

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JANUARY 22, 2004**

PRESENT: John R. Byers, Mount Vernon District  
Frank A. de la Fe, Hunter Mill District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Peter F. Murphy, Jr., Springfield District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large  
Janet R. Hall, Mason District

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe nominated the following slate of officers for the 2004 session of the Planning Commission:

Chairman	Peter F. Murphy, Jr., Springfield District
Vice Chairman	John R. Byers, Mount Vernon District
Secretary	Suzanne F. Harsel, Braddock District
Parliamentarian	Walter L. Alcorn, At-Large

He then MOVED TO ACCEPT THIS SLATE OF OFFICERS.

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

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Chairman Murphy noted that John Kelso, former Lee District Commissioner, and his wife, Sharon, had been named "Citizens of the Year" by the *Springfield Times*.

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Chairman Murphy asked Commissioners to return their 2004 Committee Preference Form to Barbara Lippa, Executive Director of the Planning Commission Office, no later than Wednesday, January 28, 2004.

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Chairman Murphy noted that a draft of the *Citizen's Guide to the 2004 North County Cycle Area Plan Review (APR)* had been distributed tonight for review and comment. He said the Department of Planning and Zoning would like to have the Commission's input no later than Thursday, February 5, 2004. He also noted the possibility that residential development criteria would be reviewed this year to determine if any changes were warranted.

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Chairman Murphy said he would like to schedule one or two Commission seminars this year. He said these would be one-day seminars held at the Government Center with the first one to be scheduled in March 2004. He asked Commissioners to submit suggestions to him or to Vice Chairman Byers for topics they would like to discuss.

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Chairman Murphy also noted that a farewell function would be held in the near future for former Commissioners Joan DuBois, Dranesville District; Jack Kelso, Lee District; Ilyrong Moon, At-Large; and Linda Smyth, Providence District.

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Commissioner Harsel announced that the topic of this month's Planning Commission Roundtable program, broadcast on Channel 16 at 6:30 p.m. on Thursdays, was reminiscences by current and former Commissioners highlighting the Commission's 65<sup>th</sup> Anniversary. Chairman Murphy added that the subject of the next Roundtable program would be the adaptive reuse of the former Lorton prison site.

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Commissioner Wilson announced that the public was invited to attend an information session to introduce the staff recommendation for amendments to the Zoning Ordinance, Subdivision Ordinance, and Public Facilities Manual concerning cluster subdivisions to be held on Saturday, January 24, 2004 at 9 a.m., in Conference Rooms 9 and 10 in the Fairfax County Government Center.

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Commissioner Wilson MOVED THAT THE PUBLIC HEARING ON THE ZONING ORDINANCE AMENDMENT ON BUILDABLE LOTS, SCHEDULED FOR TONIGHT, BE

DEFERRED TO A DATE CERTAIN OF FEBRUARY 18, 2004. She noted that a related amendment to the Subdivision Ordinance would be heard at the same time.

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

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PCA 86-P-089-6/FDPA 86-P-089-3 - THE PETERSON COMPANIES LC

PCA 86-W-001-10/FDPA 86-W-001-5-2-2 - THE PETERSON COMPANIES LC

PCA 82-P-069-13/FDPA 82-P-069-14-3 - THE PETERSON COMPANIES LC

(Decisions Only) (The public hearing on these applications was held on January 15, 2004. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 86-W-001-10 AND PCA 86-P-089-6, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT DATED JANUARY 14, 2004, AS AMENDED, WITH PROFFER NUMBER 10 REVISED TO INCLUDE RETAIL POPSICLE SIGNS.

Commissioners de la Fe and Koch seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 82-P-069-13, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 2 OF THE STAFF REPORT DATED DECEMBER 15, 2003.

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

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF FDPA 86-W-001-5-2-2 AND FDPA 86-P-089-3, SUBJECT TO THE FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS CONTAINED IN APPENDIX 3 OF THE STAFF REPORT DATED JANUARY 14, 2004, AS REVISED BY DELETING CONDITIONS NUMBERS 6 AND 12 AND CORRECTING CONDITION NUMBER 13 TO READ "FAIR LAKES PARKWAY" IN LIEU OF "FAIRFAX COUNTY PARKWAY."

