

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 17, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ilryong Moon, Commissioner At Large
John B. Kelso, Lee District
Ronald W. Koch, Sully District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Judith W. Downer, Dranesville District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

#5914-SD-01-2 - LAUREL CREEK (Lee District)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE THE SUBMISSION OF SITE PLAN #5914-SD-01-2 ADMINISTRATIVELY FOR LAUREL CREEK AS IN FULL COMPLIANCE WITH RZ-1998-LE-044 AND ASK STAFF TO NOTIFY THE OFFICE OF SITE DEVELOPMENT SERVICES OF OUR FINDINGS.

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

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ZONING ORDINANCE AMENDMENT WORK PROGRAM 2000

As Chairman of the Policy and Procedures Committee, Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE PROPOSED ZONING ORDINANCE AMENDMENT WORK PROGRAM FOR 2000 AS SET FORTH IN THE MEMORANDUM OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING DATED FEBRUARY 16, 2000, WITH THE RECOMMENDATION THAT ITEM NO. 22 OF PRIORITY 2 BE MOVED TO A PRIORITY 1 ITEM.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for tonight's agenda items:

1. ZONING ORDINANCE AMENDMENT (Off-Street Parking)
2. RZ-1999-MV-057 - LORTON SOUTH, LC
FDP-1999-MV-057 - LORTON SOUTH, LC
PCA-86-V-045 - LORTON SOUTH, LC
3. RZ-1999-MV-025 - ELMWOOD LLC
SE-99-V-020 - ELMWOOD LLC
PCA-1996-MV-037-2 - ELMWOOD LLC
4. SE-99-Y-041 - CHADSWORTH HOMES
5. PCA-87-S-039-3 - FAIRFAX CORNER MIXED USE LC
FDPA-87-S-039-7 - FAIRFAX CORNER MIXED USE LC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Off-Street Parking) - To amend Chap. 112 of the 1976 Fairfax County Code to revise the minimum off-street parking requirement for shopping centers.
PUBLIC HEARING.

Ms. Donna Pesto, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 4 and 5 of the staff report.

In response to questions from Commissioner Byers, Ms. Pesto confirmed that approval of this proposed amendment would allow expansion of major shopping centers, including the addition of free-standing uses.

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

Mr. Charles Cope, General Manager of Tysons Corner Center in McLean, spoke in support of the proposed amendment. He spoke about the history of the shopping center and said that the changes were needed to keep the Center competitive in the era of e-commerce.

Mr. Martin Wells, with Wells and Associates, the parking consultant firm that prepared the parking study upon which the proposed amendment was based, also spoke in support. He presented highlights of the study.

In response to questions from Commissioner Byers, Mr. Wells stated that, as a practical consideration, free-standing additions would not be a likely means of expansion due to parking requirements, even taking into account the reduced requirements proposed by this Ordinance Amendment.

Mr. Wells and Ms. Pesto responded to questions from Commissioners Palatiello, Alcorn, Wilson, Harsel and Kelso regarding the information in the study and the impact of the reduced parking requirements.

Antonio Calabrese, Esquire, with McGuire, Woods, Battle & Boothe, stated that most of the topics he intended to cover had already been discussed. He said that the larger shopping centers in Fairfax County were overparked and that this proposal was a good balance between the current requirements and national standards. He added that the bottom line was if customers couldn't find a place to park, they wouldn't return and retailers certainly wouldn't do anything to jeopardize their customer base.

Ms. Eileen McLane, ZAD, DPZ, and Mr. Bob Owolabi, Department of Transportation, responded to questions from Commissioner Alcorn regarding national parking standards.

In response to questions from Commissioner Hall, Ms. Pesto confirmed that there was a potential for expansion of major shopping centers if the proposed amendments were approved. She added that whether a public hearing before the Planning Commission would be required for expansions would depend on various issues.

At Commissioner Hall's request, Mr. Calabrese returned to the podium. He assured the Commission that Tysons Corner Center did not plan any free-standing buildings. He said that any additions would be either within the mall itself or attached to it.

