

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 10, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Mr. John Frey, Clerk of the Circuit Court, performed the swearing-in ceremony for reappointed Commissioners Walter Alcorn, Commissioner At-Large, and Linda Smyth, Providence District, and newly-appointed Commissioner for the Dranesville District, Joan M. DuBois. Commissioner Alcorn was accompanied by his wife, Kristina, and 16-month old son, Brian. Commissioner Smyth was accompanied by her husband, Nigel. Commissioner DuBois was accompanied by her husband, Joseph, and Dranesville District Supervisor Stuart Mendelsohn. Chairman Murphy noted that the four-year term for these three Commissioners would expire in December, 2004.

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Chairman Murphy noted with sadness the passing of former Planning Commission staff member Dorothy Brittingham who had died at her home on Wednesday, December 27, 2000. He added that Mrs. Brittingham had worked for the Commission for eight years and, following her official retirement in 1997, she continued to work part time in the County Executive's Office.

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Commissioner Byers, noting that tomorrow night's meeting had been cancelled, MOVED THAT THE PUBLIC HEARING ON RZ/FDP-1999-MV-053, JCE, AND RZ/FDP-2000-MV-019,

WASHINGTON HOMES, BE DEFERRED FROM JANUARY 11, 2001 TO A DATE CERTAIN OF FEBRUARY 15, 2001.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Harsel and Kelso absent from the meeting.

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Commissioner Palatiello announced that the January 31, 2001 meeting of the Commission had also been cancelled. He noted that the public hearing on applications RZ/FDP-2000-HM-025, Dulles Consolidation LLC, originally scheduled for that night would be heard instead on February 1, 2001.

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Commissioner Palatiello MOVED THAT RZ-2000-HM-044, FDP 2000-HM-044, PCA-80-C-028-6, AND PCA-77-C-098-4, TST WOODLAND LLC, BE DEFERRED FOR PUBLIC HEARING TO A DATE CERTAIN OF FEBRUARY 21, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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Commissioner Palatiello MOVED THAT THE DECISION ONLY ON RZ/FDP-1999-HM-022, COPPERMINE ASSOCIATES LLC, BE FURTHER DEFERRED FOR PUBLIC HEARING TO A DATE CERTAIN OF FEBRUARY 7, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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Commissioner Murphy announced his intent to defer the public hearing on SE-98-S-024, Trustees of Knollwood Baptist Church, from January 25, 2001 to a date certain of March 7, 2001.

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Commissioner Byers announced that RZ-2000-MV-030 and SE-00-V-037, Cooper-Page, had been removed from the Planning Commission's January 31, 2001 agenda prior to advertising and would be heard instead on February 7, 2001.

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FS-P00-83 - AT&T WIRELESS, 9335 Lee Highway

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY AT&T WIRELESS, AS AMENDED BY THE STAFF REPORT ADDENDUM DATED JANUARY 2, 2001, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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In accordance with Planning Commission Bylaws, Chairman Murphy announced that the election of officers would take place on Thursday, January 18, 2001.

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Chairman Murphy reminded all Commissioners that their financial disclosure forms were due by Monday, January 15, 2001.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy set the following order for the agenda:

1. RZ-2000-SU-040 - JOHN M. BATAL
2. RZ-2000-MA-036 - S&R DEVELOPERS, INC.
3. SEA-84-M-121 - WESTMINSTER SCHOOL
4. SE-00-H-023 - RESTON HOSPITAL CENTER
PCA-91-C-014-2A - RESTON HOSPITAL CENTER
CP-89-C-025-3 - RESTON HOSPITAL CENTER
5. RZ-2000-PR-041 - VIRGINIA CENTER LTD. PARTNERSHIP
FDP-2000-PR-041 - VIRGINIA CENTER LTD. PARTNERSHIP

This order was accepted without objection.

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RZ-2000-SU-040 - JOHN M. BATAL - Appl. to rezone from R-1 & WS to R-2 & WS to permit residential development at a density of 1.47 du/ac on property located on the S. side of Westbrook Dr.,

approx. 800 ft. W. of its intersection w/Lincoln Dr. on approx. 4.07 ac. Comp. Plan Rec: Fairfax Center Area at 1-5 du/ac. Tax Map 55-2((3))N2. SULLY DISTRICT. PUBLIC HEARING.

H. Kendrick Sanders, Esquire, attorney for the applicant, reaffirmed the affidavit dated January 8, 2001. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Sanders explained that the applicant's proposal for a conventional subdivision would retain the existing home on the subject property. He noted that there were no outstanding issues and that the Western Fairfax County Citizens Association supported the application.

Commissioner Koch stated his intention to defer decision on this application, pending issuance of a new set of proffers that would reflect the most recent agreements made between the applicant and adjacent residents regarding buffering and screening.

In response to questions from Commissioner Byers, Mr. John Batal, the applicant, explained that the outlines shown on the development plan represented the maximum envelope within which the homes could be built, not definite footprints of the proposed residences.

In response to questions from Commissioner Moon, Mr. Sanders stated that the lots ranged in size from 16,000 square feet to 75,000 square feet for the largest lot with the existing home. He added that all of these lots were larger than those in any surrounding developments. He stated that the average lot size, excluding the largest one, was 18,000 square feet.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Koch for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT RZ-2000-SU-040, JOHN M. BATAL, BE DEFERRED FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENTS, TO JANUARY 18, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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RZ-2000-MA-036 - S&R DEVELOPERS, INC. - Appl. to rezone from C-3 to R-8 to permit residential development at a density of 6.90 du/ac & a waiver of the minimum district size requirements on property located on the S. side of Edsall Rd., approx. 200 ft. W. of the Alexandria City limits on approx. 3.95 ac. Comp. Plan Rec: Office w/option for 5-8 du/ac. Tax Map 81-2((1)) 4, 5 & 6. MASON DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated September 28, 2001. There were no disclosures by Commission members.

Mr. Francis Burns, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Martin pointed out that this application actually proposed a downzoning of the subject property, from commercial to residential. He stated that the applicant planned to build 24 townhouses at a density of six units per acre. He listed the following amenities to be provided:

- 56 percent open space;
- double the minimum parking requirement;
- a detailed landscape plan;
- privacy and noise fences;
- pool memberships to the Bren Mar Recreation Association;
- a contribution to the Fairfax County Park Authority
- a right-turn lane on Edsall Road; and
- a contribution to the Housing Trust Fund.

Mr. Martin stated that both the Bren Mar Homeowners Association (BMHOA) and the Mason District Land Use Committee supported the application. He noted that if every new homeowner chose the 10-foot by 12-foot sun room option for their townhouse, the total open space would be reduced from 56 percent to 53 percent.

Commissioner Hall announced her intention to defer the decision on this case to allow time to further review the proffers and recalculate the open space.

Mr. Burns responded to questions from Commissioner Hall regarding the open space calculation and the proposed Park Authority contribution.

Commissioner Hall noted that Mr. Joe Allison, who had worked closely with the applicant, was in the audience tonight. She thanked him for his work and asked him to briefly address the Commission.

Prior to Mr. Allison's testimony, Chairman Murphy reviewed the rules for public testimony.

Mr. Joe Allison, 5415 Colliers Lane, Alexandria, representing the Land Use Committee of the BMHOA, spoke in support of the application. He had no objection to the reduction of open space that would occur if all the new residents chose the sun room option; however, he said it might be a good idea to investigate the units backing on Edsall Road where there might be a problem meeting the rear yard requirement if a sun room was added.

There being no other speakers for this application, Chairman Murphy called upon Mr. Martin for a rebuttal statement.

Mr. Martin said he believed there was room behind the Edsall Road units to allow for a sun room and still meet the minimum rear yard requirement, but that he would verify that before the Commission made its decision next week.

There being no comments or questions from the Commission and Mr. Burns having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Hall for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Hall MOVED TO DEFER DECISION UNTIL A DATE CERTAIN OF JANUARY 17, 2001, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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SEA 84-M-121 - WESTMINSTER SCHOOL, INC. - Appl. under Sect. 3-304 of the Zoning Ord. to amend SE-84-M-121 previously approved for a private school of general education to permit bldg. additions, changes in development conditions, site modifications & to increase land area on property located at 3819 Gallows Rd. on approx. 4.68 ac. zoned R-3. Tax Map 60-3 ((24))4, 5, 5A. MASON DISTRICT. PUBLIC HEARING.

William Thomas, Esquire, with Fagelson, Schonberger, Payne & Deichmeister, reaffirmed the affidavit dated March 15, 2001. There were no disclosures by Commission members.

Mr. Francis Burns, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Thomas noted that Westminster School had been in operation for almost 30 years. He said that the school had been a good neighbor and that this proposal would provide more space on site for drop off and pick up of students. He added that landscaping and parking would also be increased and that both the Broyhill Crest Civic Association and the Mason District Land Use Committee supported the application.

Commissioner Hall announced her intention to defer decision to allow time to work out details regarding the hours of operation and parking.

In response to a suggestion from Commissioner Byers that the applicant be asked to ensure adequate parking on site for any after hours activities, Commissioner Hall explained that parking would be provided for everyday activities, but that she believed it would be unreasonable to require parking for occasional events such as graduation.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Hall for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Hall MOVED TO RECOMMEND THAT THE PLANNING COMMISSION DEFER DECISION ON SEA-84-M-121 TO A DATE CERTAIN OF JANUARY 17, 2001.

Commissioners Byers and Wilson seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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PCA-91-C-014-2 - RESTON HOSPITAL CENTER LLC - Appl.
to amend the proffers for RZ-91-C-014 to permit changes to a previously approved hospital & related medical care facilities w/an overall FAR of 0.62 on property located N. of New Dominion Pkwy. & W. of Town Center Pkwy. on approx. 14.82 ac. zoned C-3.
Comp. Plan Rec: Public facilities, govt. & institutional uses.
Tax Map 17-1((1))15B; 17-1((19))B, C5, C6, 100, 201, 206-210, 301, 303, 308, 310, 311, 314, 400, 406, 409, 410, 411A & 412A.
(Concurrent w/CP-89-C-025-3 & SE-00-H-023.) HUNTER MILL DISTRICT.

CP-89-C-025-3 - RESTON HOSPITAL CENTER LLC - Appl.
to approve the third Conceptual Plan for RZ-89-C-025 to permit medical office & additional parking for medical care facilities on

property located N. of New Dominion Pkwy. & E. of Fx. Co. Pkwy. on approx. 9.36 ac. zoned PRC. Tax Map 17-1((1))3H & 3S. (Concurrent w/PCA- 91-C-014-2 & SE 00-H-023.) HUNTER MILL DISTRICT.

SE-00-H-023 - RESTON HOSPITAL CENTER LLC - Appl. under Sects. 4-304 & 6-304 of the Zoning Ord. to permit medical care facilities & helistop on property located at the intersection of Town Center Pkwy. & New Dominion Pkwy. on approx. 24.2 ac. zoned C-3 & PRC. Tax Map 17-1((1))15B, 3H & 3S; 17-1((19)) B, C5, C6, 100, 201, 206-210, 301, 303, 308, 310, 311, 314, 400, 406, 409, 410, 411A & 412A. (Concurrent w/PCA-91-C-014-2 & CP-89-C-025-3.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

John Bellaschi, Esquire, with McGuire, Woods, Battle and Boothe, reaffirmed the affidavit dated January 5, 2001. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Palatiello, Ms. Swagler reviewed the changes suggested to Condition Number 5 regarding the right-turn lane to be provided by the applicant. She confirmed that these changes, which had been agreed to by the applicant, were part of the proposed motion on SE-00-H-023.

Mr. Bellaschi explained that the right-turn lane was an off-site improvement, for which negotiations to obtain the necessary right-of-way were still in progress. He stated that the proposed new maternity center was very much needed and that the applications had the support of both the Edgewater Homeowners Association and the Planning and Zoning Committee of the Reston Citizens Association.

Mr. Bellaschi responded to questions from Commissioner Wilson regarding the Certificate of Public Need required by the Virginia Department of Health. He explained that the applicant was in the process of acquiring the certificate and noted that the Health Care Advisory Board supported the applicant's plans to expand Reston Hospital, as evidenced by a memorandum to that effect dated December 18, 2000. (A copy of the memo is in the date file.)

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary.

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In response to a question from Commissioner Palatiello, Mr. Bellaschi confirmed that the helipad at the hospital had been in operation for a number of years and that the applicant had no plans to alter that use.

There being no further comments or questions from the Commission or closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE CP-89-C-025-3, SUBJECT TO THE CONCEPTUAL PLAN NOTES DATED JANUARY 10, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-91-C-014-2, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 10, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-H-023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 10, 2001, WITH CONDITION 5 REVISED AS FOLLOWS:

ADD SECTION (B) TO READ: "IF THE APPLICANT DEMONSTRATES TO DPWES THAT IT HAS TRIED AND FAILED TO OBTAIN THE NECESSARY RIGHT-OF-WAY, THROUGH DEDICATION AND/OR EASEMENTS, AND/OR THE NECESSARY CONSENT OF THE AFFECTED UTILITIES FOR THE RIGHT TURN LANE AS NOTED IN CONDITION 5(A) FOR REASONS BEYOND THE APPLICANT'S CONTROL, THE NON-RUP FOR PHASE 1 MAY BE ISSUED IF THE APPLICANT HAS BEGUN THE EMINENT DOMAIN PROCEEDINGS DESCRIBED IN 5(C) BELOW, AND HAS ISSUED THE REFERENCED LETTER OF CREDIT."

REDESIGNATE EXISTING SECTION (B) AS SECTION (C); AND

ADD SECTION (D) TO READ: "THE IMPROVEMENTS DESCRIBED IN 5(A) ABOVE SHALL BE IN PLACE PRIOR

TO THE ISSUANCE OF A NON-RUP FOR ANY PART OF
ANY FUTURE PHASE AS SHOWN ON THE SE PLAT OR
AS DESCRIBED IN CONDITION 4."

Commissioner Byers seconded the motion which carried unanimously with Commissioners Harsel and Kelso absent from the meeting.