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

Commissioner Murphy MOVED THE PLANNING COMMISSION APPROVE FDPA 82-P-069-14-3, SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS CONTAINED IN APPENDIX 4 OF THE STAFF REPORT DATED JANUARY 14, 2004, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 82-P-069-13.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PDC DISTRICT STANDARDS FOR THE PERCENTAGE OF RESIDENTIAL USES TO PERMIT 42 PERCENT OF THE ENTIRE GOVERNMENT CENTER DEVELOPMENT AS RESIDENTIAL USES.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN BOUNDARY IN ACCORDANCE WITH THE LANDSCAPING DEPICTED ON THE CDPA AND FDPA.

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

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 200-FOOT SETBACK FOR RESIDENTIAL BUILDINGS FROM INTERSTATE 66 TO PERMIT THE RESIDENTIAL UNITS A MINIMUM OF 62 FEET FROM THE RIGHT-OF-WAY AS DEPICTED ON THE CDPA/FDPA.

Commissioner Koch seconded the motion which carried by a vote of 8-1 with Commissioner Harsel opposed; Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 75-FOOT SETBACK FOR COMMERCIAL BUILDINGS FROM INTERSTATE 66 TO PERMIT THE COMMERCIAL BUILDINGS A MINIMUM OF 28 FEET FROM THE RIGHT-OF-WAY AS DEPICTED ON THE CDPA/FDPA.

Commissioner Koch seconded the motion which carried by a vote of 7-1-1 with Commissioner Harsel opposed; Commissioner Byers abstaining; Commissioner Hart not present for the vote; Commissioners Alcorn and Hall absent from the meeting.

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE VARIANCE OF THE MAXIMUM FENCE HEIGHT TO PERMIT A NOISE WALL WITH A MAXIMUM HEIGHT OF 48 FEET ALONG INTERSTATE 66 AND WEST OX ROAD.

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

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENTS FOR THE MULTI-FAMILY DWELLING UNITS ON THE WESTERN PORTION OF THE SITE TO PERMIT A TOTAL OF TWO SPACES AND A WAIVER OF THE LOADING SPACE REQUIREMENT FOR THE STACKED MULTI-FAMILY UNITS ON THE EASTERN PORTION OF THE SITE.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ 2003-LE-039 - TELEGRAPH VILLAGE LIMITED PARTNERSHIP  
SE 2003-LE-024 - TELEGRAPH VILLAGE LIMITED PARTNERSHIP
2. RZ 2003-PR-008/FDP 2003-PR-008 - LINCOLN PROPERTY CO. SOUTHWEST  
PCA 75-7-004-2 - LINCOLN PROPERTY CO. SOUTHWEST

This order was accepted without objection.

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RZ 2003-LE-039 - TELEGRAPH VILLAGE LIMITED PARTNERSHIP - Appl. to rezone from C-5 to C-8 to permit additional office uses in existing commercial building with an overall Floor Area Ratio (FAR) of 0.34. Located S. of Telegraph Rd., N. of S. Kings Hwy. approx. 280 ft. N.E. of their intersection on approx. 2.52 ac. of land. Comp. Plan Rec: Retail and Other. Tax Map 92-1 ((1)) 15. (Concurrent with SE 2003-LE-024.) LEE DISTRICT.

SE 2003-LE-024 - TELEGRAPH VILLAGE LIMITED PARTNERSHIP - Appl. under Sects. 4-804 and 9-515 of the Zoning Ordinance to permit increase in percentage of office use. Located S. of Telegraph Rd., N. of S. Kings Hwy. approx. 280 ft. N.E. of their

intersection on approx. 2.52 ac. of land zoned C-8. Tax Map 92-1  
((1)) 15. (Concurrent with RZ 2003-LE-039.) LEE DISTRICT.  
JOINT PUBLIC HEARING.

Inda Stagg, with Walsh, Colucci, Lubeley, Emrich and Terpak, P.C., reaffirmed the affidavit dated January 7, 2004. Commissioner Hart disclosed that his law firm had two pending cases with Ms. Stagg's law firm but there was no financial relationship and it would not preclude his participation in these cases.

Lindsay Shulenberger, 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 applications.

Ms. Stagg explained that when the owners first began leasing the subject property in 1985, C-5 zoning permitted 100 percent office uses. She said when the owners became aware that the Ordinance had been changed in 1992 limiting the FAR in the C-5 District to 0.30, they came forward voluntarily to remedy the situation by filing these applications. She noted that the location was ideal for government contractors and said that unless these applications were approved, certain leases, as well as leases being negotiated, would be in jeopardy. She said the applications had the support of staff and the Lee District Land Use Committee and she requested a favorable recommendation.

Responding to a question from Commissioner Byers, Ms. Shulenberger said proffers committed the applicant to designate 10 percent of the gross floor area for non-office uses.

In response to a question from Commissioner Wilson, Ms. Stagg said a trail waiver was being requested because there would be no new construction and the property would be utilized as an office and retail center. She pointed out that the purpose of the applications was simply to legalize the existing uses and those that were currently being negotiated. Commissioner Wilson said she thought that the existing sidewalk along the frontage should be extended if the trail requirement was waived. Ms. Stagg said extending the sidewalk was not part of the offer.

Chairman Murphy called for speakers from the audience, but received no response. He noted there was no need for rebuttal. The Commission had no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2003-LE-039, SUBJECT TO THE PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

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

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2003-LE-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 21, 2004.

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

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE TRAIL REQUIREMENT ALONG SOUTH KINGS HIGHWAY IN FAVOR OF THE EXISTING SIDEWALK.

Commissioner Byers seconded the motion which carried by a vote of 6-2-1 with Commissioners Hart and Wilson opposed; Commissioner de la Fe abstaining; Commissioner Harsel not present for the vote; Commissioners Alcorn and Hall absent from the meeting.

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RZ 2003-PR-008/FDP 2003-PR-008 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC. - Appls. to rezone from I-3 and HC to PDH-30 and HC to permit residential development at a density of 33.6 dwelling units per acre (du/ac) including bonus density for the provision of Affordable Dwelling Units (ADUs) and approval of the conceptual and final development plans. Located on the E. side of Gallows Rd. and on the N. and S. sides of Science Applications Ct. on approx. 19.04 ac. of land. Comp. Plan Rec: Office with option for 8-12 du/ac or 20-30 du/ac. Tax Map 39-2 ((1)) 13 pt. (Concurrent with PCA 75-7-004-2.) PROVIDENCE DISTRICT.

PCA 75-7-004-2 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC. - Appl. to amend the proffers for RZ 75-7-004 previously approved for office uses to permit the deletion of land area. Located on the E. side of Gallows Rd. and on the N. and S. sides of Science Applications Ct. on approx. 33.74 ac. of land zoned I-3 and HC. Comp. Plan Rec: Office with option for 8-12 du/ac or 20-30 du/ac. Tax Map 39-2 ((1)) 13. (Concurrent with RZ/FDP 2003-PR-008.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Commissioner Lawrence announced that he would defer a decision on this matter after the close of the public hearing.

Elizabeth Baker, with Walsh, Colucci, Lubeley, Emrich and Terpak, P.C., reaffirmed the affidavit dated January 12, 2004. Commissioner Hart disclosed that his law firm had pending matters with Ms. Baker's law firm but there was no financial relationship and it would not preclude his participation in these cases.

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 applications.

Ms. Belgin responded to questions from Commissioner Wilson about the non-core streetscape design and the modification of the loading space requirements for the multi-family units.

In response to a question from Commissioner Byers, Ms. Belgin explained that a waiver of the 200-foot backyard requirement was being requested because some of the units were rear loading and the location of the driveways did not allow for privacy yards.

Ms. Baker stated that the application property was bordered on the north by the SAIC offices, on the east by I-495, and on the south and west by residential development. She said rezoning the property to the PDH-30 District would meet many of the residential goals for the Tysons Corner area. She explained that a seven-story 100 unit condominium building and a four-story rental project were being proposed in addition to 80 fee simple townhouses. She explained that the stormwater management pond on the southeastern boundary serving the SAIC site would be retrofitted and that two additional ponds would be provided. She pointed out that 96 of the originally proposed 736 units had been eliminated at the request of staff. She said both the townhouses and condominiums would face a one-acre common green in the center of the property which would serve as the focal point of the development. She noted other amenities included a tot lot, a jogging path with fitness trails, and a comprehensive pedestrian system. She said although the proposed development would have an impact on traffic, it would generate fewer a.m. and p.m. peak hour trips than office development. In addition, she said a traffic demand management proffer encouraged carpooling, vanpooling, and shuttle service to the Dunn Loring Metro Station. She described transportation improvements and said a contribution of \$460,000 would be made to the Tysons Corner Road Fund. She said an analysis done by Fairfax County Public Schools (FCPS) had concluded that the proposed development would generate a total of 87 elementary, middle, and high school students and noted that a contribution of \$652,000 would be made to FCPS, \$50,000 of which would be dedicated specifically to technology programs at Kilmer Intermediate School. Addressing concerns of citizens, Ms. Baker said the residents of Tysons Executive Village, a single family development zoned PDH-3 located on the southeast corner of the application property, were concerned about stormwater management and buffering. She said in response to those concerns, the applicant had proffered to convey outlots to them at the time of subdivision; to redesign and relocate the stormwater management pond; to construct a fence between the pond and their property; and to either convert their wetpond to a dry pond to be maintained by the County, or clean up their pond to bring it up to standard and help them financially to maintain it. She said the residents of the

Courts of Tysons, an older townhouse development zoned R-20 on the southern boundary, had expressed concern about a recent fence installed along their property line, storm drainage, buffering, a tot lot, and parking. She noted that although no buffering was required because the Courts of Tysons and the proposed development were like uses, the applicant had agreed to increase the buffer, to supplement the existing trees, to provide greater setbacks, and to build and convey an area for a tot lot. In addition, she said the applicant had also agreed to a shared fence agreement and to intercept their drainage pipe so that water flowed into the applicant's ponds. She also indicated that the proposed development was adequately parked at 2.76 spaces per unit and proffers included an agreement with SAIC permitting overflow parking on their property in the evenings. She noted the residents of Heritage Point, also known as Kidwell Towns, a townhouse development located to the northwest, were concerned about the proximity of the seven-story condominium building to their development. She said in response to this concern, the footprint of the building had been scaled down and it would be moved back from Gallows Road to allow for landscaping. She pointed out that the applicant had met with a number of other associations and that 18 citizens' meetings had been held. In conclusion, she said the proposed development was in keeping with the Comprehensive Plan and harmonious with adjacent land uses.

Robin Antonucci, with Wells and Associates, responded to questions from Commissioner Lawrence about trip generation and levels of service impacts associated with the change from office to residential development. Ms. Antonucci agreed to provide a copy of the traffic analysis to Commissioner Lawrence. Ms. Antonucci also responded to a question from Chairman Murphy about utilization of traffic demand management strategies.

In response to a question from Commissioner Byers, Ms. Baker said the applicant declined to make a contribution to the Park Authority above the amount required by the Zoning Ordinance because other on-site amenities would be provided. However, she noted his concern.

In response to a question from Commissioner Byers, Ms. Baker identified the lot lines of the Courts of Tysons development.

Ms. Belgin and Ms. Baker responded to questions from Commissioner Wilson about the location of loading spaces, the contribution to FCPS, the maintenance of the private streets, the outlots to be conveyed to the Courts of Tyson, the use of the SAIC parking lot, and the privacy yards of the proposed townhouses.

Ms. Baker responded to questions from Commissioner Hart about the layout of the rear-loading townhouses, the distance between the first two rows of the townhouses, the length of the driveways, and the size of the decks. Commissioner Hart said the decks would be better characterized as balconies and suggested that a pedestrian connection be provided between the parking area and the sidewalk along Gallows Road.

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

Laura Larson, 2106 Tysons Executive Court, Vienna, speaking on behalf of representatives from communities in the vicinity of the application property, said the consensus was that the proposed development was too dense and would adversely affect their quality of life. (A copy of her remarks is in the date file.)

Bob Johnston, 2117 Tysons Executive Court, Dunn Loring, speaking on behalf of the Tysons Executive Village Homeowners Association, said the proposed development did not satisfy the goals of the Comprehensive Plan because the density was inconsistent with surrounding development, would adversely affect the suburban feel of their community, and would exacerbate stormwater runoff.

Commissioner Byers pointed out to Mr. Johnston that the proposed development was in conformance with the Comprehensive Plan recommendation for single family attached residential use at 8-12 dwelling units per acre or multi-family residential use at 20-30 dwelling units per acre.

Responding to a question from Commissioner de la Fe, Ms. Belgin pointed out that the property was currently zoned I-3 and that the entire property with the SAIC development currently had a proffered plan for light industrial office development. She added that additional office uses could be built by-right.

Franklin Blackstone III, 7956 Robarge Court, Dunn Loring, representing Tysons Glen and Griffins Homeowners Associations, said the proposed development was opposed by every surrounding community because it was inconsistent with the character and nature of existing development. He questioned the accuracy of the FCPS analysis in the staff report and said too many students would be added to an all ready overcrowded school system. (A copy of his remarks is in the date file.)

Chairman Murphy pointed out that the appendix in the staff report projecting the increase in the number of students had been provided by FCPS.

Phyllis Kropp, 8022 Kidwell Court, Vienna, representing Kidwell Towns Homeowners Association, expressed concerns about the height of the proposed seven-story condominium building, the loss of trees, increased traffic, safety of pedestrians, and the loss of privacy and tranquility. (A copy of her remarks is in the date file.)

Ms. Kropp responded to questions from Commissioner Lawrence about where she shopped for groceries and the number of two income families in her development.

Linda Freimark, 7865 Tyson Oaks Circle, Vienna, Courts of Tysons Homeowners Association, recognized residents of the Courts of Tysons present tonight. She said there was a critical shortage of parking in and around her neighborhood and questioned the commitment of SAIC to

allow parking on their property. She said the proposed density would exacerbate traffic conditions on Gallows Road and urged the Commission to recommend denial of the application.

In response to a question from Commissioner Lawrence, Ms. Freimark said she shopped for groceries in Falls Church.

Seth Kaplan, 8011 Trevor Place, Vienna, Vice President, Courthouse Station Homeowners Association, expressed concerns about traffic, water pressure, and parking.

Chairman Murphy noted that parking requirements for multi-family and townhouse communities had been changed three times during his tenure on the Commission, but he still did not think they were adequate.

Responding to a question from Commissioner de la Fe, Ms. Belgin said the City of Falls Church Water Authority had been notified of the application, but had not responded.

In response to another question from Commissioner de la Fe, Ms. Belgin said the square footage allowed for office development on this site was 737,000, of which approximately 400,000 square feet had not yet been built; and that the square footage of the proposed multi-family development was about 400,000 square feet, not including the townhouses.

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The Commission recessed at 10:58 p.m. and reconvened at 11:17 p.m.

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Janet A. Bradley, 8250 Trailwood Court, Vienna, Madrillon Manor Homeowners Association, said the density of the proposed development was not compatible with surrounding communities, would burden the infrastructure in the area, and would be visually displeasing. She disputed the applicant's estimate of traffic generation because the analysis had been conducted during the month of August when children were out of school and families were on vacation. She requested that the application be denied. (A copy of her remarks is in the date file.)

Commissioner Koch pointed out that many of the same arguments put forth tonight had probably been made when Ms. Bradley's community had been planned.

Merle Silverman, 2201 Arden Street, Dunn Loring, President, Harrison Grove Homeowners Association, said issues associated with development of this area over the years were the lack of sufficient water pressure, an increase traffic congestion, and the loss of woodlands, privacy, and screening. He said the lack of sufficient parking should be added to the list. He requested that development of this area be reviewed with consideration given to the overall quality of life for residents of the Tysons/Merrifield area. (A copy of his remarks is in the date file.)

Chairman Murphy said he thought the problems with water pressure in this area had been resolved and he requested staff to look into this matter and report back to the Commission.

Roger Diedrich, Sierra Club, 3322 Prince William Dr., Fairfax, requested that the application be denied because it would not provide the kind of quality development needed to improve the area and would degrade the quality of life in adjacent neighborhoods. He said if the development included retail uses and pedestrian connectivity, the number of automobile trips could be reduced. He also said density, traffic, and parking concerns could be address by improving public transportation in the area. (A copy of his remarks is in the date file.)

In response to a question from Chairman Murphy, Ms. Belgin said retail uses could increase traffic.

Paul Snetman, 8131 Boss Street, Vienna, President, Tysons Terrace Homeowners Association, said the increased need for services, such as water pressure and schools, would adversely affect property values. He said a letter from the Virginia Department of Transportation (VDOT) contained in the staff report identified five areas of concern and a subsequent letter indicated that these concerns had not been addressed.

Chairman Murphy noted that new proffers dated January 22, 2004 might address concerns initially raised in the staff report. Mr. Snetman said they did not address traffic concerns.

Keith Kelley, 7899 Tyson Oaks Circle, Vienna, expressed opposition to the proposed development citing concerns about the loss of trees and wildlife, an increase in traffic, lack of water pressure, stormwater management, density, and the height of the buildings. (A copy of his remarks is in the date file.)

Commissioner Koch pointed out that the only way residents could ensure that the trees would remain would be to purchase the property.

Brian Doody, 2106 Tysons Executive Court, Vienna, said when he and his wife purchased their home they had been comfortable with the office development approved for the property, but did not think residential development would be compatible with their neighborhood. He requested that the apartment building be relocated to the center of the property with the townhouses along the perimeter.

Responding to a question from Commissioner Byers, Mr. Doody identified the distance between his property and the proposed apartment building.

Madhav Acharya, 7939 Tyson Oaks Circle, Vienna, said his development would be dwarfed by the proposed buildings if the trees were cut down. He urged the Planning Commission to re-examine the proposal and to seek development which would preserve the natural environment.

Commissioner de la Fe suggested that Mr. Acharya contact his Park Authority representative to discuss the possibility of acquiring the subject property for park purposes.

Dorothy Johnson, 7915 Tyson Oaks Circle, Vienna, requested that the natural wetlands on the property be preserved to provide a buffer to her community and that County engineers reassess storm drainage needs to manage the runoff in the area.

Lalit Jain, 7996 Tyson Oaks Circle, Vienna, expressed concern about traffic and overcrowded schools.

Kemal Hawa, 2112 Tysons Executive Court, Dunn Loring, said the Comprehensive Plan, adopted in 1992, recommended residential development only if it was consistent with the way the area had developed. He said the provisions adopted 12 years ago were not relevant today and asked the Commission to consider the human concerns expressed tonight.

Commissioner Byers explained to Mr. Hawa that the Comprehensive Plan was developed by the community and there had been several opportunities to change it since 1992. Commissioner de la Fe added that the Plan for the northern part of the County would be reviewed again this year with notice given to County residents.

Abbe Willner, 2114 Patty Lane, Vienna, said he was concerned that the density requested in this application would cause overcrowding at area schools and pointed out that services needed for 1,400 residents would far exceed those required for office development.

Neal Nastro, 7907 Tyson Oaks Circle, Vienna, a member of the Board of Directors for the Courts of Tysons, said that residential development at 20 dwelling units per acre may have been appropriate 15 years ago for the Tysons area but was not appropriate today. He also said that 2.3 parking spaces per unit were inadequate.

There were no further speakers, therefore, Chairman Murphy called upon Ms. Baker for rebuttal remarks.

Ms. Baker stated that the applicant had suggested a grocery store but residents had been opposed to one. She acknowledged that water pressure was a problem in the area and said a new tower, under construction near Clyde's Restaurant in Tysons Corner, would add 18 pounds of pressure per square inch, and should be operational by May 2004. She said she had been told this week by FCPS that the enrollment for 2003-2004 would not be significantly higher than indicated in the staff report. She submitted for the record a letter from Wetlands Studies and Solutions, Inc., confirming that there were no wetlands located on the site, a copy of which is in the date file. She said a stormwater management pond in the area behind the Courts of Tysons townhouses might have been mistaken for wetlands. Addressing the assertion that there were unresolved transportation issues, she submitted for the record a letter from VDOT dated January 15, 2004, which stated the majority of previous issues had been addressed although inadequate interparcel access still existed to the south. She explained that because residents were opposed to a

connection to the Courts of Tysons or Tysons Executive Village, this issue would not be addressed. She said the noise attenuation fence would not require public funding, another issue raised by VDOT. (A copy of the VDOT letter is in the date file.) She said traffic counts were conducted on January 22, 2003 and were accurate. She said the applicant's proposal was compatible with surrounding development because the Tysons area was an urban center as envisioned by the County. She said there were 244 feet between the proposed and adjacent development which was more than required. She said the treed property mentioned by some of the speakers was privately owned and unfortunately would not remain in an undeveloped state. She said if the property was not sold to the applicant, there was a development plan for the site which would not include tree preservation as well as many of the other things being offered by the applicant. She noted that the proposal was in conformance with the Comprehensive Plan and said the applicant would continue the dialogue with neighbors.

Responding to questions from Commissioner Harsel, Ms. Baker said the affordable dwelling units would be located in the four-story elevated buildings and that there was a traffic light at the intersection of Science Application Court and Gallows Road.

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 Lawrence for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED TO DEFER THE DECISION ONLY FOR PCA 75-7-004-2 AND RZ/FDP 2003-PR-008 TO A DATE CERTAIN OF FEBRUARY 19, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

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

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The meeting was adjourned at 12:30 a.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer  
Approved on: July 20, 2006

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Linda B. Rodeffer, Clerk to the  
Fairfax County Planning Commission