

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 28, 1998**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Judith W. Downer, Dranesville District

//

The meeting was called to order at 8:25 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.

//

COMMISSION MATTERS

Chairman Murphy introduced Joshua Wu from Boy Scout Troop 673 in Great Falls, and his father, Ted Wu. He noted that Joshua was attending tonight's meeting in order to earn a "Citizenship in the Community" Merit Badge, an Eagle Scout requirement.

//

Chairman Murphy also introduced the County Executive, Robert J. O'Neill, Jr., who was attending tonight's meeting.

//

Commissioner Kelso announced his intention to defer the public hearing on PCA-82-L-030 and PCA-87-L-031-02, Manchester Lakes Limited Partnership, from January 29, 1998 to a date certain of April 16, 1998.

//

COMMISSION MATTERS

January 28, 1998

Commissioner Kelso announced his intention to defer the public hearing on FDPA-96-L-005, Springfield Campus, LLC, from February 19, 1998 to a date certain of April 16, 1998.

//

Commissioner Kelso announced his intention to defer the public hearing on PCA-C-448-10 and FDP-C-448-32, Kingstowne LP, from March 19, 1998 to a date certain of June 11, 1998.

//

Chairman Murphy noted that the only change in Committee assignments for 1998 was the transfer of Commissioner Alcorn from the Capital Improvement Program Committee to the Transportation Committee.

//

Commissioner Hall recommended that the name of the 456 Procedures Committee be changed to the 2232 Procedures Committee.

//

PCA-88-A-042 - THE MCDONALD'S CORPORATION.

SEA-86-A-027 - THE MCDONALD'S CORPORATION (Decisions Only)

(The public hearing on these applications was held on December 10, 1997. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-88-A-042, SUBJECT TO THE PROFFERS DATED DECEMBER 2, 1997.

Commissioners Byers and Thomas seconded the motion which carried by a vote of 9-0-2, with Commissioners Coan and Palatiello abstaining; Commissioner Downer absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-86-A-027, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 28, 1998, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA-88-A-042.

Commissioner Byers seconded the motion which carried by a vote of 9-0-2 with Commissioners Coan and Palatiello abstaining; Commissioner Downer absent from the meeting.

COMMISSION MATTERS

January 28, 1998

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE THE WAIVER OF THE OPEN SPACE REQUIREMENT OF SEA-86-A-027.

Commissioner Byers seconded the motion which carried by a vote of 9-0-2 with Commissioners Coan and Palatiello abstaining; Commissioner Downer absent from the meeting.

//

SE-97-P-027 - HOMESTEAD VILLAGE, INC., PRUDENTIAL INSURANCE CO. OF AMERICA, INC., ET AL. (Decision Only) (The public hearing on this application was held on October 16, 1997. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Coan MOVED THAT SE-97-P-027 BE DENIED WITH THE RECOMMENDATION TO THE BOARD OF SUPERVISORS THAT IF THEY APPROVE IT, IT BE APPROVED SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 2, 1997 CONTAINED IN THE STAFF REPORT.

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

//

RZ-1997-PR-039 - BRADFORD S. KLINE, TRUSTEE (Decision Only) (The public hearing on this application was held on January 22, 1998. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Coan MOVED THAT WE RECOMMEND APPROVAL OF RZ-1997-PR-039, SUBJECT TO THE PROFFERS DATED JANUARY 27, 1998.

Commissioners Alcorn and Byers seconded the motion which carried by a vote of 9-0-2 with Commissioners Palatiello and Murphy abstaining; Commissioner Downer absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. SE-97-Y-053 - LAGUNA AND GUZMAN, INC.
2. RZ-1997-SU-046 - TOLL BROS., INC.\

ORDER OF THE AGENDA

January 28, 1998

3. RZ-1997-MA-044 - SKYLINE ENTRE LIMITED PARTNERSHIP
SE-97-M-044 - SKYLINE ENTRE LIMITED PARTNERSHIP
4. SE-97-Y-050 - ARLINGTON-FAIRFAX CHAPTER INC. OF THE 1ZAAK
5. WALTON LEAGUE OF AMERICA
6. RZ-1997-DR-034 - ELM STREET DEVELOPMENT
FDP-1997-DR-034 - ELM STREET DEVELOPMENT

This order was accepted without objection.

//

SE-97-Y-053 - LAGUNA AND GUZMAN, INC. - Appl. under Sect. 4-804 & 9-612 of the Zoning Ord, to permit a vehicle light service establish., a vehicle sale, rental, & an ancillary service establishment, & a waiver of the open space requirement on property located at 4004 Walney Rd. on approx. 0.45 ac. zoned C-8, HC, AN, & WS. Tax Map 34-4((1))44. SULLY DISTRICT. PUBLIC HEARING.

Juan Laguna, President of Laguna and Guzman, Inc., owner/applicant, reaffirmed the affidavit dated August 25, 1997. There were no disclosures by Commission members.

Brian Davis, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to a question by Commissioner Hunter, Mr. Davis said the rental vehicles would be automobiles.

Mr. Laguna said that the application complied with County regulations.

Commissioner Koch noted that this was a resubmission of the same application which had been approved by the Board of Supervisors on April 25, 1994 and which had expired in November 1996.

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

//

SE-97-Y-053 - LAGUNA AND GUZMAN, INC.

January 28, 1998

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO

THE BOARD OF SUPERVISORS THAT APPLICATION SE-97-Y-053 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 26, 1998.

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

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVER OF THE OPEN SPACE REQUIREMENT IN FAVOR OF THE THIRTEEN PERCENT PROPOSED ON THE SPECIAL EXCEPTION PLAT.

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

Commissioner Koch MOVED THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS IN FAVOR OF THAT SHOWN ON THE SPECIAL EXCEPTION PLAT.

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

//

RZ-1997-SU-046 - TOLL BROS INC. - Appl. to rezone from R-1 & WS to R-3 & WS to permit cluster residential development at a density of 3.09 du/ac incl. bonus density for provision of ADUs & a waiver of the open space requirements on property located on the N. & S. sides of Avery Rd. & on the W. side of West Ox Rd. across from the Heights at Penderbrook on approx. 31.73 ac. Comp. Plan Rec: 1-2 du/ac w/option for 2-3 du/ac. Tax Map 46-1((1)) 36-57; & a portion of Avery Rd. & West Ox Rd. right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the public right-of-way for Avery Rd. & West Ox Rd. to proceed under Sect. 15.2-2272(2) of the *Code of VA.*) SULLY DISTRICT. PUBLIC HEARING.

Elizabeth Baker, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, PC, agent for the applicant, reaffirmed the affidavit dated January 26, 1998. There were no disclosures by Commission members.

RZ-1997-SU-046 - TOLL BROS., INC.

January 28, 1998

Leslie Johnson, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the

application.

At Commissioner Koch's request, Ms. Johnson explained how the Affordable Dwelling Unit (ADU) Ordinance affected the density of this application.

In response to a question by Commissioner Byers, Ms. Johnson said that the issue raised in the staff report on page 6, pertaining to the provision of a right-of-way dedication based on an alignment for West Ox Road, had not been resolved.

Commissioner Koch and Ms. Johnson discussed the design of West Ox Road and the right-of-way needed to meet that design.

Ariam Asmerom, Office of Transportation, addressed design issues which had been raised and changes which had occurred since the West Ox Road project was first approved ten years ago.

Commissioner Alcorn and staff discussed stormwater management and tree save relative to the subject application.

Commissioner Coan and Ms. Johnson discussed the location of the ADUs and parcel D, an open space strip which belonged to Fair Oak Estates.

Commissioners Alcorn and Coan discussed with Ms. Johnson design alternatives for the ADUs and how they would be accessed.

Ms. Baker stated the applicant, who was the contract purchaser of the 32 acre property, had devoted considerable time and effort into consolidating the 22 properties which allowed for the complete redevelopment of the Avery Road subdivision. She explained that the proposed density was 2.4 to 3.6 dwelling units per acre and described the proposed access points, tree preservation, open space area, and lot sizes. She then addressed the West Ox Road right-of-way dedication and the location of the ADUs.

Commissioner Coan and Ms. Baker discussed whether or not the Public Facilities Manual required that townhouses be served by private streets.

Ms. Baker said that they had met with the Fair Oak Estates Homeowners Association on three occasions and had crafted proffers to specifically address issues raised by them. She concluded by saying that the proposed development was compatible in lot size and density with the surrounding neighborhood and that it was in conformance with the Comprehensive Plan.

Commissioner Byers asked Ms. Baker if the Virginia Department of Transportation (VDOT) were to redesign the road before development began, would the applicant be amenable to
RZ-1997-SU-046 - TOLL BROS., INC. January 28, 1998

adjusting their plans to satisfy VDOT requirements. Ms. Baker replied by saying that VDOT had not told them that they were considering a redesign of the road, but that if this were the case, it would require a redesign of their site.

Commissioner Coan and Ms. Baker discussed the rationale for the location of the ADUs. Commissioner Coan said he would prefer to see the ADUs integrated into the total community.

Chairman Murphy commented that the ADU Ordinance was modeled after the very successful Montgomery County, Maryland program in which ADUs were not integrated within the main development if the unit type was different.

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

Lorna Gardner, 12223 Avery Road, Fairfax, speaking on behalf of Avery Road homeowners, said the majority of residents had lived on Avery Road for over 45 years, were of retirement age and that taxes were making it difficult for them to continue to live in Fairfax County. She said they had been trying to sell their property for over twelve years and that Toll Brothers had presented them with a plan they could accept. She said she believed the applicant had gone to extensive lengths to address concerns of surrounding homeowners. She described the sub-standard conditions of the neighborhood and homes and said that all of the Avery Road residents were in agreement to sell. She noted that the application was in conformance with the Comprehensive Plan and requested that it be approved.

David Braun, 12104 Green Ledge Court, Fairfax, President, Penderbrook Community Association, stated that the Association included 1,776 homes to the East of the proposed development. He said they had never met with Toll Brothers. Mr. Braun said their primary concern was the alignment of West Ox Road and urged the Commission not to recommend approval unless the applicant was required to dedicate a larger right-of-way to accommodate the widening of West Ox Road based upon the current center line alignment. (A copy of his remarks is in the date file.)

Commissioners Koch and Byers and Mr. Braun discussed the proposed realignment of West Ox Road and the right-of-way.

In response to a question by Commissioner Coan, Ms. Asmerom stated that approximately 25 feet of Penderbrook's property would be needed if the center line of West Ox Road was moved to the east.

Commissioner Byers and Ms. Asmerom discussed whether VDOT would consider moving the center line of West Ox Road to the west. Continuing this discussion, Ms. Johnson said OCP's request to the applicant was to provide the dedication necessary so that the dialogue could continue between VDOT and County staff regarding this matter.

RZ-1997-SU-046 - TOLL BROS., INC.

January 28, 1998

In response to a question by Commissioner Hall, Ms. Johnson said that the applicant had been aware that the issue of the alignment of West Ox Road would be raised in the staff report.

Commissioner Harsel and Ms. Johnson discussed lot sizes.

In response to a question by Commissioner Harsel, Ms. Asmerom said it was her understanding that VDOT would scope the West Ox Road project in February, 1998, and complete mapping it in March, 1998. Ms. Johnson told Commissioner Harsel that she did not believe the project was funded and that construction would not begin for several years.

In response to a question by Commissioner Palatiello, Ms. Asmerom said VDOT was remapping West Ox Road to convert it to the metric system.

Anthony Dorrzapf, 12833 Oxon Road, Herndon, President, Navy Vale Community League, said they supported the concerns of Fair Oaks Estates as outlined in a letter to Chairman Hanley dated January 12, 1998. (A copy of his remarks is in the date file.)

Carl Zulick, 12507 Charles Stewart Court, Fairfax, Fair Oaks Estates Homeowners Association, said they were opposed to the density of the proposed development. He cited concerns about stormwater management, construction practices, tree preservation, insufficient buffers, and a need for additional recreational facilities. (A copy of his remarks is in the date file.)

In response to a question by Commissioner Hall, Mr. Zulick said that although the density of the proposed development was compatible with the density of his development, the houses were 50 percent larger, therefore the footprint was larger.

Commissioner Hall and Ms. Johnson compared the density of the proposed development with that of Fair Oak Estates.

Commissioner Harsel pointed out that lot sizes had not yet been determined.

Commissioners Kelso and Alcorn and Mr. Zulick discussed stormwater management and tree preservation.

Joan McRorie, 12308 Ox Hill Road, Fairfax, expressed concerns about open space and play areas of the proposed development, saying she felt they were inadequate. (A copy of her remarks is in the date file.)

Sally Patton, 12224 Ox Hill Road, Fairfax, explained why she did not believe the density of the proposed development was compatible with the density of Fair Oak Estates. She also expressed concerns about open space, tree preservation, and water runoff.

RZ-1997-SU-046 - TOLL BROS., INC.

January 28, 1998

Diane Javaid, 12244 Ox Hill Road, Fairfax, expressed concerns about stormwater management and tree preservation. (A copy of her remarks is in the date file.)

Mick Little, 12224 Ox Hill Road, Fairfax, expressed concerns about stormwater management, tree preservation, and open space.

Mr. Little responded to questions asked by Commissioners Hunter and Harsel about the age of Fair Oaks Estates, their lot sizes, and the number of trees on his property.

Kathleen Briggs, 12306 Ox Hill Road, Fairfax, said she felt the proposed development would adversely affect her quality of life because of the loss of open space and trees. Additionally, she expressed concerns about drainage problems, overcrowding of schools, and an increase in traffic. She referred to photographs which showed standing water in her neighbor's yard. (A copy of her remarks and the photographs are in the date file.)

Commissioner Byers pointed out to Ms. Briggs that this application was in conformance with the Comprehensive Plan.

Julia Alperi, 3718 Brices Ford Court, Fairfax, said she shared the same concerns raised by previous speakers. In addition, she wanted to know what recourse residents of Fair Oaks Estates would have if the new development caused flooding problems on their properties. (A copy of her remarks is in the date file.)

Jere Smith, 12237 Ox Hill Road, Fairfax, expressed concerns about the overcrowding of Navy School and requested that the density of the proposed development be limited to a maximum of two homes per acre.

Steven Falk, 12242 Ox Hill Road, Fairfax, said he could only support this application if the density was no more than one to two single family dwellings per acre. He stated his belief that Fairfax County was currently in danger of losing its unique character due to overdevelopment and too much density in the overdevelopment. (A copy of his remarks is in the date file.)

Commissioners Byers and Hall pointed out to Mr. Falk the importance of becoming involved at the time the Comprehensive Plan was being amended.

Natalie Shefsky, 3805 Green Ridge Court, Fairfax, President of the Heights of Penderbrook, urged the Commission not to recommend approval of this application to the Board of Supervisors unless the applicant was required to dedicate a larger right-of-way to accommodate the widening of West Ox Road based upon the current center line alignment.

RZ-1997-SU-046 - TOLL BROS., INC.

January 28, 1998

James MacKay, 121 17 Wedgeway Court, Chairman of the Mews at Penderbrook Homeowners Association, stated he shared the concerns expressed by previous speakers. In addition, he said the Homeowners Association wanted to go on record in opposition to the realignment of West Ox Road to the east.

Peggy Hatton, 4126 Monument Court, Fairfax, stated she was 82 years old and owned property

at 12317 Avery Road where she had lived for 49 years. She said she had been trying to sell her property for quite some time and supported this application.

Dianna Meredith stated her parents owned property at 12301 Avery Road, Fairfax, where she grew up. She spoke in support of this application and said she felt growth and development were inevitable.

There being no further speakers, Chairman Murphy called upon Ms. Baker for a rebuttal statement.

Ms. Baker said Toll Brothers had been proactive in looking for creative solutions to stormwater management and would meet all the requirements of the Department of Environmental Management and the Department of Public Works. She also said she had sent a letter to David Braun, President, Penderbrook Community Association on November 4, 1996, but apparently had a wrong address and offered to meet with his Association. She said she did not feel it was fair to ask Toll Brothers to wait for approval of their application until the Office of Transportation tried to convince VDOT to redesign West Ox Road in view of the fact that it was an approved design which had been in effect for ten years. Addressing the issue of compatibility of the proposed development with the existing development along the southern boundary, she said while not identical, it was harmonious. She reiterated the fact that this application was in conformance with the Comprehensive Plan and asked the Commission to recommend approval.

Commissioner Harsel and Ms. Baker discussed lot sizes and tree preservation.

Commissioners Hall and Harsel discussed with Ms. Baker and William Bestimt, Senior Project Manager with Toll Brothers, the realignment of West Ox Road.

Chairman Murphy and Commissioner Koch asked Ms. Johnson to consult with VDOT to determine if there was a possibility of changing their plan for West Ox Road.

Commissioner Harsel expressed her concern that lot sizes were unknown.

Commissioner Coan reiterated his desire that the applicant look at the location of the ADUs again.

RZ-1997-SU-046 - TOLL BROS., INC.

January 28, 1998

There being no further comments or questions from the Commission and no closing staff comments, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Koch MOVED THAT APPLICATION RZ-1997-SU-046, TOLL BROTHERS,

INC., BE DEFERRED FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, TO FEBRUARY 11, 1998.

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

//

The Commission went into recess at 11:16 p.m. and reconvened in the Board Auditorium at 11:40 p.m.

//

In the absence of Chairman Murphy and Vice Chairman Byers, Secretary Harsel assumed the Chair.

//

RZ-1997-MA-044 - SKYLINE ENTRE LIMITED PARTNERSHIP -
Appl. to rezone from R-3, HC, & SC to C-8, HC, & SC to permit retail/commercial development w/overall FAR of 0.15 & waiver of min. lot area & lot width on property located S. of Columbia Pi. approx. 500 ft. E. of its interchange w/Leesburg Pi. on approx. 0.10 ac. Comp. Plan Rec: office w/option for retail. Tax Map 61-2((1))82 pt. (Concurrent w/SE-97-M-044.) MASON DISTRICT.

SE-97-M-044 - SKYLINE ENTRE LIMITED PARTNERSHIP -
Appl. under Sects. 4-804 & 7-607 of the Zoning Ord. to permit a fast food restaurant w/a drive-through window in a Hwy. Corridor Overlay District & a pharmacy w/a drive-through window on property located at 5701 & 5711 Columbia Pike on approx. 2.19 ac. zoned C-8, HC, & SC. Tax Map 61-2((1))82; 61-2((43))4 pt.; & a portion of O'Shaughnessy Dr. right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the public right-of-way for O'Shaughnessy Dr. to proceed under Sect. 15.2-2272(2) of the *Code of*

RZ-1997-MA-044 - SKYLINE ENTRE LIMITED PARTNERSHIP

January 28, 1998

SE-97-M-044 - SKYLINE ENTRE LIMITED PARTNERSHIP

VA.) (Concurrent w/RZ-1 997-MA-044.) MASON DISTRICT.
JOINT PUBLIC HEARING.

Barnes Lawson, Jr., Esquire, reaffirmed the affidavit dated October 29, 1997. There were no disclosures by Commission members.

Commissioner Hall asked that Secretary Harsel ascertain whether there were any speakers for

this application. There being none, she asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-1997-MA-044, SUBJECT TO THE EXECUTION OF PROFFERS DATED JANUARY 6, 1998 DISTRIBUTED IN THE JANUARY 15, 1998 PLANNING COMMISSION MEMO FROM LESLIE JOHNSON.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers, Murphy, and Palatiello not present for the vote; Commissioner Downer absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE MINIMUM LOT AREA AND LOT WIDTH REQUIREMENT OF THE C-8 DISTRICT.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Byers and Murphy not present for the vote; Commissioner Downer absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE-97-M-044, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 27, 1998.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Byers and Murphy not present for the vote; Commissioner Downer absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Byers and Murphy not present for the vote; Commissioner Downer absent from the meeting.

//

SE-97-Y-050 - ARLINGTON-FAIRFAX CHAPTER INC. OF THE IZAAK WALTON LEAGUE OF AMERICA - Appl. under Sect. 3-0C04 of the Zoning Ord. to permit building & site modifications to a private club on property located on the N. side of Mt. Olive Rd. approx. 0.5 mi. W. of Old Centreville Rd. & on the N. & S. side of 1-66 on approx. 107.94 ac. zoned R-C & WS. Tax Map 64-2((1))20. SULLY DISTRICT. PUBLIC HEARING.

Stephen K. Fox, Esquire, McCandlish and Lillard, PC, reaffirmed the affidavit dated July 23, 1997. There were no disclosures by Commission members.

Susan Johnson, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Fox stated that the Izaak Walton League was a charitable organization which had existed on its present site of 110 acres since 1953, He described the many community activities in which the League was involved. He stated that an indoor archery range had been built without a permit and was the subject of a zoning violation. He said the application sought to correct this situation, to expand the general clubhouse and to install lights on the outdoor target archery field in order to maximize the use of daylight hours. He noted that the application included no changes to the firing range. He said that although they were willing to dedicate land for Mt. Olive Road improvements, the League would be unable to fund those improvements.

Commissioner Koch referred to concerns raised in a letter from Ms. Susan N. Chiaparas, 6443 Muster Court, Centreville, and asked Mr. Fox if they intended to increase their membership and hours of operation. Mr. Fox replied in the negative. Commissioner Koch also referred to a letter from the Mt. Olive Civic Association, in which they stated their support of the application. (Copies of these letters are in the date file.)

Secretary Harsel called for speakers from the audience and recited rules for public testimony.

Karen Banick, 14814 Hickory Post Court, Centreville, representing the Gate Post Estates Homeowners Association, said their main concern was that hours of operation be incorporated into the application. She said she had met once with Mr. Fox about hours of operation, but that there had been no follow-up to that meeting. She said she believed the County had the legal

IZAACK WALTON LEAGUE OF AMERICA

authority to regulate hours, even though the League had immunity from noise control by statute. She felt regulation was necessary in order to bring about a noise environment that was reasonable and which would not degrade the quality of life for County citizens. She outlined hours of operations which she felt would be reasonable.

In response to her contention that a bullet from the range had lodged in the roof of a nearby home, Commissioner Koch pointed out that an investigation of this matter by the Fairfax County Police Department determined that it could not be conclusively proven that it came from the firing range.

Commissioner Hall and Ms. Banick discussed the fact that although the applicant was willing to voluntarily agree to hours of operation which were acceptable to the citizens, they did not want them added as a Development Condition.

Commissioner Palatiello pointed out to Mr. Fox that development conditions must be accepted with a special exception application. In response, Mr. Fox said that the applicant had the option to withdraw the Special Exception application and that he had been directed to do just that if too many collateral conditions were placed upon them which would allow the citizens to regulate their operation. He reiterated their willingness to voluntarily abide by restrictions on their hours of operation.

Ms. Banick pointed out that if hours of operation were voluntary, they could not be enforced. She said she was concerned that the hours of operation of the firing range could adversely affect property values, resulting in less tax revenues for the County. She expressed her opinion that the League had an attitude of "we were here first" and were not interested in exploring ways to reduce the level of noise of the firing range. She noted that Supervisor Michael Frey said he would not support the application if it did not contain limitations on the hours of operation.

In response to a question by Commissioner Coan, Ms. Banick said she lived about 1,800 feet from the firing range and was aware it was there when she bought her house.

Thomas Esau, 6423 Muster Court, Centreville, a resident of Centre Ridge, said his concern was the noise level and felt the hours of operation needed to be in writing or they would not be adhered to.

Thomas Ciarula, 10924 Middlegate Drive, Fairfax, Vice President, Arlington-Fairfax Chapter, Inc., of the Izaak Walton League of America, outlined the history and activities of the League and said they had voluntarily limited their hours due to concerns of citizens, but did not like the idea of restrictions because they seemed to be escalating. He addressed issues raised by Ms. Banick including the hours of operation of the Loudoun County Chapter, design of the firing range, and the bullet which was found lodged in a roof of a nearby home. He described community

IZAAK WALTON LEAGUE OF AMERICA

activities in which the League was involved and cited reasons why they were only willing to voluntarily restrict their hours of operation.

In response to a question by Commissioner Koch, Mr. Ciarula said that Bull Run Shooting Center was located about a mile away from the League, had longer hours of operation, and could be heard within the same area.

Edward Roberts, 14711 Mount Olive Road, Centreville, said when he bought his home, he had been unaware that it was directly across the street from the Izaak Walton League. He said the noise from the firing range did not bother him, and in fact, he had joined the League. He said he would prefer to have them as a neighbor rather than an R-3 development, which he thought would occur if the League relocated.

At Commissioner Palatiello's request, Mr. Fox pointed out on a map the exact location of the firing range and its proximity to residential development and buffering,

Commissioner Hall and Mr. Fox discussed hours of operation for outdoor activities.

Teddy Spealman, 6402 Sutler Store Court, Centreville, stated she had been unaware of the existence of the League when she bought her home. She said the noise, which could be heard seven days a week, made it unbearable to be outside and she was therefore being denied the enjoyment of her home. She also expressed a concern about the adverse affect the gun range had on property values.

Commissioner Koch and Ms. Spealman discussed the value of trees as a noise buffer.

Jerry Stevenson, address unknown, past President of the Izaak Walton League, recalled that when development had taken place in areas surrounding the League property, proffers were sought from developers to put a covenant in the deed about the existence of the range. He described steps which had been taken when he was President of the League to reduce the noise levels and believed the application should be approved.

James Katcham, 6410 Sutler Store Court, Centreville, speaking on behalf of the West Fairfax County Citizens Association Land Use Committee, said there had been four meetings of the community and the League since November in which the primary concerns expressed by citizens were noise, operating hours and safety. He said the Association agreed to endorse the application based on four conditions: (1) increase the overall size of the berm surrounding the range; (2) incorporate the League's operating hours into the application; (3) provide the community with notice when special events were to occur; and (4) further reduce the operation of the firing range to include additional holidays. He noted that the League had been located in Centreville since 1953 when it was a rural area and now that it was a suburban area, the community felt the League

IZAACK WALTON LEAGUE OF AMERICA

should acknowledge this change and make some accommodations in the manner in which they operated.

Commissioner Koch noted that Mr. Katcham was the new President of the West Fairfax County Citizens Association.

Barbara Mullins, 6410 Sutler Store Court, Centreville, said she recognized the benefits the League provided to the community, but objected to the noise. She said the hours of operation would not be as much of an issue as it had become if the League were willing to take steps which would reduce the noise level. She added that she had been unaware of the existence of the gun range when she bought her house.

Terry Sievers, 14485 Store House Drive, Centreville, said she had moved into her home in Centre Ridge eight years ago and it had been a nightmare ever since because no weekends were free from gun fire.

Mr. Ernie Padgett, address unknown, a member of the Izaak Walton League, said that the definition of noise was "unwanted sound." He indicated that tests had shown that the noise from Route 66 and airplanes was much louder than the noise from the firing range. He said he believed the problem had nothing to do with decibels or sound levels, but rather what sounds one found objectionable.

There being no further speakers, Secretary Harsel called upon Mr. Fox for a rebuttal statement.

Mr. Fox stated that in response to concerns of citizens about noise, the League had decided not to ask for an expansion of the firing range. He noted that if it was expanded they would lose their grandfathered status. He quoted *Virginia Code* Section 15.2917 which said: "No local Ordinance regulating noise shall subject a sport shooting range to noise control standards more stringent than those in effect at the time the construction or operation of the range initially was approved." He said he believed if the League's hours of operation were limited, it would in effect be noise regulation. Mr. Fox addressed the issues of increasing the berm and providing funds for road construction, saying they were not possible due to financial constraints. He noted that he had met with Ms. Banick twice. He concluded by saying the League would work with citizens on a voluntary basis and continue a dialogue with them, but that they would not give up their status governed by law.

Ms. Johnson noted that the application was filed because the applicant had constructed an indoor archery range without a building permit and in order to bring it into conformance with the Zoning Ordinance, it had been necessary to file a Special Exception application. She said if the application was denied or withdrawn, the building would have to be demolished and the County would lose the road dedication.

In response to a question by Commissioner Harsel, Kristen Abrahamson, ZED, OCP, said a Special Exception application was much like a proffered condition amendment application in that all previous conditions would be taken under consideration.

There being no further comments or questions from the Commission, Secretary Harsel closed the public hearing and recognized Commissioner Koch for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Koch MOVED THAT THE DECISION ONLY ON SE-97-Y-050 BE DEFERRED UNTIL FEBRUARY 11, 1998.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, Coan, and Murphy not present for the vote; Commissioner Downer absent from the meeting.

//

RZ-1997-DR-034 - ELM STREET DEVELOPMENT - Appl. to rezone from R-1 to PDH-12 to permit residential development at a density of 10.68 du/ac, approval of the conceptual development plan & waiver of 200 sq. ft. privacy yard requirement pursuant to Sect. 6107 of the Zoning Ord. on property located on the N.E. side of Rock Hill Rd. at the Fairfax Co./Loudoun Co. line on approx. 12.74 ac. Comp. Plan Rec: 12-16 du/ac & 8-10 du/ac. Tax Map 16-1((1))1, 2, 3 & 7. (Concurrent w/FDP-1997-DR-034.) DRANESVILLE DISTRICT.

FDP-1997-DR-034 - ELM STREET DEVELOPMENT - Appl. to approve the final development plan for RZ-1997-DR-034 to permit residential development & waiver of 200 sq. ft. privacy yard requirement pursuant to Sect. 6-107 of the Zoning Ord. on property located on the N.E. side of Rock Hill Rd. at the Fairfax Co./Loudoun Co. line on approx. 12.74 ac. zoned PDH-12. Tax Map 16-1((1))1, 2, 3, & 7. (Concurrent w/RZ-1997-DR-034.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, PC, reaffirmed the affidavit dated January 23, 1998. There were no disclosures by Commission members.

Commissioner Thomas noted that he would be handling this case in the absence of Commissioner Downer, and would move for a deferral at the end of the public hearing.

Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, 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 by Commissioner Kelso, Ms. James identified the location of the Affordable Dwelling Units (ADUs).

Mr. Martin said this application concerned 12.74 acres located on the Fairfax County/Loudoun County boundary line and included 136 single family attached residential units at a density of 10.6 units per acre including 17 ADUs. He noted that approval of Area Plans Review Item 97-III-3UP allowed an option for the development of single family attached units where only multi-family development had previously been recommended. He said Elm Street had worked with Four Seasons and Reflection Homes neighborhoods for over a year regarding the subject development and both Associations supported the rezoning application. He described access to the site, right-of-way dedication, open space, buffering, tree preservation, tot lots, pedestrian walkways, and landscaping. He said in response to citizens' requests, the applicant had offered an additional 200 feet of evergreen screening adjacent to Bryce Court and was willing to provide a fence within the northern and eastern 50 foot buffer. He concluded by saying that all staff concerns had been addressed, the application was in conformance with the Comprehensive Plan and he asked for the Commission's favorable consideration.

Commissioner Alcorn and Mr. Martin discussed the location of the ADUs.

Commissioner Thomas and Mr. Martin discussed concerns which had been raised by adjacent property owners about the placement of gates.

Commissioner Thomas noted that the listed speaker, Sheila Olem, 1501 Snowflake Court, Herndon, was not present due to the late hour, and read into the record a letter from her, which he said he would pass along to Commissioner Downer.

Secretary Harsel called for speakers from the audience.

Randy Reeves, 1510 Snowflake Court, Herndon, speaking on behalf of eleven property owners, referred to a petition from them which said they wanted a wooden, not a chain link, fence to serve as a buffer and to provide privacy and noise abatement. A copy of this petition is in the date file. Additionally, he said they wanted assurance that there would be only one gate located at the Bryce Court entrance and requested that an Urban Forester be consulted concerning tree preservation. He also raised the issue about overcrowding of neighborhood schools.

Commissioner Kelso and Mr. Reeves discussed the reasons why he only wanted one gate.

There being no further speakers, Secretary Harsel called upon Mr. Martin for a rebuttal statement.

Mr. Martin said they were in the process of drafting proffers stating that a six foot high fence of the type they preferred would be installed; that there would be no gates except at Bryce Court; that an Urban Forester would be consulted to minimize environmental disturbance; and that the applicant would provide seven days written notice to adjoining Homeowners Associations prior to beginning the installation of the fence. Mr. Martin said he felt this addressed the concerns of the surrounding communities.

There were no further comments or questions and Ms. James had no closing staff comments; therefore, Secretary Harsel closed the public hearing and recognized Mr. Thomas for a deferral motion. (A verbatim excerpt is in the date file.)

//

Commissioner Thomas MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON APPLICATIONS RZ-1997-DR-034 AND FDP-1997-DR-034 TO A DATE CERTAIN OF FEBRUARY 4, 1998, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers, Coan, and Murphy not present for the vote; Commissioner Downer absent from the meeting.

//

The meeting was adjourned at 1:35 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. Gibson

Approved on: July 21, 1999



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