In response to questions from Commissioner Wilson, Ms. McLane confirmed that staff was comfortable with the proposed changes. Concerning the impact that previous similar proposals had had on smaller shopping centers, Ms. McLane stated that she was not aware of any complaints about the reduced parking requirements.

Commissioner Smyth commented that this was a consumer-driven amendment and if consumers had problems parking at one mall, they would patronize another mall. She said that astute business managers would not jeopardize their businesses by offending customers and that she intended to support the amendment.

Commissioner Hall said she also would support the amendment, but suggested that the business managers investigate the problems at 7 Corners Shopping Center, where she had also been assured that everything would work out all right and it didn't exactly turn out as planned.

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

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING OFF-STREET PARKING FOR SHOPPING CENTERS, AS SET FORTH IN THE STAFF REPORT DATED JUNE 7, 1999, WITH A CHANGE TO EXCLUDE MALL AREAS FROM THE PARKING CALCULATIONS FOR SHOPPING CENTERS OVER 400,000 SQUARE FEET, BUT UNDER A MILLION SQUARE FEET OF GROSS FLOOR AREA, BY REVISING PARAGRAPH 25B OF SECTION 11-102 OF THE ZONING ORDINANCE TO READ AS FOLLOWS: "B. MALL AREAS IN SHOPPING CENTERS OF LESS THAN ONE MILLION SQUARE FEET OF GROSS FLOOR AREA, WHICH SHALL BE CALCULATED AS CONSISTING OF THE SUM OF ALL FLOORS OF THE MALL MEASURED FROM THE INTERIOR FACES OF THE WALLS OF THE MALL, SHALL BE EXCLUDED FROM GROSS FLOOR AREA."

Commissioner Kelso seconded the motion which carried by a vote of 8-2 with Commissioners Palatiello and Wilson opposed; Commissioners Downer and Murphy absent from the meeting.

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Prior to the hearing of the next six applications in the Mount Vernon District, Secretary Harsel assumed the Chair.

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RZ-1999-MV-057 - LORTON SOUTH, LC - Appl. to rezone from R-12 to PDH-8 to permit residential development at a density of 7.09 du/ac & approval of the conceptual development plan on property located on the N. side of Gunston Hill Ln. & at the N. terminus of Cranford St. on approx. 37.51 ac. Comp. Plan Rec: 8-12 du/ac. Tax Map 107-4((1))42, 43, 58; 107-4((6))4, 5, 6 & 7. (Concurrent w/FDP-1999-MV-057 & PCA 86-V-045.) MOUNT VERNON DISTRICT.

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FDP-1999-MV-057 - LORTON SOUTH, LC - Appl. to approve the final development plan for RZ-1999-MV-057 to permit residential development on property located on the N. side of Gunston Hill Ln. & at the N. terminus of Cranford St. on approx. 37.51 ac. zoned PDH-8. Tax Map 107-4((1))42, 43, 58; 107-4((6))4, 5, 6, & 7. (Concurrent w/RZ-1999-MV-057 & PCA 86-V-045.) MOUNT VERNON DISTRICT.

PCA-86-V-045 - LORTON SOUTH, LC - Appl. to amend the proffers for RZ-86-V-045 to delete land area to permit the property to be rezoned pursuant to RZ-1999-MV-057 w/an overall density of 7.09 du/ac on property located on the N. side of Gunston Hill Ln. & at the N. terminus of Cranford St. on approx. 37.51 ac. zoned R-12. Comp. Plan Rec: 8-12 du/ac. Tax Map 107-4((1))42, 43, 58; 107-4((6))4, 5, 6, & 7. (Concurrent with RZ-1999-MV-057 & FDP-1999-MV-057.) MOUNT VERNON DISTRICT.
JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated January 27, 2000. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application due to outstanding transportation, environmental, and urban design issues discussed in detail in the staff report. He added that the applicant had recently agreed to address most of these issues and that an addendum would be prepared after the new proffers were submitted.

