
- Explanation that the project would fully comply with Fairfax County stormwater quality and detention requirements;

- Explanation that this was a highly specialized, purpose-built office facility for Peraton, which makes it cost-sensitive and tightly programmed;
- Explanation that instead of additional Innovative Development (ID) measures, the applicant emphasized a balanced package of community benefits, including green building LEED certification, monetary contributions, and other proffer commitments that together deliver strong environmental and public benefits;
- Clarification that nothing precludes incorporating ID techniques later during site plan design, but they were not included in the current proposal due to cost and design constraints;
- Explanation that the applicant reduced the amount of new surface parking, significantly lowering impervious surface area and improving overall stormwater performance;
- Explanation that ID techniques were significantly more expensive;
- Explanation that after review by their engineering and landscape consultants, no invasive species areas were found near the limits of disturbance, so an invasive species management plan was not needed;
- Explanation that some new parking would be added and reconfigured in the southwest corner of the site, adjacent to existing drive aisles and parking areas;
- The applicant's civil engineer, Ignacio from VIKA, explained that:
    - The stormwater design considers the entire limits of disturbance holistically, including the western parking area;
    - The existing wet pond on-site would remain and continue to function, though current 2024 stormwater regulations no longer allow it to receive water quality credit;
    - The design included a high-efficiency Manufactured Treatment Device (MTD) to pre-treat runoff before it enters the pond, thereby reducing phosphorus, sediment, and pollutant loading and improving pond performance even though no regulatory credit was given; and
    - This approach had been successfully used in other Reston projects, extending pond maintenance cycles and reducing the necessity for dredging.
- Concern about drainage direction, noting that the parking lot slopes toward Woodland Road and asking whether the existing storm drains there had been evaluated for capacity, given the age of the infrastructure;
- Explanation that the applicant had verified the system's adequacy and that the existing storm drain along Woodland Road had sufficient capacity to handle a 10-year storm for the expanded impervious area;
- Concerns that capping the number of employees rather than the total square footage of a building might result in a partially occupied building and questioned whether the applicant was comfortable with this limitation;
- Explanation that the applicant was comfortable with the proposed employee cap and that the proffers included provisions allowing a future occupant, such as Peraton or another company, to return to the Planning Commission if an increase in employees was sought;
- Concerns about the reduced escrow contribution for the Green Building Policy;
- Explanation that the standard policy required a $2.00 per square foot escrow, occasionally allowing escrow submission at the end of the process instead of the beginning, but never a reduction in the total amount;

- Explanation that the proposed proffer differed slightly from the standard approach but achieved the same end result. Under the applicants version:
    - The applicant committed to pursue LEED Silver certification and submit the necessary documentation during the site plan process.
    - Instead of posting the $2.00 per square foot escrow up front, the applicant proposed that if the project failed to achieve LEED Silver or fell within three points of the required 50-point threshold, a $1.00 per square foot payment would be made to Fairfax County.
    - This mirrored the typical outcome of the standard policy, where applicants post $2.00 upfront, receive $1.00 back if they fall short, and forfeit the remaining $1.00 to the county.
    - The applicant emphasized confidence in meeting the LEED Silver target, supported by preliminary analysis and sustainability consultant input.
- Clarification that there was no resistance to pursuing LEED certification. The modification was simply a request for flexibility in the timing of the payment, not in the commitment to achieving LEED Silver standards; and
- Explanation that when the neighboring property redevelops in the future, the cost of completing the missing segment would be minimal compared to the overall redevelopment costs and infrastructure improvements expected at that time.

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Chairman Niedzielski-Eichner called for additional speakers from the audience, but there were none. There being no more speakers, Chairman Niedzielski-Eichner closed the public hearing.

There was further discussion among multiple Commissioners regarding concerns about the connection between the sidewalk and escrow fees. A follow-on motion was suggested to address the issue.

Staff expressed support for the suggestion and indicated openness to a follow-on motion.

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The Commission went into recess at 10:25 p.m. and reconvened in the Board Auditorium at 10:34 p.m.

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Chairman Niedzielski-Eichner was informed that the motion for PCA 2003-HM-046-04 & CDPA/FDPA 2003-HM-046-002 (RZPA-2025-HM-00004) - UNION INVESTMENT REAL ESTATE GMBH CORPORATION was not captured due to technical difficulties.

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SE 2019-PR-008 - TYSONS MK, LLC AND TYSONS MK II, LLC - Appl. to permit an increase in Floor Area Ratio (FAR) for office use within the PTC District from 2.50 up to a maximum of 3.65. Located on approx. 4.38 ac. of land to be zoned PTC, HC, and SC. Tax Map 29-3 ((1)) 50 and 51A. (Concurrent with RZ 2019-PR-004) PROVIDENCE DISTRICT. PUBLIC HEARING.

