MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 25, 1999

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence 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: None

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The meeting was called to order at 8:27 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 Alcorn announced that the Environment Committee would hold its next meeting on Wednesday, March 24, 1999 at 7.30 p.m. in the Board Conference Room.

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Commissioner Palatiello announced that the Policy and Procedures Committee would hold a meeting on Wednesday, March 3, 1999 at 7:30 p.m. in the Board Conference Room to discuss the Zoning Ordinance Amendment work program.

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Commissioner Coan referred to applications RZ-1998-PR-051 and FDP-1998-PR-051, J. A. Loveless Homes, Inc., scheduled for decision only tonight and MOVED TO FURTHER DEFER THE DECISION ONLY TO A DATE CERTAIN OF MARCH 4, 1999.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote.

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Commissioner Murphy, citing unresolved issues, MOVED TO FURTHER DEFER THE DECISION ON SE-97-S-021, MOBIL OIL CORPORATION, TO A DATE CERTAIN OF MARCH 18, 1999.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote.

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Commissioner Kelso, due to an affidavit problem, MOVED TO DEFER THE PUBLIC HEARING ON PCA-85-L-046-2 AND FDPA-85-L-046-2, GREENSTAR I, LC, TO A DATE CERTAIN OF MARCH 4, 1999.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Kelso noted that the March 11, 1999 Planning Commission meeting had been cancelled. He, therefore, MOVED THAT THE DECISIONS ONLY ON PCA-C-448-18 AND FDP-C-448-34, COSCAN WASHINGTON, INC., BE FURTHER DEFERRED FROM MARCH 11, 1999 TO MARCH 18, 1999.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Kelso, citing unresolved issues, MOVED THAT WE DEFER THE PUBLIC HEARING ON PCA-C-448-10 AND FDP-C-448-32, KINGSTOWNE, LP, TO A DATE CERTAIN OF APRIL 22, 1999.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Downer, at the request of the applicant, Chesterbrook-McLean Little League, MOVED THAT WE DEFER SE-98-D-047 TO A DATE CERTAIN, FOR A PUBLIC HEARING, OF APRIL 22, 1999.

Commissioner Byers seconded the motion which carried unanimously.

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Chairman Murphy announced that, due to advertising problems, all of the cases scheduled for Wednesday, March 10, 1999 needed to be deferred, and therefore there would be no Planning Commission meeting on that night. He added that the Thursday, March 11, 1999 meeting had also been cancelled.

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Commissioner Palatiello announced his intention to defer the public hearing on RZ-1998-HM-053 and FDP-1998-HM-053, Irene C. Bettius, from Wednesday, March 10, 1999 to Wednesday, March 24, 1999.

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Chairman Murphy announced that the Planning Commission Seminar would be held on Friday, April 30; Saturday, May 1, and Sunday, May 2, 1999 at the Xerox Document University in Leesburg, Virginia.

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FS-Y99-1 - PAGE MART WIRELESS, INC., 4050 Westfax Dr.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT FS-Y99-1, THE TELECOMMUNICATIONS PAGING NETWORK FACILITY PROPOSED BY PAGE MART WIRELESS, INC., FOR THE HAMPTON INN LOCATED AT 4050 WESTFAX DRIVE, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (Existing Vegetation Maps)
   PUBLIC FACILITIES MANUAL AMENDMENT (Tree Cover Types)
2. 2232-P98-15 - MEDIA GENERAL CABLE

3. PCA-94-M-060 - PULTE HOME CORPORATION
   FDPA-94-M-060 - PULTE HOME CORPORATION

This order was accepted without objection.

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ZONING ORDINANCE AND PUBLIC FACILITIES MANUAL AMENDMENTS - To amend Chap. 112 of the 1976 Code of the Co. of Fairfax, & the PFM, as follows: Amend Arts. 8, 9, 16, 18, & 20 of the ZO to add an existing vegetation map as a submission requirement for certain rezoning, special exception, special permit, & variance applications; and to amend Sect. 12-0403.1 B of the PFM to define forest cover types. As an alternative, this Zoning Ordinance Amendment may be adopted for a limited time frame of 24 months from its effective date. COUNTYWIDE. PUBLIC HEARING.

Diane Johnson-Quinn, Zoning Administration 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 language on pages 4 through 9 for the Zoning Ordinance (ZO) Amendment and on page 10 for the Public Facilities Manual (PFM) Amendment.

Cecilia Lammers, Department of Public Works and Environmental Services, further explained the proposed changes to the PFM regarding tree cover types. She presented examples of Existing Vegetation Maps (EVM) for typical land use cases.