Commissioner Byers announced his intention to defer the decision on these applications.

Mr. Martin explained that this application and the following one represented the completion of a project begun with a previous rezoning for the development of a 300-acre assemblage. He said that, following a three-hour negotiation session fortified with Commissioner Byers' "lethal blend" of coffee, agreements were reached which would be confirmed in new proffers that would be submitted as soon as possible. Mr. Martin listed the changes to be made, including landscaping, tree save and transportation improvements. He added that none of the proposed dwelling units would be within the 200-foot setback from a major highway and that all environmental issues would be adequately addressed.

Mr. Martin responded to questions from Commissioners Byers, Harsel, and Wilson concerning the amount of open space and the type of streets to be provided.

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Secretary Harsel called the first listed speaker.

Mr. Paul Orentas, 9689 Eaton Woods Place, Lorton, representing the Gunston Square Homeowners Association, spoke in support of the applications.

Mr. Orentas responded to questions from Commissioner Alcorn concerning bus routes in the area.

Mr. Linwood Gorham, 6036 Chapman Road, Lorton, representing the Federation of Lorton Communities, also supported the applications.

In response to a question from Commissioner Harsel, Mr. Martin stated that the single family detached lot sizes would be approximately 3600 square feet.

There being no further speakers, comments or questions from the Commission and Mr. Braham having no closing staff remarks, Secretary Harsel closed the public hearing and recognized Commissioner Byers for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Byers MOVED THAT WE DEFER THE DECISION ONLY ON RZ AND FDP-1999-MV-057 AND PCA-86-V-045 TO A DATE CERTAIN OF 16 MARCH 2000 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Kelso and Wilson seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

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RZ-1999-MV-025 - ELMWOOD LLC - Appl. to rezone from I-3, I-6 & PDH-5 to C-6 to permit commercial development w/an overall FAR of 0.12 on property located on the E. side of the RF&P Railroad & of the S. side of Lorton Rd., approx. 300 ft. W. of its intersection w/Timarand Dr. on approx. 32.97 ac. Comp. Plan Rec: Mixed Use. Tax Map 107-4((1))52, 53, 55, 56, 57 & 17A1 pt. (Concurrent w/SE-99-V-020 & PCA-96-MV-037-2.) MOUNT VERNON DISTRICT.

SE-99-V-020 - ELMWOOD LLC - Appl. under Sect. 4-604 of the Zoning Ord. to permit an automobile oriented use, fast food restaurants w/drive through windows, service station/ mini-mart, car wash, drive-in bank & increase in bldg. height

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on property located on the E. side of the RF&P Railroad & of the S. side of Lorton Rd., approx. 300 ft. W. of its intersection w/Timarand Dr. on approx. 32.97 ac. zoned C-6. Tax Map 107-4((1))52, 53, 55, 56, 57, & 17A1 pt. (Concurrent w/RZ-1999-MV-025 & PCA-1996-MV-037-02.) MOUNT VERNON DISTRICT.

PCA-1996-MV-037-2 - ELMWOOD LLC - Appl. to amend the proffers for RZ-1999-MV-037 to permit land area to be severed & incorporated into commercial development w/an overall FAR of 0.12 associated w/RZ-1999-MV-025 on property located on the E. side of RF&P Railroad & on the S. side of Lorton Rd., approx. 300 ft. W. of its intersection w/Timarand Dr. on approx. 2.06 ac. zoned PDH-5. Comp. Plan Rec: Mixed Use. Tax Map 107-4((1))17A1 pt. (Concurrent w/RZ-1999-MV-025 & SE-99-V-020.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated February 2, 2000. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application due to outstanding transportation, environmental, and urban design issues discussed in detail in the staff report. He added that the applicant had recently agreed to address most of these issues and that an addendum would be prepared after the new proffers were submitted.

Mr. Braham responded to questions from Commissioner Wilson regarding the applicant's development plan, from Commissioner Kelso concerning Lot 44, an industrially zoned property nearby that was not part of these applications, and again from Commissioner Wilson regarding the outlet road connected to Lot 44.