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RZ/FDP 2000-PR-041 - VIRGINIA CENTER LIMITED
PARTNERSHIP - Appls. to rezone from PDC to PDH-30 to permit
multi-family residential development at a density of 26.9 du/ac &
approval of the conceptual & final development plans on property
located on the E. & W. sides of Virginia Center Blvd., approx. 1,000
ft. S. of its intersection w/Nutley St. on approx. 10.39 ac. Comp.
Plan Rec: Mixed use w/office & support retail or multi-family.
Tax Map 48-2((1))1A. PROVIDENCE DISTRICT. PUBLIC
HEARING.

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated
December 22, 2000. There were no disclosures by Commission members.

Ms. Mary Ann Godfrey, Zoning Evaluation Division, Department of Planning and Zoning,
presented the staff report, a copy of which is in the date file. She noted that staff recommended
approval of the application.

Mr. McDermott briefly described the land use history of the subject property and explained that
the applicant was requesting approval for 515 multi-family residential units instead of the
currently approved commercial use because the applicant had been unable to attract suitable
office tenants. He noted that the subject property included a stormwater management pond for
the area as well as the proposed one and two bedroom luxury units. He commented on the road
improvements previously made by the applicant, noting that parking requirements and trip
generation would be significantly reduced. Mr. McDermott stated that, due to the topographic
layout of the property, development on the western portion of the site would be mostly four
stories in height with one five-story building in the northeast corner. He added that parking
would be provided underneath the five-story building as well as in a parking deck between the
four-story buildings. He further explained that an archway for pedestrian access between the
buildings was proposed and pointed out the two vehicular access points to the site. In
conclusion, Mr. McDermott stated that many amenities were to be provided and that the
applicant's proposal would be compatible with existing development.

Chairman Murphy called the first listed speaker.

Mr. William Birdseye, 2708 Curzon Court, Vienna, representing the Virginia Center Homeowners Association, supported the application and commended the applicant for including Proffer #8 regarding installation of a much needed traffic signal and Proffer #21 regarding a limitation on the hours of construction. Mr. Birdseye commented that the existing stormwater management pond was currently being reviewed by County engineers to ensure that best management practices were followed.

Mr. Birdseye responded to questions from Commissioner Wilson concerning the traffic signal and the hours of construction.

Ms. Mary Ann Rozum, 9390 Van Arsdale Drive, Vienna, also supported the application. She expressed her concern about maintenance of the stormwater management pond.

There being no further speakers, Chairman Murphy called upon Mr. McDermott for a rebuttal statement.

Mr. McDermott said that responsibility for pond maintenance was divided as follows:

- Virginia Center Homeowners Association (VCHOA) - 51 percent;
- Virginia Center Limited Partnership (the applicant) - 25 percent; and
- Country Creek, Section 7 - 24 percent.

He acknowledged that repairs were needed, but maintained that VCHOA had the authority to release the necessary funds. He added that the benefits of the applicant's proposal outweighed a pond maintenance issue which was beyond the applicant's control.

Commissioner Smyth commented that management of the stormwater facility would most likely have been the responsibility of the development company if the original commercial use had been retained. She added that this proposed change to residential use would require a change in the management function as well. She said that this, as well as other outstanding issues, would require further review and announced her intention to defer the decision on the application.

Mr. McDermott disagreed that the responsibility for stormwater maintenance would have fallen to the commercial user.

In response to a question from Commissioner Smyth, Mr. McDermott stated that the VCHOA had not previously been involved in management or maintenance of the stormwater facility by its own choice.

Commissioner Palatiello noted that The Honorable Jane Seeman, Mayor of the Town of Vienna, was present this evening. In response to a question from Commissioner Palatiello, Mr. McDermott confirmed that the applicant had appeared before the Town Council and met with Town representatives and would continue to do so.

Ms. Godfrey had no closing staff remarks.

Commissioner Byers acknowledged that there was no way to require the applicant to alleviate the impact this development would have on area schools, but he suggested that staff develop a recommendation for the Planning Commission to use to address this issue.

Mr. McDermott noted that there was a missing decimal point in the figures in Appendix 11 regarding projected students. He stated that the number of students expected from this development in the 7th and 8th grades was 11.6, not 116.

Commissioner Alcorn concurred that addressing the impact on schools was more difficult with the smaller infill parcels than in the past when large developments often provided school sites as part of the proffer package.

Commissioner Wilson echoed Commissioner Byers' concern and agreed that the school issue needed to be addressed Countywide.

There being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ-2000-PR-041 AND FDP-2000-PR-041 TO A DATE CERTAIN OF JANUARY 18, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall not present for the vote; Commissioners Harsel and Kelso absent from the meeting.

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The meeting was adjourned at 10:35 p.m.
Peter F. Murphy, Jr. Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins
Approved on: October 18, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission