

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 18, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
John B. Kelso, Lee 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

//

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

//

COMMISSION MATTERS

Commissioner Kelso MOVED THAT THE FOLLOWING SLATE OF OFFICERS BE APPROVED FOR 2001:

CHAIRMAN:	PETER F. MURPHY, JR.
VICE CHAIRMAN	JOHN R. BYERS
SECRETARY:	SUZANNE F. HARSEL
PARLIAMENTARIAN:	JANET R. HALL

Commissioners Alcorn, Koch and Palatiello seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

//

Chairman Murphy reminded Commissioners that their Committee preferences for 2001 were due no later than Thursday, January 25, 2001.

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY COUNSEL SPECIFICALLY, THE" RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000", PURSUANT TO THE CODE OF VIRGINIA SECTION 2.1-344(A)7.

Commissioner Palatiello seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

//

The Commission went into closed session at 8:25 p.m. and reconvened in the Board Auditorium at 8:50 p.m.

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT, TO THE BEST OF THEIR KNOWLEDGE, ONLY THE PUBLIC BUSINESS MATTER LAWFULLY EXEMPT FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY THE MATTER IDENTIFIED IN THE MOTION TO CONVENE THE CLOSED SESSION WAS HEARD, DISCUSSED OR CONSIDERED BY THE PLANNING COMMISSION DURING THAT SESSION.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

//

Commissioner Byers MOVED THAT PCA-89-V-059 AND SE-00-V-031, TOSCO REFINING LP, BE FURTHER DEFERRED TO A DATE CERTAIN OF JANUARY 25, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Palatiello and Wilson seconded the motion which carried unanimously with Commissioner DuBois not present for the vote; Commissioner Harsel absent from the meeting.

//

FS-M00-115 - CELLULAR ONE, 6001 Arlington Boulevard

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT APPLICATION FS-M00-115 FOR WASHINGTON-BALTIMORE CELLULAR LIMITED PARTNERSHIP FOR THE ROOF-TOP LOCATED AT 6001 ARLINGTON BOULEVARD 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.

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

//

FS-S00-98 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC, 8716 Ox Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FS-S00-98.

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

//

FS-S00-118 - METRICOM, INC., Union Mill Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION FS-S00-118.

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

//

RZ-2000-SU-040 - JOHN M. BATAL (Decision Only)

(The public hearing on this application was held on January 10, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-040, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 10, 2001.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

//

RZ-2000-PR-041 - VIRGINIA CENTER LTD. PARTNERSHIP
FDP-2000-PR-041 - VIRGINIA CENTER LTD. PARTNERSHIP (Decisions Only)

(The public hearing on these applications was held on January 10, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-PR-041, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 18, 2001.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2000-PR-041, SUBJECT TO DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT, WITH THE FOLLOWING REVISIONS: DELETE CONDITION NUMBER 2, RENUMBER CONDITIONS 3 AND 4 AS CONDITIONS 2 AND 3.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTH, NORTHEAST AND WEST SIDES OF THE SITE IN FAVOR OF PROPOSED LANDSCAPING, SUBJECT TO THE EXECUTED PROFFERS.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A REDUCTION TO PERMIT A MINIMUM OF THREE LOADING SPACES, SUBJECT TO THE THE REVISED DEVELOPMENT CONDITIONS AND SUBJECT TO THE EXECUTED PROFFERS.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Harsel absent from the meeting.

//

ORDER OF THE AGENDA

Chairman Murphy, in the absence of Secretary Harsel, established the following order for the agenda items:

1. PCA-C-597-2 - WASHINGTON REAL ESTATE INVESTMENT TRUST
2. RZ-2000-MV-060 - BOARD OF SUPERVISOR'S OWN MOTION

This order was accepted without objection.

