

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 7, 2001**

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

ABSENT: Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:24 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Koch, to allow more time to review the revised development plan, MOVED THAT RZ-2000-SU-021, EQUITY HOMES LP, BE FURTHER DEFERRED FOR DECISION ONLY, STILL LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, TO FEBRUARY 15, 2001.

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

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In the absence of Commissioner Palatiello, Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONTINUE THE DECISION ONLY DEFERRAL ON RZ/FDP-1999-HM-022, COPPERMINE ASSOCIATES, TO A DATE CERTAIN OF MARCH 29, 2001.

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

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FS-S00-95 - AT&T WIRELESS, 12466 Henderson Road

Commissioner Murphy MOVED THAT WE CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S00-95.

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

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FS-S00-121 - AT&T WIRELESS, 11116 Henderson Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S00-121.

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

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There being no objections to the 2001 Committee assignments suggested in the February 7, 2001 memorandum, Chairman Murphy announced that he would entertain a motion to ratify those assignments. Commissioner Byers SO MOVED.

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

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Commissioner Murphy, to allow time for further review of transportation issues, MOVED THAT WE CONTINUE THE DEFERRAL OF THE PUBLIC HEARING ON SE-98-S-024, TRUSTEES OF KNOLLWOOD BAPTIST CHURCH, (FROM MARCH 7, 2001) TO A DATE CERTAIN OF MARCH 29, 2001.

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

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ORDER OF THE AGENDA

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

1. RZ-2000-MV-030 - COOPER-PAGE, INC.
SE-00-V-037 - COOPER-PAGE, INC.
2. RZ-2000-SU-037 - KEYSTONE LLC
3. RZ-2000-PR-035 - OAK STREET DEVELOPMENT CORPORATION

This order was accepted without objection.

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RZ-2000-MV-030 - COOPER-PAGE, INC. - Appl. to rezone from C-8 & R-1 to C-8 to permit commercial use with an overall FAR of .14 on property located in the S.E. quadrant of the intersection of Newington Rd. & Backlick Rd. on approx. 2.11 ac. Comp. Plan Rec: Retail & other related uses. Tax Map 99-1((1))4, 5D. (Concurrent w/SE-00-V-037.) MT. VERNON DISTRICT.

SE-00-V-037 - COOPER-PAGE, INC. - Appl. under Sect. 4-804 of the Zoning Ordinance to permit a service station, quick-service food store, car wash & a fast food restaurant with drive-through on property located in the S.E. quadrant of the intersection of Newington Rd. & Backlick Rd. on approx. 2.11 ac. zoned C-8. Tax Map 99-1((1))4, 5D. (Concurrent w/RZ-2000-MV-030.) MT. VERNON DISTRICT. JOINT PUBLIC HEARING.

Greg Reigle, Esquire, with McGuire, Woods, Battle & Boothe reaffirmed the affidavit dated January 18, 2001. There were no disclosures by Commission members.

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

Mr. Reigle stated that this proposal met all of the relevant criteria and that there were no unresolved staff issues. He explained that half of the subject property had historically been used as a service station and that the applicant intended to renovate that portion and incorporate an adjacent parcel to provide consolidated and coordinated community serving retail uses. He added that the property was surrounded by industrial uses and that the Mount Vernon Council of Civic Associations had voted not to oppose the applications. He concurred with staff's proposed development conditions.

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

Mr. Greg Granahan, 7015 Newington Road, Newington, as owner of an adjacent parcel, expressed his concern about the interparcel access shown on the applicant's development plan. He asked that the record reflect that no formal agreement had been made concerning interparcel access and that the statements in the staff report should not be interpreted as binding upon him. He also asked that a physical barrier such as a full hedge or fence be erected between the two parcels to prevent trash from blowing onto his property. (A copy of Mr. Granahan's statement is in the date file.)

Mr. Granahan responded to questions from Commissioners Murphy and Hall regarding his position on interparcel access.

Ms. Lavelle Dupell, 6700 Bulkley Road, Newington, spoke in support of the applications. She welcomed the addition of retail uses to the community. (A copy of Ms. Dupell's statement is in the date file.)

Mr. Howard Lee, 6721 Blanche Drive, Lorton, representing Raceway Farms, supported the applications and encouraged the Commission to recommend approval of this locally owned project.

There being no more speakers, Chairman Murphy called upon Mr. Reigle for a rebuttal statement.

Mr. Reigle assured the Commission that the issue of interparcel access would be decided in the context of development of the adjacent parcels and that there was no intent to obligate adjacent property owners. He added that there would be landscaping around the entire periphery and that the applicant would monitor the site frequently to ensure adequate trash pickup.

In response to questions from Commissioner Byers regarding a letter from Mr. Henry Sanko (copy in date file) also expressing concern about an interparcel access, Mr. Reigle stated that he had contacted Mr. Sanko and would continue to work with him as development of the property progressed.

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

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ-2000-MV-030, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE FOUND IN APPENDIX 1 OF THE STAFF REPORT.

RZ-2000-MV-030 - COOPER-PAGE, INC.
SE-00-V-037 - COOPER-PAGE, INC.

February 7, 2001

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

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE SE-00-V-037, SUBJECT TO THE DEVELOPMENT CONDITIONS FOUND IN APPENDIX 2 OF THE STAFF REPORT.

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

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD MODIFY THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE EASTERN PROPERTY BOUNDARY AND A PORTION OF THE NORTHERN PROPERTY BOUNDARY AS INDICATED ON THE SE PLAT.

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

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RZ-2000-SU-037 - KEYSTONE LLC - Appl. to rezone from R-1 & WS to R-3 & WS to permit residential development at a density of 2.32 du/ac on property located at the terminus of Folkers Landing, approx. 330 ft. N. of Mt. Olive Rd. on approx. 5.18 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 65-1((1))24A. SULLY DISTRICT. PUBLIC HEARING.

Stephen Fox, Esquire, reaffirmed the affidavit dated July 17, 2000. There were no disclosures by Commission members.

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

Mr. Fox stated that the application met all of the criteria outlined in the Comprehensive Plan. He explained the applicant's efforts to save trees and noted that access to the new development, including construction traffic, would be via the extension of Folkers Landing, with the temporary cul-de-sac being eliminated. He added that the private cemetery on the site would be preserved and protected. In response to a concern expressed by an adjacent property owner, Mr. Thomas Starr, he said that the applicant would see what could be done to re-orient the proposed home on Lot 1 to provide more buffer area for the property owner.

In response to questions from Commissioner Koch, Mr. Fox explained why the applicant was requesting a waiver of the provisions of the Public Facilities Manual to allow a smaller cul-de-sac on one portion of the property. He confirmed that the proffers had been amended to reflect the applicant's intent to provide access to the cemetery and would be amended to include a proffer indicating that the applicant would post no illegal signs.

In response to questions from Commissioner Alcorn, Mr. Fox stated, and Ms. Abrahamson confirmed, that the proffers had been amended to clarify that the distance between an adjacent pipeline easement and the nearest lot line would be a minimum of 15 feet. Ms. Abrahamson added that the exact distance would be determined during final engineering and might be as much as 20 feet. Mr. Fox assured Commissioner Alcorn and the rest of the Commission that there would be no clearing or grading of any type on the easement itself.

In response to questions from Commissioner Wilson, Mr. Fox explained that the application, including the request for a smaller cul-de-sac, had been reviewed by the Fire Marshall's Office. Ms. Abrahamson added that the Fire Marshall's Office would do a final review during the subdivision plan approval process.

Chairman Murphy called the first listed speaker.

Mr. Thomas Starr, 14508 Crim Station Road, Centreville, noted that his property was immediately adjacent to the entrance to the new subdivision. He expressed his concern about the restoration of his front yard after elimination of the temporary cul-de-sac and asked that the proposed home on Lot 1 be re-oriented to provide more of a buffer for his property.

In response to questions from Commissioner Byers, Mr. Starr stated that his home was approximately 12 feet from the lot line on the side adjoining the subject property.

Ms. Janet Bowman, 6818 Farrahs Cavalry Road, Centreville, representing Confederate Ridge II Homeowners Association, asked what type of spot improvements would be made to Mount Olive Road. She further asked that construction traffic not be allowed on the private drive west of Folkers Landing and that the applicant save two mature oak trees in the southeast corner of the site and one specimen oak tree located between proposed lots 10 and 11. (A copy of the statement submitted by Ms. Bowman is in the date file.)

Ms. Bowman responded to questions from Commissioners Hall, Koch and Smyth about the issues she raised.

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

Mr. Fox explained that there was an easement over the private drive for the subject property owner and others. He noted that the road currently extended into the subject property, but would

not be used for construction access. He added that the portion of the private drive on the subject property would be eliminated, but that the portion used by other landowners would be retained for their continued use.

In response to questions from Commissioner Smyth, Mr. Fox explained that engineers for the applicant were confident that the stormwater management area depicted on the development plan would be sufficient to meet applicable requirements. He added that final decisions as to what type of facility would work best would be made during the subdivision plan review process. He noted that Proffer Number 13 detailed the applicant's proposed tree save efforts, and that the specimen oak tree referred to by Ms. Bowman was specifically mentioned in that proffer.

Continuing his rebuttal statement, Mr. Fox noted that the purpose of the transportation proffer regarding the spot improvements on Mount Olive Road was to ensure that the money contributed by the applicant be used in the immediate area rather than simply added to the overall Centreville Road Fund for improvements anywhere in Centreville. He added that the nature and type of those spot improvements was not under the applicant's control. Regarding the restoration of Mr. Starr's front yard, Mr. Fox explained that the road work to eliminate the temporary cul-de-sac would be bonded and that the bond would not be released until the road work and restoration were complete. He reiterated that the applicant's engineers would examine the house footprint on proposed new Lot 1 to see if it was possible to re-orient the home to provide more of a buffer for Mr. Starr.

Commissioner Byers and Mr. Fox discussed the possible methods of restoring Mr. Starr's front yard. Commissioner Byers suggested that sod would be better than seeding to restore grass.

In response to questions from Commissioner Hall, Mr. Fox explained that the private drive had been the only means of access to the subject property before the construction of Folkers Landing. He reiterated that the portion of the road on the subject property would be removed during the construction process.

In response to questions from Commissioner Smyth, Mr. Fox stated that a new Proffer Number 10 would be drafted that would include notification to potential purchasers of the proximity of the pipeline easement and the restriction on deck building in that area.

In light of the changes needed to the proffers, Commissioner Koch announced his intention to defer decision on this case until February 15, 2001. Mr. Fox agreed and noted that he would also draft a proffer indicating that the private drive would not be used for construction traffic.

In response to questions from Commissioner Alcorn, Ms. Abrahamson explained that the applicant would have to obtain permits if any blasting was required and that prior to the issuance of those permits, the impact on the pipeline would be considered.

Commissioner Hall commended Mr. Fox for including Proffer Number 9 regarding disclosure of the proximity of the shooting range on the Izaak Walton League property nearby. She suggested, however, that the hours of operation and/or the days of operation, be included in that disclosure. Mr. Fox concurred.

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

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Commissioner Koch MOVED TO DEFER, FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, RZ-2000-SU-037, TO FEBRUARY 15, 2001.

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

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RZ-2000-PR-035 - OAK STREET DEVELOPMENT CORPORATION -
Appl. to rezone from R-2 to R-4 to permit residential development at a density of 2.3 du/ac on property located on the S.E. side of Idylwood Rd., at its intersection w/Barbour Rd. on approx. 2.19 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 40-3((20))1-4. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, Hazel & Thomas, reaffirmed the affidavit dated January 9, 2001. There were no disclosures by Commission members.

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

In response to questions from Commissioner Moon, Ms. Abrahamson explained that if the subject property changed ownership after the rezoning was approved, a Proffered Condition Amendment application would be required before any increase in density would be allowed.

In response to a question from Commissioner Smyth, Ms. Abrahamson acknowledged that it was unusual that the applicant in this case had not been allowed any credit at all for the first residential density criteria.

In response to questions from Commissioner Byers, Ms. Abrahamson explained that the determination as to whether an applicant was asked to dedicate right-of-way or actually

construct frontage improvements was made on a case-by-case basis and that there were a number of factors considered in making that decision.

Mr. Lawrence explained that this application would result in only one additional home on the subject property. He added that the density requested was below the mid-range recommended in the Comprehensive Plan and that the proposal was compatible with existing development. He noted that the new subdivision would reduce the number of access points on Idylwood Road from two to one; provide a substantial amount of tree save area; and include lots larger than those of surrounding developments. Mr. Lawrence added that Proffer Number 3 would be amended to clarify the applicant's intentions regarding protection of the tree save areas during construction. He stated that Proffer Number 6 had been deleted because the previously proposed acoustical fence would have been located on a corner lot and, according to the Zoning Ordinance, both sides of a corner lot were considered front yards and a six-foot fence was not allowed in a front yard. He further explained that the area where the fence would have been located was currently wooded and the present property owner did not want the trees removed to install a fence.

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

In response to a question from Commissioner Alcorn, Mr. Lawrence repeated that the alternative to the previously proposed acoustical fence was existing vegetation. He added that the fence was not needed for the new homes which would be shielded from road noise by the existing homes.

In response to questions from Commissioner Smyth, Mr. Lawrence confirmed that the main purpose of the request for the R-4 District was to avoid the need for a variance for a narrow lot width. He pointed out that the effective density would be only slightly increased, 2.3 dwelling units per acre (du/ac) rather than 2.0 du/ac, and that any proposal to increase the density further would require a Proffered Condition Amendment application which would involve a full public hearing process.

In response to another question from Commissioner Smyth, Mr. Lawrence confirmed his intent to revise Proffer Number 2 to indicate that only the new homes would be required to meet the guidelines for energy efficiency.

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

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ-2000-PR-035 TO A DATE CERTAIN OF FEBRUARY 21, 2001, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

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

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The meeting was adjourned at 9:56 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Gloria L. Watkins

Approved on: October 18, 2001

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