RZ 2019-PR-004 - TYSONS MK, LLC AND TYSONS MK II, LLC - Appl. to rezone from C-7, C-8, HC, and SC to PTC, HC, and SC to permit mixed use development with an overall Floor Area Ratio (FAR) of 9.01, inclusive of bonus density for affordable housing, and approval of the conceptual development plan. Located on the N.E. side of Leesburg Pike, S.E. side of Spring Hill Rd., S.W. side of Broad St. and W. side of West St. on approx. 4.38 ac. of land. Comp. Plan Rec: Transit Station Mixed Use. Tax Map 29-3 ((1)) 50 and 51A and a portion of the Route 7 public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for Route 7 to proceed). (Concurrent with SE 2019-PR-008) PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Michelle Rosati, Applicant's Agent, Altmiller Melnick DeMers Steele & Rosati PC, reaffirmed the affidavit dated September 2, 2025.

Katelyn Quinn, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the electronic date file. She stated that the staff recommended approval of SE 2019-PR-008 and RZ 2019-PR-004.

Ms. Rosati gave a brief presentation on the subject applications.

There was a discussion between Ms. Quinn, Ms. Rosati, and multiple Commissioners regarding the following:

- Explanation that each building would require a separate Final Development Plan (FDP), and that the current application included only the Conceptual Development Plan (CDP) and Special Exception (SE);
- Explanation that the cube was designed as a 30-square-foot architectural structure with LED-paneled walls that serve as both dynamic art and projection space for community activities, such as movie nights;
- Explanation that the structure could also function as a pop-up retail space for vendors like flower shops, coffee stands, or ice cream stalls, depending on the season;

- Clarification that the cube was intended as a flexible, interactive amenity for the public plaza not a permanent sign. Any content displayed that met the zoning definition of signage would require a Comprehensive Sign Plan (CSP);
- Explanation that three months before submitting the FDP for Building A, which would house the public facility, the county would be asked whether it wished to occupy the space for an arts, cultural, or other community use;
- Clarification that if the county declined, the applicant would instead provide an equivalent monetary contribution;
- Explanation that the agreement would function as a 25-year lease credit equal to the applicant's proffered value, and the space would be delivered as a warm-lit shell per staff's preference;
- Explanation that detailed phasing sheets were included in the CDP to account for multiple buildout scenarios such as developing Buildings A, B, or C individually or concurrently;
- Explanation that the plan ensured that interim park spaces would be provided regardless of which section was built first;
- Clarification that these temporary open spaces could be used for sports fields or community recreation until full buildout occurred, offering flexibility based on future conditions and community needs;
- Explanation that VDOT had been engaged throughout the long review process and that they had minimized requests for waivers, seeking only one to allow space for a pedestrian refuge on Spring Hill Road;
- Explanation that trees along Route 7 were thoughtfully planned, with some placed in planters to accommodate potential fire access requirements;
- Explanation that the design intent, was to ensure the trees shown could realistically remain, and there had been no indication from VDOT that the proposed streetscape would face major challenges;
- Explanation that while preliminary lighting concepts were included in the CDP, final lighting designs would be determined during the FDP stage and would comply with zoning standards in effect at that time;
- Clarification that architectural lighting would be limited to accent features nothing excessive or distracting and that any lighting on the cube structure would require a CSP;
- Explanation that the project's timing would depend on market demand and economic conditions but emphasized the design's strength and appeal, noting that it would make an ideal location for a high-profile office and residential development;
- Explanation that the Piazza lawn was intended as the primary open space for casual recreation like ball games and frisbee, while the two designated play areas were designed for smaller children;
    - The upper play space would provide climbing and interactive features; and
    - The lower area along the via would focus on art-based, sensory experiences.
- Explanation that these designs were originally envisioned to complement a potential library in the public facility space but would still function well regardless of the final use;
- Explanation that the applicant had worked with the county to include a proffer addressing sewer capacity;

- Explanation that with each FDP, the applicant would be required to submit a sewer capacity analysis for county review;
- Clarification the applicant would wait until Fairfax County upgraded the Tysons pump station before proceeding with those improvements, thereby avoiding the necessity to extend upgrades all the way beyond the toll road;
- Explanation that Broad Street's development was progressing in phases and it currently exists in an interim condition near the adjacent Georgelas property;
- Explanation that other sites along the corridor had committed to building their respective segments as they redevelop, though one project on the opposite side had not been reviewed since 2017;
- Explanation that the applicant initially proposed a 20,000-square-foot, three-story library in Building A, which was well received by staff and library officials;
- Explanation that the plan was later dropped because it exceeded the applicant's proffer limits and county funding wasn't available;
- Clarification that the county also determined another library wasn't needed in the area; and
- Explanation that the proffer was revised to allow flexibility for another type of public use or a cash contribution, with a three-month window before the FDP for the county to decide.

Chairman Niedzielski-Eichner called the first listed speaker.

Keith Henning, 7640 Tremayne Place Apt 308, McLean, A copy of Mr. Henning's YouTube testimony can be viewed by contacting the Fairfax County Cable and Consumer Services, Channel 16.

Chairman Niedzielski-Eichner called for additional speakers from the audience, but there were none. There being no more speakers, Chairman Niedzielski-Eichner closed the public hearing called on Commissioner Hancock for a motion.

