

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 10, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Janet R. Hall, Mason District

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner DuBois MOVED THAT THE PUBLIC HEARING ON SEA-83-D-030-7, THE MADEIRA SCHOOL, INC., BE DEFERRED TO A DATE CERTAIN OF MAY 2, 2002.

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

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In accordance with Planning Commission By-laws, Chairman Murphy noted that the Commission election of officers would take place on Wednesday, January 16, 2002.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. PCA-91-L-016-2/FDPA 91-L-016 - FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

2. SEA-85-L-136-2 - SHEEHY INVESTMENTS FOUR, LC
3. RZ/FDP 2001-PR-032 - STANLEY-MARTIN HOMEBUILDING, LLC
4. PCA-81-P-069-2/FDPA 81-P-069 - SMII FAIRFAX LLC

This order was accepted without objection.

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PCA-91-L-016-2/FDPA 91-L-016 - FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY - Appls. to amend the proffers and final development plan for RZ-91-L-016 previously approved for residential development at a density of 16.79 du/ac to permit a change in unit type, site modifications and reduction in density on property located on the E. side of Old Mill Rd., approx. 1,500 ft. N. of its intersection w/Richmond Hwy. on approx. 4.59 ac. zoned PDH-20 and HD. Comp. Plan Rec: 16-20 du/ac. Tax Map 109-2((1))5A and 5B. MT. VERNON DISTRICT. PUBLIC HEARING.

Mr. Jack Clark, Fairfax County Redevelopment and Housing Authority, reaffirmed the affidavit dated October 18, 2001. There were no disclosure by Commission members.

In Commissioner Byers' absence, Commissioner Kelso asked Chairman Murphy to ascertain whether or not there were any speakers present for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-91-L-016-2 AND THE CDP BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED JANUARY 4, 2002.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-91-L-016, SUBJECT TO THE BOARD'S APPROVAL OF PCA-91-L-016-2 AND THE CDP.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PRIVACY YARD FOR THE REAR LOADED GARAGE UNITS BE WAIVED.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING ALONG THE WEST SIDE OF THE PROPERTY LINE BE MODIFIED TO PERMIT THE EXISTING AND PROPOSED VEGETATION AS SHOWN ON THE CDP/FDP.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BARRIER REQUIREMENT ALONG THE WEST PROPERTY LINE BE WAIVED.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

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SEA-85-L-136-2 - SHEEHY INVESTMENTS FOUR, LC C/O VINCE SHEEHY, IV - Appl. under Sect. 4-804 of the Zoning Ord. to amend SE-85-L-136 previously approved for a vehicle sales, rental and ancillary service establishment to permit building addition and site modifications on property located at 7434 and 7436 Richmond Hwy. on approx. 4.30 ac. zoned C-8, HC and CRD. Tax Map 92-4((1))68A. LEE DISTRICT. PUBLIC HEARING.

Mr. Richard Lessard, on behalf of the applicant, reaffirmed the affidavit dated January 3, 2002. There were no disclosures by Commission members.

Commissioner Kelso asked Chairman Murphy to ascertain whether or not there were any speakers present for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-85-L-136-2, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 9, 2002.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE WESTERN AND A PORTION OF THE NORTHERN PROPERTY LINES, WHERE THE SUBJECT SITE IS ADJACENT TO RESIDENTIAL, BE MODIFIED TO THE EXISTING AND SUPPLEMENTAL LANDSCAPING AS SHOWN IN THE SEA PLAT.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE RICHMOND HIGHWAY STREETScape AND TRAIL REQUIREMENTS BE MODIFIED TO THE EXISTING VEGETATION AND SIDEWALK AS SHOWN IN THE SEA PLAT.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

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RZ/FDP 2001-PR-032 - STANLEY-MARTIN HOMEBUILDING, LLC -
Appls. to rezone from R-1 to PDH-4 to permit residential development at a density of 3.49 du/ac and approval of the conceptual and final development plans on property located on the S. side Courthouse Rd., approx. 250 ft. W. of its intersection w/Sutton Rd. on approx. 3.16 ac. Comp. Plan Rec: 3-4 du/ac. Tax Map 48-1((1))113A and 113B. PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed Smith, reaffirmed the affidavit dated January 9, 2002. There were no disclosures from 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.

Responding to a question from Commissioner Harsel, Ms. Godfrey said the existing house was constructed in the 1890s.

In response to a question from Commissioner Wilson, Ms. Godfrey said the total number of proposed houses was 11.

Mr. Lawrence stated that the density of the proposed development was compatible with surrounding residential development and that all design and residential development criteria had been met. In order to preserve the integrity of the older house, he noted that a garage would be located behind it. He explained that architectural details of the development were specifically addressed in the proffers and that because the application was an assemblage of two parcels, one access point along Courthouse Road could be deleted. He described the landscape plan which detailed how the frontage of the property would appear, and said a waiver of the trail requirement along Courthouse Road was being requested in favor of a five foot sidewalk. Addressing stormwater management issues, he said the applicant had created a design and grade that would allow water which currently flowed towards the Wildwood subdivision to flow towards the stormwater management pond that would be established on the site.

Commissioner Smyth noted that Proffer Number 13 and Development Condition Number 4 both addressed stormwater runoff. However, she pointed out that the proffer stated that "...there shall be no significant increase in runoff...", whereas the development condition stated that runoff "shall not be increased....". She said that the issue of how the word "significant" was to be measured or defined had been referred to the County Attorney's office, but had not yet been resolved.

Responding to a question from Commissioner Wilson, Mr. Lawrence said that it would be the responsibility of the Department of Public Works and Environmental Services to determine if runoff was "significant." Mr. Lawrence introduced Mr. James Reed, an engineer with Stanley-Martin, who explained the formula used for measuring runoff and how sediment traps worked.

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

Mr. Peter Abrahams, 9756 Hatmark Court, Vienna, representing the Wildwood Homeowners Association, expressed opposition to the application, citing concerns about stormwater runoff, traffic, loss of trees, density, size of the lots, buffering, access and lack of street parking.

Commissioner Smyth pointed out that parking would be allowed on both sides of the street.

Mr. John Byczek, 2711 Courthouse Oaks Road, Vienna, Courthouse Oaks Road Homeowners Association, presented a petition signed by residents who were opposed to the proposed development. (A copy of this petition is in the date file.) He said opposition to the proposed development was based on overcrowded schools, unsafe traffic conditions and lack of open space.

Chairman Murphy commented that because Virginia did not have an Adequate Facilities Zoning Ordinance, the County had no legal grounds upon which to deny development due to lack of infrastructure.

Commissioner Alcorn explained to Mr. Byczek that it was the responsibility of the Planning Commission to determine if the proposed development was compatible with the surrounding area. Mr. Byczek expressed skepticism about the compatibility of the new development in view of the fact that his development was subject to restrictive covenants, but the new development would not be.

Mr. Peter Somerville, 2709 Courthouse Oaks Road, Vienna, expressed concerns about the lack of street parking on the cul-de-sac, the loss of trees, the proposed privacy fencing along Courthouse Road, and the lack of covenants.

Commissioner Wilson suggested to Mr. Somerville that he discuss the type of streets lights proposed for the development with the applicant's representative to ensure that they would not be intrusive.

There were no further speakers. Therefore, Chairman Murphy called upon Mr. Lawrence for a rebuttal statement.

Mr. Lawrence said that no parking problems were anticipated because the development would have public streets, allowing street parking; the houses would have two car garages; and the driveways had been designed to accommodate two cars. He noted that although there were no restrictive covenants in place yet, they would be imposed when the homeowners association was established. He said the applicant had proffered to provide privacy fencing in response to concerns expressed by citizens and it would be consistent in design and materials throughout the development. He explained that there would be a substantial reduction in stormwater drainage because it would be redirected from the Wildwood development to a stormwater management pond. He pointed out that the entrances to the new and existing developments would be aligned, in accordance with Virginia Department of Transportation regulations. He noted that tree save areas had been identified and the applicant had proffered an extensive landscaping plan. Mr. Lawrence said in lieu of a tot lot, a contribution would be made to Nottaway Park. In conclusion, he said that the proposed development was in accord with the Comprehensive Plan and requested a favorable recommendation.

In response to a question from Commissioner Harsel, Mr. Lawrence said the applicant was requesting P-District zoning due to design constraints caused by the preservation of the existing house.

Mr. Lawrence responded to questions from Commissioner Wilson about street lighting and stormwater management and from Commissioner Smyth about the tree preservation plan.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP-2001-PR-032 TO A DATE CERTAIN OF JANUARY 24, 2002.

Commissioners Alcorn and Wilson seconded the motion which carried unanimously with Commissioners Byers and Hall absent from the meeting.

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PCA-81-P-069-2/FDPA 81-P-069 - SMII FAIRFAX LLC - Appls. to amend the proffers and final development plans for RZ-81-P-069 to permit office development w/an overall FAR of 0.40 on property located in the N.W. quadrant of I-66 and Rt. 123, N. and E. of Arrowhead Dr. and W. of Rosehaven St. on approx. 12.20 ac. zoned PDC. Comp. Plan Rec: Mixed use. Tax Map 47-4((1))5B. PROVIDENCE DISTRICT. PUBLIC HEARING.

Mary Theresa Flynn, Esquire, with Holland and Knight, reaffirmed the affidavit dated January 4, 2002. There were no disclosures by Commission members.

Ms. Cathy Belgin, 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.

Ms. Flynn stated that the applicant was seeking to add 42,000 square feet in the form of an additional two-story building to an existing office and mixed use campus known as Redwood Plaza. She said the purpose of the additional building was to add office space to retain an important employer at the location. She pointed out that the Comprehensive Plan supported appropriately located office development as a necessary land use and said that the proposed development would help the County in meeting its goal of increasing commercial density near Metro stations. She noted that the FAR currently approved on the site would not change. She said the property, located 3.7 miles from the Vienna Metro Station, was one of the most desirable office parks in the Washington Metropolitan Area. She explained that the additional building would be located between two existing buildings and would be designed to blend in and be an integral part of the campus style development. She described the proposed landscaping plan which she said would create a lush urban environment, and pointed out that 25 percent of the site would be open space, 10 percent more than was required. She requested favorable consideration.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no questions or comments from the Commission and staff had no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-81-P-069-2 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED JANUARY 10, 2002.

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

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS, APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENT ON THE EASTERN, WESTERN AND SOUTHERN PERIPHERIES IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

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

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-81-P-069, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA-81-P-069-2.

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

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The meeting was adjourned at 9:45 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: Linda B. Rodeffer

Approved on: June 12, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning