

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 11, 1999**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
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
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Carl A. S. Coan, Jr., Providence District

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The meeting was called to order at 8:23 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 Palatiello noted that the Commission had voted unanimously last night to recommend denial of CPA-86-C-121-4 and DPA-86-C-121, by Westerra Reston, LC, for a proposed service station/quick service food store/fast food restaurant in the Reston Town Center. He noted that, under the special process established for the Town Center, the Conceptual Plan Amendment did not go to the Board of Supervisors and that the Commission's action to recommend denial would cause problems in the future if the Board approved the Development Plan Amendment. He, therefore, **MOVED THAT THE PLANNING COMMISSION RECONSIDER ITS DECISION ON CPA-86-C-121-4.**

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

Commissioner Palatiello then **MOVED THAT THE PLANNING COMMISSION DEFER INDEFINITELY ITS DECISION ON CPA-86-C-121-4.**

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

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#8122-SP-02 - 8008 WESTPARK DRIVE (Providence District)

In Commissioner Coan's absence, Commissioner Alcorn noted that the above-referenced site plan was in conformance with the applicable proffers and therefore **MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES OR HIS DESIGNEE APPROVE THE SITE PLAN FOR THE PARKING STRUCTURE AT 8008 WESTPARK DRIVE IN ACCORDANCE WITH NORMAL PROCEDURES.**

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

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Chairman Murphy appointed John Byers, Mount Vernon District Commissioner, and Laurie Wilson, At-Large Commissioner, to the Laurel Hill Task Force recently reconstituted by the Board of Supervisors to review the District of Columbia's Department of Corrections property in Lorton.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. SEA-83-C-065-3 - WIRELESS PCS, INC. D/B/A AT&T WIRELESS SERVICES
2232-H98-8 - WIRELESS PCS, INC. D/B/A AT&T WIRELESS SERVICES
2. S98-II-M1 - OUT-OF-TURN PLAN AMENDMENT

This order was accepted without objection.

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2232-H98-8 - WIRELESS PCS, INC. D/B/A AT&T WIRELESS SERVICES - Appl. under Sect. 15.2-2232 of the *Code of VA* to permit a telecommunications facility on property located at 2610 Reston Pkwy. on approx. 1.68 ac. zoned R-2. Tax Map 26-3(1))22 & 22A. (Concurrent w/SEA-83-C-065-3.) HUNTER MILL DISTRICT.

SEA-83-C-065-3 - WIRELESS PCS, INC. D/B/A
AT&T WIRELESS SERVICES
2232-H98-8 - WIRELESS PCS, INC. D/B/A
AT&T WIRELESS SERVICES

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SEA-83-C-085-3 - WIRELESS PCS, INC. D/B/A AT&T WIRELESS SERVICES - Appl. under Sect. 3-204 of the Zoning Ord. to amend SE-83-C-065 for radio, television, & microwave facilities & telecommunications facility to permit an increase in height & bldg. addition on property located at 2610 Reston Pkwy. on approx. 1.68 ac. zoned R-2. Tax Map 26-3(11))22 & 22A. (Concurrent w/2232-H98-8.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Edward Donohue, Esquire, with Margolius, Mallios, Davis, Rider, and Tomar, reaffirmed the affidavit for SEA-83-C-065-3 dated August 12, 1998. There were no disclosures by Commission members.

Commissioner Palatiello asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITIES PROPOSED UNDER 2232-H98-8 SATISFY THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND ARE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

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

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-83-C-065-3, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 8, 1999.

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

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN PROPERTY BOUNDARY IN FAVOR OF THE EXISTING VEGETATION AS SHOWN ON THE SEA PLAT AND AS CONDITIONED.

SEA-83-C-065-3 - WIRELESS PCS, INC. D/B/A
AT&T WIRELESS SERVICES
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Commissioners Byers and Thomas seconded the motion which carried by a vote of 10-0-1 with Commissioner Harsel abstaining; Commissioner Coan absent from the meeting.

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S98-II-M1 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County in accordance w/the *Code of VA*, Title 15.2, Chap. 22, concerning approx. 24.14 ac. S. of Rt. 123 on property generally located 1,000 ft. E. of Great Falls St. w/frontage on Rt. 123 & Chain Bridge Rd. The subject property is planned for residential use at a density of 5-8 & 3-4 du/ac. This Amendment will consider providing an option for public open space, a farm park, or community serving facilities. Recommendations relating to the transportation network may also be modified. Tax Map 30-1((1)) 37, 38, 38B, 39, 41, 42, pt. 42B & 92. DRANESVILLE DISTRICT. PUBLIC HEARING.

Bruce Douglas, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposal.

Mr. Douglas and Fred Selden, PD, DPZ, responded to questions from Commissioner Downer regarding the current Plan recommendation for the subject property. They noted that there was no specific text in the Plan and that the map designation for residential use probably dated back to the 1970s.

In reply to Commissioner Downer's inquiry, Mr. Douglas stated that staff had previously recommended options for park or public uses on privately owned properties. He said that he was aware of at least two instances in the most recent Area Plans Review in 1997. Mr. Selden cited an example of privately-owned property near Huntley Meadows Park that had been replanned from residential use to private open space in recognition of community sentiment that the property should be preserved and added to the park. He acknowledged that the property did not have a pending rezoning application at the time, as the subject property did.

Commissioner Downer noted that she had received a letter from Ralph Evans, owner of the subject property, objecting to the proposed option and citing reduced property value as part of his reason. She expressed her concern and concurred that park land was obviously not worth as much as residential land. Commissioner Downer and Mr. Selden further discussed this issue.

Mr. Selden responded to questions from Commissioners Hall and Alcorn regarding the Park Authority's acquisition and planning processes. Mr. Selden confirmed Commissioner Alcorn's

statement that the Policy Plan contained language supporting the general need for park land for both passive and active recreation uses.

Mr. Selden responded to questions from Commissioner Palatiello regarding the current Comprehensive Plan recommendation and the current zoning of the subject property as well as what could happen if the property was sold to the County for use as park land.

Mr. Selden and Mr. Douglas replied to questions from Commissioner Byers regarding other parks in the vicinity of the subject property, previous opportunities to change the Plan and the effect the proposed option would have on the pending rezoning. Mr. Selden stated that staff could not comment on the possible selling price of the subject property.

In response to Commissioner Murphy, Mr. Selden said that, to his knowledge, there had been no previous attempts, either by individuals or the County, to replan the subject property for park use.

Mr. Douglas replied to questions from Commissioner Alcorn regarding the Occoquan Basin Study controversy some years ago. Commissioners Murphy and Byers also commented on this issue.

In response to a question from Commissioner Wilson, Mr. Selden said he did not believe that the subject property was identified as park land in the Park Authority's 10-year plan.

In reply to Commissioner Downer, Mr. Douglas stated that there was no Park Authority representative present tonight.

Chairman Murphy briefly explained the purpose of tonight's public hearing and the Commission's role in the process. He then called the first listed speaker and recited the rules for public testimony.

Lilla Richards, 8703 Brook Road, McLean, said that this was an unusual situation. She noted that efforts were ongoing in the community to raise money to save the Evans Farm from residential development. She stated that the property had been a park for more than 40 years and that the community had tolerated many iterations of uses not normally permitted by the Zoning Ordinance. She explained that there was an investigation pending regarding illegal use of a portion of the subject property for a photography studio, but that other current uses had approval from the Board of Zoning Appeals since 1956. She commented on the history of the site and presented slides depicting land uses in the area. (Copies of her exhibits are in the date file.)

Frederick McNulty, 1443 Dewberry Court, McLean, co-chair of the Coalition to Save Evans Farm and President of the Broyhill-McLean Estates Civic Association, supported the proposed amendment to add an option for public open space, a farm park, or community serving facilities. He commented that Mr. Evans had not informed the community of his intent to sell his property and said that the terms of sales contract should be made available to the Coalition for financial

In reply to Commissioner Downer regarding whether the Coalition supported partial use of the subject property for park purposes, Mr. McNulty said that the Coalition was willing to discuss that issue further.

Mr. McNulty responded to further questions from Commissioners Downer and Murphy regarding the Coalition's efforts and intentions.

The following individuals also spoke in support of the proposed option. They cited the community's desire to save the farm, heritage preservation, and the need for park land in McLean as their main reasons.

3. Elizabeth Watts, 7426 Colshire Drive, #1, McLean
4. Carole Herrick, 1119 Laurelwood Drive, McLean
5. Mary McClellan, 1233 Daleview Drive, McLean
6. John Dukovich, 1201 Pine Hill Road, McLean, representing the Sierra Club
7. Herb Becker, 2009 Lorraine Avenue, McLean
8. Richard Poole, 817 Mackall Avenue, McLean
9. Kira Finkler, 6904 Strata Street, McLean
10. Bonnie Stender, 6904 Strata Street, McLean

Ms. Herrick responded to questions from Commissioner Byers; Ms. McClellan responded to questions from Commissioner Downer; Mr. Dukovich responded to questions from Commissioners Murphy, Downer, and Alcorn; Mr. Becker responded to questions from Commissioners Murphy and Hall; and Mr. Poole responded to questions from Commissioner Hall regarding their respective positions.

In response to questions from Commissioner Hall, Mr. Selden said that a Plan Amendment was not necessary to enable the Coalition to negotiate with Mr. Evans or the contract purchaser for acquisition of the subject property or to preserve the property for park land once it was acquired. He added that the nomination had been proposed in response to community concerns.

In response to questions from Commissioner Alcorn, Mr. Selden briefly explained the planning and zoning process and Mr. Douglas stated that this amendment was nominated on October 12, 1998 and the Board of Supervisors' discussion of the proposal to create a special tax district was held on December 7, 1998.

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The Commission went into recess at 10:30 p.m. and reconvened in the Board Auditorium at 10:45 p.m.

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The public hearing continued, with the following speakers also supporting the proposed amendment.

11. Elizabeth Oberdorfer, 1423 Kirby Road, McLean
12. Carol Waterman, 7014 Statendam Court, McLean
13. David J. Cooper, 7238 Evans Mill Road, McLean
14. Margaret Goodwin, 1 102 Carper Street, McLean
15. Rufus Phillips, 1453 McLean Mews Court, McLean
16. Jerry Nelson, 6926 Espey Lane, McLean
17. Mary Katherine Ishee, 1741 N. Troy Street, #430, Arlington

Mr. Cooper responded to questions from Commissioner Kelso regarding other land uses in the area and Mr. Phillips responded to questions from Commissioner Downer regarding property values and the Planning Commission's role.

Ralph Evans, owner of the Evans Farm Inn, 1696 Chain Bridge Road, McLean, strongly opposed the amendment which he considered an invasion of his property rights. He spoke about the taxes paid over the years and said that approval of the proposed amendment would reduce the value of his property should the current sales contract not be completed for any reason. He noted that he had operated the Inn for 42 years and had graciously allowed the grounds to be used by the community at his family's expense. He said that West*Group, contract purchaser of the property, intended to preserve the pond and mill as part of the proposed residential development.

Mr. Evans said that the actions of the Coalition had been disruptive to him, his family, his employees, and the business in general.

In response to questions from Commissioner Hall, Mr. Evans said that no one in the community had ever approached him to inquire about his plans or expressed a desire to purchase the property. He noted that, in a gesture of openness, West*Group had provided a tour of a development similar to the one planned for the subject property.

Mr. Evans responded to questions from Commissioner Palatiello regarding his position and the impact of this proposal on his property should the contract with West*Group not be completed.

In reply to Commissioner Hall, Mr. Evans said that the migratory geese who used the pond would no doubt continue to do so after residential development took place, but that the other animals currently on the property would be relocated.

In response to a question from Commissioner Hall, Mr. Evans said there were no historic buildings on the subject property.

The next four speakers also supported the proposed amendment.

19. Caroline Pickens, 7009 Girard Street, McLean
20. Mark Norton, 2422 Nottingham Drive, Falls Church
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21. William J. Byrnes, 7921 Old Falls Road, McLean
22. William Frazer, 1403 Pathfinder Lane, McLean

Mr. Byrnes responded to questions from Commissioners Palatiello and Wilson concerning his position. Commissioner Wilson commented that the sales contract between Mr. Evans and West*Group was a private document and that neither party had any obligation to produce the document or reveal its contents.

Mr. Frazer responded to questions from Commissioners Murphy and Wilson regarding his position.

Commissioner Palatiello commented on other options available that would make this proposed Plan Amendment unnecessary. He invited any of the previous speakers to address this issue.

Ms. Richards returned to the podium. She explained that the Coalition was working on alternative funding sources and commented that the Board of Supervisors, Supervisor Mendelsohn specifically, had suggested that a Plan Amendment be submitted for the Planning Commission's review.

Jonathan Rak, Esquire, with Wilkes, Artis, Hedrick and Lane, 11320 Random Hills Road, Suite 600, Fairfax, spoke on behalf of West*Group, contract purchasers of the subject property. He briefly discussed the events leading up to tonight's public hearing. He noted the number and size of existing parks in the McLean area and maintained that there was no need or justification for designation of the subject property as park land and outlined the loss of revenue and costs to Fairfax County if the proposed option was approved and implemented. Mr. Rak pointed out that the Evans Farm property had been planned and zoned for residential use for decades and that West*Group had contracted to purchase the property and filed its rezoning application on that basis. He noted that he had been informed by DPZ staff that the pending rezoning would be evaluated in terms of the new language if this proposed amendment was approved before the public hearing on the rezoning took place. Mr. Rak indicated his willingness to meet and work with the Commission, staff, and citizens to resolve the outstanding issues.

In response to a question from Commissioner Hall, Mr. Rak said it was West*Group's intention to preserve a total of five acres of open space on the subject property, and that two plus of those acres, in the vicinity of the existing pond and mill, would be accessible to the public.

In reply to Commissioner Alcorn's inquiries, Mr. Rak confirmed that, if the proposed option was adopted, he supported additional language regarding acquisition of the land. Mr. Selden commented that staff did not generally support Plan language regarding acquisition or implementation of Plan recommendations for park land.

Commissioner Murphy, Mr. Selden, Mr. Rak, and Commissioner Hall discussed the possibility

and implications of designating only a portion of the subject property for park use. Mr. Rak

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commented that the type of ownership, either public or private, was also an issue that should be addressed.

Commissioner Byers stated that there was no urgency for this Plan Amendment and suggested that a decision be delayed until after the rezoning hearing.

Diane D'Arcy, 2016 Highboro Way, Falls Church, also supported the proposed amendment. She confirmed statements of earlier speakers that this Plan Amendment had been submitted following a suggestion by Supervisor Mendelsohn. She quoted from a verbatim transcript of the discussion regarding this item at the Board of Supervisors' meeting. She noted that the proposed amendment would put into writing the underlying residential recommendation for the subject property which at present was a map designation only.

Commissioners Palatiello and Alcorn requested that verbatim transcripts of the Board's discussion on the tax referendum issue and the authorization of this proposed Out-of-Turn Plan Amendment be provided to the Commission prior to its decision.

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

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Commissioner Downer MOVED TO DEFER DECISION ON S98-II-M1 TO A DATE OF MARCH 4, 1999.

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

Commissioner Downer MOVED THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING, PENDING THE PLANNING COMMISSION RECOMMENDATION.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Coan absent from the meeting.

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The meeting was adjourned at 12:40 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

CLOSING

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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: Gloria L. Watkins

Approved on: May 18, 2000

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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