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Prior to the motion, Commissioner Hancock requested that the applicant confirm for the record their agreement to the proposed development conditions dated October 8, 2025.

Ms. Rosati affirmed agreement to the development conditions dated October 8, 2025.

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

- RZ-2019-PR-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 15, 2025;

- SE-2019-PR-008, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 8, 2025;

- MODIFICATION OF SUBSECTION 5100.2.D(4)(C) OF THE ZONING ORDINANCE FOR THE SITE DISTANCE REQUIREMENTS ON CORNER LOTS AS SHOWN ON THE CDP/SE;

- MODIFICATION OF SUBSECTION 2105.6.B(1) OF THE ZONING ORDINANCE TO ALLOW THE MINIMUM PTC DISTRICT SIZE TO BE LESS THAN 10-ACRES;

- MODIFICATION OF SUBSECTION 4102.7.A(7)(B) OF THE ZONING ORDINANCE, PURSUANT TO AUTHORITY UNDER SECTION 4102.7.A(7)(C)6 AND SUBJECT TO THE STANDARDS OF SECTION 4102.5.S(13), TO PERMIT FENCE HEIGHTS GREATER THAN 7-FEET BUT NO GREATER THAN 30-FEET AROUND ACCESSORY USES AND STRUCTURES ASSOCIATED WITH INTERIM SPORTS COURTS, AS SHOWN ON THE CDP/SE;

- MODIFICATION OF SUBSECTION 5108.4.A OF THE ZONING ORDINANCE FOR INTERIOR PARKING LOT LANDSCAPING OF INTERIM (EXISTING/TO REMAIN) SURFACE PARKING LOTS, AS SHOWN ON THE CDP/SE;

- MODIFICATION OF SUBSECTION 5108.4.C OF THE ZONING ORDINANCE FOR PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS OF INTERIM (EXISTING/TO REMAIN) SURFACE PARKING LOTS, AS SHOWN ON THE CDP/SE;

- WAIVER OF SUBSECTION 5108.8 OF THE ZONING ORDINANCE REQUIRING TREE CONSERVATION IN FAVOR OF THE LANDSCAPING SHOWN ON THE CDP/SE;

- WAIVER OF SUBSECTION 8100.7.E(2) OF THE ZONING ORDINANCE REQUIRING TRAILS TO BE CONSTRUCTED IN THE GENERAL LOCATION PROVIDED IN THE COMPREHENSIVE PLAN IN FAVOR OF THE STREETSCAPE AND BIKE LANE SYSTEM SHOWN ON THE CDP/SE; AND

- WAIVER OF SUBSECTION 8100.7.E(3) OF THE ZONING ORDINANCE REQUIRING ADDITIONAL TRAVEL LANES, SERVICE DRIVES, OR DRIVEWAYS TO PROVIDE INTER-PARCEL ACCESS TO ADJOINING PARCELS, IN FAVOR OF THAT SHOWN ON THE CDP/SE.

Chairman Niedzielski-Eichner and Commissioners Landgraf and Cortina seconded the motion which was carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

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Prior to adjourning for the evening, Chairman Niedzielski-Eichner formally reclosed the public hearing for application PCA 2003-HM-046-04 & CDPA/FDPA 2003-HM-046-002 (RZPA-2025-HM-00004) - UNION INVESTMENT REAL ESTATE GMBH CORPORATION and recognized Commissioner Batchelor-Causey to restate her motion.

Commissioner Batchelor-Causey MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING ACTIONS:

- PCA 2003-HM-046-04 AND CDPA 2003-HM-046-002, SUBJECT TO THE EXECUTED PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 21, 2025;

- MODIFICATION OF SUBSECTION 5100.2.D(8)(A)2 OF THE ZONING ORDINANCE TO ALLOW COMMERCIAL BUILDINGS WITHIN 75 FEET OF THE DULLES AIRPORT ACCESS ROAD TO THAT SHOWN ON THE CDPA/FDPA;

- THAT PROFFER #10 ON REBUILDING LEED CERTIFICATION IS UPDATED TO $2 PER SQUARE FOOT; AND

- EXTENDING THE SIDEWALK TO THE WESTERN PROPERTY LINE.

IN A RELATED ACTION, THE PLANNING COMMISSION VOTED 11-0 (COMMISSIONER BENNETT WAS NOT PRESENT FOR THE VOTE) TO APPROVE FDPA 2003-HM-046-002.

Commissioner Cortina seconded the motion which was carried by a vote of 11-0. Commissioner Bennett was not present for the vote.

The meeting was adjourned at 11:15 p.m.
Phillip A. Niedzielski-Eichner, Chairman
Jeremy Hancock, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by: Michelle Jordan
Approved on: January 14, 2026

Nicole Blackwell, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 2nd day of 02 20 26, by Nicole Blackwell

Signature of Notary

Notary Seal

Notary registration number: 8050379

Commission expiration: 03/31/2027

JESSICA NATALIE FUENTES-MARTINEZ
NOTARY PUBLIC
REG. #8050379
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2027