//

PCA-C-597-2 - WASHINGTON REAL ESTATE INVESTMENT TRUST -
Appl. to amend the proffers for RZ-C-597 to add land area & to permit office development & a telecommunication facility w/an overall FAR of 1.0 on property located generally in the S.E. quadrant of the intersection of Howard Ave. & Boone Blvd. on approx. 8.88 ac. zoned C-3, HC & SC. Comp. Plan Rec: Office. Tax Map 39-1((6))B1, 69A, 71, 73, 75, 77, 79. PROVIDENCE DISTRICT. PUBLIC HEARING.

Benjamin Tompkins, Esquire, with Reed, Smith, Hazel and Thomas, reaffirmed the affidavit dated January 4, 2001. There were no disclosures by Commission members.

Mr. Peter Braham, 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. Tompkins stated that the applicant was seeking permission to construct an additional office building which complied with FAR and building height recommendations in the Comprehensive Plan. He said that the proposed office building met the urban design goals of the Tysons Corner Urban Center Plan and incorporated such elements as an enhanced streetscape, enhanced landscaping and the integration of parking structures into the building design. He described pedestrian connections, including trails and sidewalks, and said that all infrastructure necessary to serve the proposed development was in place, including sewer, water and public streets. He noted that the Department of Transportation had determined that there were no significant transportation concerns. He explained that the applicant had agreed to make a contribution to the Tysons Corner Road Fund in excess of \$320,000, to develop a Transportation Demand Management Plan, and to post a \$10,000 cash escrow to be utilized for the construction of an off-site bus shelter. In conclusion, Mr. Tompkins said the proposed development was consistent with smart growth goals and was in compliance with the Comprehensive Plan.

In response to a question from Commissioner Smyth, Mr. Tompkins said that excess parking on the site had been utilized to store trucks, but that this use would be discontinued upon approval of the application.

Mr. Tompkins responded to questions from Commissioner Alcorn about backup generators and underground storage tanks.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. 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 application. (A verbatim excerpt is in the date file.)

//

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA-C-597-2, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED JANUARY 17, 2001 AND CONTAINED IN THE ADDENDUM TO THE STAFF REPORT.

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

//

RZ-2000-MV-060 - BOARD OF SUPERVISOR'S OWN MOTION - Appl.
to rezone from C-8 & HC to C-8, HC & CRD in order to add the Commercial Revitalization Dist. Overlay on property located on the S. side of Richmond Hwy., approx. 600 ft. N.E. of its intersection w/Quander Rd. on approx. 6.67 ac. Comp. Plan Rec: 5-8 du/ac w/an option for public park. Tax Map 83-3((1))56 & 56A. MT. VERNON DISTRICT. PUBLIC HEARING.

Ms. Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), 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. Lewis said the owner of the property was Old Town Holdings, LLC. Ms. Leslie Johnson, ZED, DPZ, added that the County Executive was the authorized agent for the Board of Supervisors.

Commissioner Byers explained that although the Comprehensive Plan recommended a density of 5-8 residential dwellings per acre, the property was zoned C-8 which allowed development of a hotel by-right. He said that due to the topography of the land, development at 5-8 units would not be economically feasible, but that a hotel on the site would further the County's objectives of revitalizing the Richmond Highway area. He pointed out that neither he nor the community had been aware of the application until recently. He said he would be deferring a decision on this matter to give the community an opportunity to carefully review the proposal.

In response to a question from Commissioner Hall, Commissioner Byers said that the Mount Vernon Land Use Committee had not reviewed this application.

Ms. Lewis responded to questions from Commissioner Kelso about the proposed hotel and parking.

Commissioner Byers commented that the Board of Supervisors had directed staff and the Southeast Fairfax Development Commission to study the Richmond Highway area and to recommend changes to the revitalization district boundaries. He added that because the owner wanted to develop the subject property at the present time, an application had been filed to include the property in the Commercial Revitalization District (CRD).

Chairman Murphy requested that a representative of the owner of the property, Mr. Amit Patel, address the Commission.

Mr. Amit Patel, agent for the property owner, stated that a request was being made to rezone the subject property to the CRD so that parking could be reduced and the building height increased. He noted that the proposed height of the buildings was 44 feet and explained that C-8 zoning allowed a maximum height of 40 feet compared to 50 feet allowed in a Commercial Revitalization District. He said he had been unaware of citizens' concerns until tonight and agreed to meet and work closely with the community next week to address their concerns.

In response to a question from Commissioner Kelso, Mr. Patel stated that Northstar Hotels was proposing to develop two hotels adjacent to each other, a Comfort Suites and a Holiday Inn. He said they each would have 90-100 rooms and a meeting room for 50-75 people, with no restaurants.

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

Ms. Jan Jones, 6119 Woodmont Road, Alexandria, President, Belle Haven Citizens Association, requested the Commission defer action on this application to allow sufficient time to gather information about the proposed development and obtain community input. She expressed concern about the proximity of the proposed hotels to her neighborhood.

Commissioner Byers pointed out that there was a park between the Belle Haven community and the subject property which would provide buffering. Commissioner Hall added that the subject property was commercially zoned and could be developed by-right.

At Commissioner Kelso's request, Ms. Marianne Gardner, Planning Division, DPZ, explained why parcel 57 was not included in the CRD.

Ms. Gardner and Ms. Johnson responded to questions from Commissioner Palatiello about why the Board of Supervisors was the applicant and not the property owner. Chairman Murphy explained that a request had been made to add the subject property to the CRD, which allowed more development flexibility but did not change the Zoning District. He noted that this was the first time such a request had been made and that procedures should be established for future requests.

In response to a question from Commissioner Hall, Ms. Johnson said she thought that an individual property owner, in addition to the Board of Supervisors, could request that his property be added to a CRD.

Mr. Bob Jones, 2111 Belle Haven Road, Alexandria, Vice President, Belle Haven Citizens Association, said he appreciated Commissioner Byers' decision to defer a decision on this application to allow time for the citizens to familiarize themselves with it and ensure that it would not have an adverse affect on their community.

Mr. James McGuinness, 6201 Arkendale Road, Alexandria, said that the Belle Haven community had received insufficient notice about the proposed development and was concerned about its impact on the community.

In response to a question from Chairman Murphy, Ms. Johnson said that if this application were approved, the property owner could use the flexibility of the CRD to build what was allowed by right in a C-8 district with the submission of a site plan.

Commissioner Kelso questioned whether the subject property was suitable for development due to its terrain, environmental concerns and the proximity of residential development.

Ms. Johnson responded to questions from Commissioner Alcorn about the possibility of imposing development conditions and obtaining proffers on land that was rezoned to a CRD. Responding to a question from Commissioner Byers, Ms. Lewis said if the land was included in the CRD for the development of the proposed hotels and the current owner decided not to develop the hotels but sold the property, the new owner could develop anything allowed by-right in a C-8 District.

Commissioner Byers recalled Mr. Patel to the podium and explained that he would be deferring a decision on this matter to February 8, 2001 and requested that Mr. Patel present this matter to the Mount Vernon Council Planning and Zoning Committee at its next meeting on Monday, February 5, 2001. Commissioner Byers noted his intention to require that the site plan be returned to the Commission for approval. Mr. Patel said that the site plan should be ready for submittal to the County on or about February 15, 2001.

Commissioner Kelso pointed out that if the public hearing were closed, no further oral testimony could be presented to the Commission. Chairman Murphy then suggested that the public hearing be continued, to which Commissioner Byers agreed.

There were no further comments or questions from the Commission and no closing staff remarks, therefore Chairman Murphy called upon Commissioner Byers for a motion to continue the public hearing. (A verbatim transcript of this motion is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING ON RZ-2000-MV-060 TO A DATE CERTAIN OF 8 FEBRUARY 2001.

Commissioners Koch and Wilson seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

//

The meeting was adjourned at 10:14 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

//

CLOSING

January 18, 2001

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: October 28, 2001

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