Mr. Martin explained that these three applications were requests for commercial development to include a shopping center with a clock tower, a pharmacy and fast food restaurant with drive-through windows, and a service station with a mini-mart and fast food restaurant. He noted that there would be common characteristics in terms of landscaping, streetscaping, lighting and architectural details. He added that the center would include plazas with wide sidewalks, planters and bike racks to provide a pedestrian-friendly space. Mr. Martin discussed the transportation improvements to be made and said that tree preservation and transitional screening would be provided between the center and the existing residential neighborhood. He said that all environmental issues

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would be addressed, including provision of additional landscaping around stormwater management facilities. He supported deferral of a decision on these cases pending staff's evaluation of the latest proffers.

Mr. Martin responded to questions from Commissioner Wilson concerning the trail along realigned Lorton Road and from Commissioner Palatiello concerning the clock tower and pad sites.

Secretary Harsel called for speakers from the audience.

Mr. Linwood Gorham, 6036 Chapman Road, Lorton, representing the Federation of Lorton Communities, supported the applications, with the recommendation that offices not be built over retail uses and that some funds be set aside for engineering related to the replacement of the one-lane bridge over Gunston Cove Road.

Mr. Gorham responded to questions from Commissioners Byers, Harsel, Wilson and Kelso regarding the Federation's two recommendations.

There being no further speakers, Secretary Harsel called upon Mr. Martin for a rebuttal statement. Mr. Martin declined, therefore Secretary Harsel asked for closing staff comments.

Mr. Braham noted that the current set of proffers did include a commitment by the applicant to perform an engineering study for replacement of the one-lane bridge.

Mr. Braham responded to questions from Commissioner Palatiello regarding the pad sites, drive-through windows and the products allowed to be sold at those windows; and from Commissioner Wilson regarding the clock tower.

There being no further comments or questions from the Commission, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on these applications. (Verbatim excerpts are in the date file.)

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Commissioner Byers MOVED THAT WE DEFER THE DECISION ONLY ON RZ-1999-MV-025, SE-99-V-020, AND PCA-1996-MV-037-2 TO A DATE CERTAIN OF 16 MARCH 2000 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Wilson, Hall, and Kelso seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

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RECESS

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(At the conclusion of these cases in the Mount Vernon District, Vice Chairman Byers resumed the Chair and called a recess. The Commission went into recess at 10:25 p.m. and reconvened in the Board Auditorium at 10:35 p.m.)

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SE-99-Y-041 - CHADSWORTH HOMES, INC. - Appl. under Sect. 9-615 of the Zoning Ord. to permit a cluster subdivision on property located at 13118 Thompson Rd. on approx. 6 ac. zoned R-1. Tax Map 35-3((2))A1. SULLY DISTRICT. PUBLIC HEARING.

Mark Jenkins, Esquire, attorney for the applicant, reaffirmed the affidavit dated September 17, 1999. There were no disclosures by Commission members.

Ms. Susan Johnson, 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. Jenkins stated that the 6-acre subject property had several prominent features that were preserved in the applicant's plan, fulfilling the goal of a cluster subdivision to minimize disruption of existing conditions. He noted that 28 percent of the site would remain in open space, including a small stream and accompanying environmental quality corridor (EQC). He added that the average lot size would be 27,700 square feet, which was larger than those in surrounding developments. Mr. Jenkins said that additional plantings were proposed in an area where the existing tree line was narrow and that the four pipestem lots contributed to the developer's ability to save the existing vegetation to the north. He reported that a stormwater management pond was shown on the generalized development plan in the event that the proposed waivers were not granted. Mr. Jenkins commented on the road improvements planned and noted that in discussions with the citizens representing Franklin Glen, interest was expressed in having this new subdivision join the Franklin Glen Homeowners Association. He indicated his willingness to answer any questions the Commissioners might have.

Vice Chairman Byers called the only listed speaker for this application.

Mr. Ray Weekley, 13110 Thompson Road, Fairfax, spoke in support of the application. He commended the applicant for the proposed tree save plan. He asked whether the property would have sewer connections or septic fields. He also asked that he be allowed to attend the pre-construction meeting so that he could be assured that environmental concerns were adequately addressed.

In response to a question from Commissioner Koch, Ms. Johnson confirmed that Mr. Weekley, as an adjoining landowner, would receive notice when the subdivision

plan was filed and that he could visit the Department of Public Works and Environmental Services to review the plan.

There being no further speakers, Vice Chairman Byers called upon Mr. Jenkins for a rebuttal statement.

Mr. Jenkins explained that sanitary sewer would be provided to the subject property via an existing public easement across Thompson Road from the Franklin Glen subdivision. He added that the stormwater facilities, if not waived, would consist of a dry pond to temporarily hold water only when needed.

In response to questions from Commissioner Byers, Ms. Johnson said that the limits of clearing and grading along Lot 6 were not shown because there were no trees in that area to be cleared. Commissioner Byers pointed out, however, that there would be grading associated with construction of the home on that lot and that the limits of grading should be shown. Ms. Johnson concurred.

In response to questions from Commissioner Byers, Mr. Jenkins acknowledged that the plan did not show the supplemental plantings proposed between the subject property and Mr. Weekley's property, but noted that they were outlined in the development conditions. He added that the plantings would be done in consultation with the County Arborist.

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

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-99-V-041, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 17, 2000.

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

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PCA-87-S-039-3 - FAIRFAX CORNER MIXED USE LC - Appl. to amend the proffers & conceptual development plan for RZ-87-S-039 to permit changes to the design & layout of previously approved mixed use development w/an overall FAR of 0.35 on property generally located S. of Random Hills Rd., N. of the Fairfax County Govt. Center, & E. of the intersection of

Monument Dr. & Govt. Center Pkwy. on approx. 48.06 ac. zoned PDC. Comp. Plan Rec: Fairfax Center Area: Office/Mixed Use. Tax Map 56-1((1))41, 41A, 41B, 41C, 41D, 41E, 41F, & 47. (Concurrent w/FDPA-87-S-039-7.) SULLY DISTRICT.

FDPA 87-S-039-7 - FAIRFAX CORNER MIXED USE LC - Appl. to amend the seventh final development plan for RZ-87-S-039 to permit changes to the design & layout of previously approved mixed use development on property generally located S. of Random Hills Rd., N. of the Fairfax County Govt. Center & E. of the intersection of Monument Dr. & Govt. Center Pkwy. on approx. 48.06 ac. zoned PDC. Tax Map 56-1((1)) 41, 41A, 41B, 41C, 41D, 41E, 41F, & 47. (Concurrent w/PCA 87-S-039-3.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated February 10, 2000. There were no disclosures by Commission members.

Ms. Susan Johnson, 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. Johnson responded to questions from Commissioners Byers and Palatiello regarding staff's recommendation for approval of the PCA, subject to resolution of the availability of Land Bay I for transit support facilities. She noted that the Board of Supervisors would be responsible for that resolution and that staff would still recommend approval regardless of the outcome.

Mr. McDermott explained the changes proposed, including a movie theatre complex as the anchor for the commercial component of this development. He noted that there was a range of square footage for the various uses proposed, but that the maximum allowed was 1.16 million overall. He said that the mix of uses and intensity were not being changed or increased, but that the site would be reoriented to provide a main street, urban type design with focus on a pedestrian friendly environment with a combination of retail, office, hotel, restaurant, and theatre uses. Mr. McDermott briefly described the amenities to be provided, then introduced Mr. Jeff Saxe, with the Peterson Companies.

Mr. Saxe presented a slide show depicting the details of the proposed layout, including the central plaza and streetscape plan.

Mr. McDermott concluded the applicant's presentation by noting that the applicant had proffered to more than \$11 million in transportation improvements.

In response to questions from Commissioner Koch, Mr. McDermott confirmed that the applicant had requested that the word "structure" be deleted from the last sentence of Condition No. 9 and added to the first sentence so that there would be an opportunity to use upward lighting, for example, on the office buildings. He said that downward directed lighting would be in all other instances. He stated that the applicant was willing to work with staff before the Board of Supervisors' public hearing to draft a proffer that would limit the use of neon lighting in the development.

In response to questions from Commissioner Byers, Mr. McDermott explained the uses proposed for the four buildings shown on the development plan in Land Bay I.

Mr. McDermott responded to questions from Commissioner Alcorn regarding the central plaza, including who would be responsible for maintenance, the width of the sidewalks, and other details.

In response to questions from Commissioner Smyth, Mr. McDermott stated that the plaza area would be fully shielded from I-66 noise by the theatre and office structures.

In response to questions from Commissioner Harsel, Mr. McDermott explained that the 1.74 million square feet described in the staff report included both the commercial uses proposed by these applications as well as the previously approved and currently under construction residential component of the overall development. He reiterated that the commercial uses alone would contain a maximum of 1.16 million square feet.

Vice Chairman Byers called the only listed speaker.

Mr. Paul Becker, 11545 Laurel Lake Square, Fairfax, representing the Random Hills Community Association (RHCA), did not oppose the applicant's plans, but expressed his concern for the increase in traffic on Random Hills Road. He asked that the applicant save as many trees as possible, that the site reserved for future Metro use remain undeveloped until needed, and that residences be condominiums rather than rentals. (A copy of the position statement from RHCA is in the date file.)

Commissioner Koch and Mr. Becker discussed the condo issue. Commissioner Koch said it was his understanding that there was a state law that restricted the applicant from declaring that the residential units could not be rented.

In response to a question from Commissioner Alcorn, Mr. Becker said that his community would have pedestrian access to the proposed development.

There being no further speakers, Vice Chairman Byers called upon Mr. McDermott for a rebuttal statement.

Mr. McDermott described the improvements planned for Random Hills Road that would lessen the traffic impact of the proposed development. With regard to the condo issue, he explained that the law prohibited local governing bodies from discriminating in land use approvals on the basis of the form of ownership. He added that this principle was established approximately 30 years ago in a series of cases. He said that most likely market conditions would determine the type of ownership.

In response to a question from Commissioner Koch regarding Mr. Becker's request that the Metro area remain undeveloped, Mr. McDermott said that the only possibility suggested by the applicant was an at-grade parking facility. He added that approval of such a facility would be at the discretion of the County.

In response to a question from Commissioner Hall, Mr. McDermott explained that the theatre closings would no doubt be staggered so that there would not be a large amount of traffic exiting the site at the same time.

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

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION FORWARD PCA-87-S-039-3 TO THE BOARD OF SUPERVISORS WITH A RECOMMENDATION OF APPROVAL, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 16, 2000.

Commissioners Palatiello and Alcorn seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-87-S-039-7, SUBJECT TO APPROVAL BY THE BOARD OF SUPERVISORS OF PCA-87-S-039-3 AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 17, 2000, WITH THE FOLLOWING REVISION:

CONDITION NO. 9, THE FIRST SENTENCE SHALL BE REVISED TO READ: "ALL ON-SITE LIGHTING, EXCEPT LIGHTING OF STRUCTURES, SHALL BE DIRECTED DOWNWARD AND UPWARD TO PREVENT LIGHT SPILLING ONTO ADJACENT PROPERTIES." AND THE LAST SENTENCE SHALL BE REVISED TO DELETE THE WORDS: "AND STRUCTURES".

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUEST FOR A WAIVER OF THE LOADING SPACE REQUIREMENT FOR MULTI-FAMILY DWELLINGS.

Commissioners Alcorn and Hall seconded the motion which carried unanimously with Commissioners Downer and Murphy absent from the meeting.

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The meeting was adjourned at 11:42 p.m.
Peter F. Murphy, 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: November 1, 2000

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