Ms. Lammers responded to questions from Commissioner Coan regarding the definition of successional stages when referring to forests; from Commissioner Byers regarding the costs of tree surveys and a designation for open land; and from Commissioner Palatiello regarding the square footage threshold after which an EVM would be required and the various tree cover types.

In response to questions from Commissioner Palatiello, Ms. Lammers explained that the 500-square foot threshold was intended to exclude small projects with very little land disturbing activity and Ms. Lammers explained that while there was no national standard for comparison, she had contacted neighboring jurisdictions regarding their procedures.

Ms. Johnson-Quinn and Ms. Lammers responded to further questions from Commissioner Palatiello regarding which applications would be subject to these proposed provisions, what benefits staff would gain from the information submitted by applicants, and why applicants would be asked to provide the maps rather than staff since aerial photographs of the County would soon be readily available on the Internet.

In response to further questions from Commissioner Palatiello, Ms. Johnson-Quinn explained

that the conceptual plans required in Reston were part of the proffer system and would not be specifically subject to the EVM requirement and that staff had worked with the Tree Preservation Task Force in the development of the proposals, but acknowledged that the final version had not been presented to the Task Force.

In reference to the last issue, Commissioner Downer pointed out that she had asked Ms. Lammers to prepare a chronology of the Tree Preservation Task Force. She added that a copy would be provided to the Commission.

In response to questions from Commissioner Alcorn, Jane Gwinn, Zoning Administrator, confirmed that Fairfax County had the enabling authority from the Commonwealth of Virginia to have a Comprehensive Plan and conditional zoning; that the Plan was used as a guide to evaluate land use applications; and that the Plan itself, especially Volume I, the Policy Plan, contained recommendations concerning tree preservation.

Commissioner Alcorn and Ms. Gwinn discussed the costs involved in EVMs.

In response to a question from Commissioner Harsel, Ms. Lammers explained the costs involved in preparing an EVM.

Ms. Lammers responded to questions from Commissioner Wilson regarding the examples and tables in the staff report, the training manual that would be prepared for applicants who would be required to submit EVMs, and what constituted a land disturbing activity.

There being no further comments from the Commission at this time, Chairman Murphy called for speakers and recited the rules for public testimony.

Frank Crandall, 900 Turkey Run Road, McLean, representing both the McLean Citizens Association and the Environmental Quality Advisory Committee, supported the proposed amendments. He said that tree preservation was important and that the proposed changes were a step in the right direction, but that more work was needed to ensure that staff had the necessary information to properly evaluate proposed developments.

In response to questions from Commissioner Byers, Mr. Crandall acknowledged that an EVM requirement might slow down the development process somewhat, but he felt that it was important to preserve trees which would, in the long term, sustain property values.

Arthur Hill, 11714 Indian Ridge Road, Reston, supported the proposed amendments, but concurred with Mr. Crandall that more review was needed.

Kathryn Martin, 7716 Lafayette Forest Drive, Annandale, representing the Tree Commission, spoke in support of the amendments. (A copy of her remarks is in the date file.)

Ms. Martin responded to questions from Commissioner Wilson concerning specimen trees. Ms. Lammers responded to questions from Commissioner Wilson regarding tree surveys.

Mark Trostle, 12600 Fair Lakes Circle, #260, Fairfax, representing the Northern Virginia Building Industry Association, also supported the amendments. He said that a routine requirement for tree surveys would be onerous, but that an EVM was more reasonable. He suggested, however, that the 500 square foot threshold was too small and suggested that 2,500 square feet or more would be more appropriate. He applauded the goal of the amendments, but questioned some of the terminology, such as "successional stage" which might be difficult for a layman to interpret. He noted that there had been a previous PFM Amendment regarding tree preservation in by-right developments and suggested that that be brought back and examined again.

Mr. Trostle responded to questions from Commissioners Byers, Harsel, and Coan regarding his position. He stated that the tree survey estimates presented by staff were reasonably accurate.

Jody Bennett, 1459 Hunter View Farms, Vienna, representing the Hunter Mill Defense League, supported the proposed amendments. She said a requirement for EVMs prior to clearing would result in a final site layout that would be more sensitive to trees.

In response to a question from Commissioner Alcorn, Ms. Johnson-Quinn listed some of the other submission requirements for land use applications.

John Farrell, Esquire, with McCandlish and Lillard, representing the Fairfax County Chamber of Commerce, 3975 University Drive, #350, Fairfax, supported the EVM concept, but noted that: "The devil is in the details." He concurred with Mr. Trostle's comment that the 500 square foot threshold was too small and expressed concern for the additional expense the EVM requirement would necessitate.

In response to questions from Commissioner Alcorn as to whether he would support an increase in development fees to cover the costs and have County staff prepare the EVMs, Mr. Farrell said more dialogue with staff would be necessary before he could answer. He said the development community needed to know more precisely what staff expected.

There being no further speakers, Chairman Murphy called upon Ms. Johnson-Quinn and Ms. Lammers for final staff comments.

Ms. Johnson-Quinn noted that the amendments did not specify what terms should be used to identify successional stages and that general terms such as "saplings" or "mature trees" would be acceptable. She added that the requirement for an EVM could be administratively waived if deemed appropriate, such as in the case of a small home office with little or no land disturbing activity. She explained that the sunset clause, if adopted, would limit the requirement to a two-

year period, after which the Planning Commission and Board of Supervisors would have to reconsider the amendments and approve them again if desired.

Ms. Lammers commented on staff's discussion of who would be qualified to prepare an EVM. She said that the applicant's engineer could determine that and added that the majority of developers had the services of landscape architects, either on staff or as consultants.

In response to a question from Commissioner Byers, Ms. Lammers explained why it was important to identify dominant and co-dominant species. Commissioner Byers said it seemed that staff was requesting a lot of details from applicants very early in the process.

In reply to questions from Commissioners Alcorn and Palatiello, Ms. Johnson-Quinn explained the Commission's options regarding the sunset provision.

There being no further comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on these amendments. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE COMMISSION DEFER ITS DECISION ON CHANGES TO ARTICLES 8, 9, 16, 18, AND 20 OF THE ZONING ORDINANCE ON THE REQUIREMENTS FOR AN EXISTING VEGETATION MAP AND THE ASSOCIATED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL, SECTION 12 ON TREE COVERS, TO A DATE CERTAIN OF MARCH 4, 1999.

Commissioner Coan seconded the motion which carried unanimously.

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2232-P98-15 - MEDIA GENERAL CABLE OF FAIRFAX COUNTY - Appl. under Sect. 15.2-2232 of the *Code of VA* to enlarge its existing bldg. to accommodate additional telecommunication switching equipment at 2917 Eskridge Road, on property located approx. 600 ft. S. of Lee Hwy. Tax Map 49-3((1))86. PROVIDENCE DISTRICT. PUBLIC HEARING.

David Marshall, Planning Division, Department of Planning and Zoning, 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 questions from Chairman Murphy, Mr. Marshall confirmed that the building proposed to be enlarged was located on the site of the large orange and white Media General

tower in the Merrifield area. He added that he did not know if the various local jurisdictions that would be using the telecommunications equipment in the new building currently had antennas on the tower. He stated that Media General would be constructing the building and it was his understanding that there would be no charge to local jurisdictions.

In response to questions from Commissioner Coan, Mr. Marshall stated that the subject property had been zoned l-5 since approximately 1970 and that there were no proffers or conditions associated with its use. He added that the tower was constructed in 1982, at which time a special exception was not required, and that staff did not object to the proposed reduction in parking.

Susan Yantis, a planner with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, representing the applicant, explained that the proposal constituted an upgrade of existing facilities. She noted that the revised layout included additional landscaping and pointed out, as Mr. Marshall had stated, that the property was industrially zoned.

In response to questions from Commissioner Coan, Ms. Yantis said that the temporary construction trailer on site had been placed there in January so that Media General crews could begin preliminary renovations that did not require County approval and that the trailer would be removed when construction was completed. She added that the applicant proposed no additional antennas on the tower.

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

In reply to Commissioner Coan's inquiry, Mr. Marshall confirmed that Media General would be required to return to the Planning Commission for approval if additional antennas were requested.

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

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Commissioner Coan MOVED THAT WE FIND THAT THIS PROPOSAL, 2232-P98-15, BY MEDIA GENERAL CABLE OF FAIRFAX COUNTY, IS IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN PURSUANT TO THE PROVISIONS OF SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners Hall and Byers seconded the motion which carried unanimously.

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PCA-94-M-060 - PULTE HOME CORPORATION - Appl. to amend

the proffers for RZ-94-M-060 to permit changes in site layout at an overall density of 3.64 du/ac on 10.71 ac. of the original 121.79 ac. site subject to RZ-94-M-060 on property located on the N. side of Edsall Rd., between 1-395 & Timber Forest Dr. on approx. 10.71 ac. zoned PDH-4. Comp. Plan Rec: Res. 2-5 du/ac. Tax Map 72-3((1))61 A pt. (Concurrent w/FDPA-94-M-060.) MASON DISTRICT.

FDPA-94-M-060 - PULTE HOME CORPORATION - Appl. to amend the final development plan for RZ-94-M-060 to permit residential development on property located on the N. side of Edsall Rd., between 1-395 & Timber Forest Dr. on approx. 10.71 ac. zoned PDH-4. Tax Map 72-3((1))61 Apt. (Concurrent w/RZ-94-M-060.) MASON DISTRICT. JOINT PUBLIC HEARING.

Susan Yantis, a planner with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the affidavit dated February 3, 1999. There were no disclosures by Commission members.

Leslie 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.

In response to questions from Commissioner Coan, Ms. Johnson confirmed that staff preferred the affordable dwelling units (ADUs) to be dispersed throughout the development rather than clustered in one area as shown on the generalized development plan.

Ms. Yantis explained that this application was a continuation of the Overlook Subdivision and that the subject property had been rezoned in 1995. She noted that the development offered a variety of housing types at differing price levels and that the applicant was requesting that 94 townhouse units be allowed in lieu of the original proposal for 144 garage condominiums at this location. She stated that the original proffers called for the ADUs to be provided as garden apartments and that the applicant was proposing a change to 18 foot wide townhouses, which Pulte had determined to be more attractive to ADU home buyers. Ms. Yantis said that Pulte was a strong advocate of the ADU Ordinance and had successfully constructed and marketed the proposed unit elsewhere in Fairfax County. She acknowledged that staff had suggested that the ADUs be dispersed throughout the development, but that the proposal for a single section of ADUs would result in a more desirable site layout. She added that the two-story townhouse units were specifically designed to meet the specifications of the ADU Ordinance and that mixing them with the three-story market rate units would be aesthetically unpleasing. She noted that Pulte had proffered that the architectural treatment, color and building materials would be the same for both types of units. Ms. Yantis stated that the Mason District Land Use Committee unanimously supported the applications.

Ms. Yantis responded to questions from Commissioner Coan regarding location of the proposed

ADUs and the applicant's liability in the event of damage to homes due to failed slopes as outlined in Proffer #39.

In response to further questions from Commissioner Coan, Ms. Yantis explained why the applicant was requesting a waiver of the provision recommending that homes not be built within 200 feet of an interstate highway and the applicant's noise mitigation measures proposed.

In response to a question from Commissioner Hall, Ms. Yantis said that the applicant had no intention of removing any trees in the area between the interstate highway and the proposed residences.

Ms. Yantis responded to questions from Commissioner Hall regarding the original proposal for condominium style ADUs.

Ms. Yantis responded to questions from Commissioner Byers regarding the desirability of mixing two- and three-story homes and about the provisions of Proffer Number 39 concerning liability in the event of failed slopes.

In reply to Commissioner Coan's questions, Stanley Settle, Esquire, attorney for Pulte Home Corporation, explained Pulte's standard 10 year structural warranty. Commissioner Coan spoke about an instance in Prince William County involving a warranty that did not cover the problem experienced by homeowners. Mr. Settle said he was familiar with the case and assured the Commission that Pulte's warranty would address any problems of that nature that these future homeowners might experience.

In response to questions from Commissioner Hall, Ms. Johnson stated that Proffer Number 39 was originally crafted to address the presence of marine clay on the subject property.

Ms. Yantis and Ms. Johnson responded to questions from Commissioner Downer regarding the applicant's intention to build within 200 feet of an interstate highway.

Commissioner Harsel pointed out to Ms. Yantis that Proffer Number 39 indicated coverage for five years from issuance of residential use permits while, in her verbal comments, she had said coverage would begin at the time the applicant was released from its bond. Commissioner Harsel suggested that this issue be clarified before a final decision was made. Ms. Yantis noted that a detailed geo-technical review had been done at the time of the original rezoning and that both Pulte and County staff were comfortable with the resulting proffers for protection of the future homeowners.

Chairman Murphy called the first listed speaker.

Joseph Allison, 5415 Collier Lane, Alexandria, representing the Bren Mar Park Civic Association, spoke in support of the application.

In response to questions from Commissioner Hall, Mr. Allison stated that Bren Mar concurred with the applicant concerning location of units within 200 feet of an interstate highway as well as location of the ADUs.

In response to a question from Commissioner Coan, Mr. Allison said that he would not object to dispersal of the ADUs.

Steve Durbin, 7137 Red Horse Tavern Lane, Springfield, explained that his wife was a homeowner in the Overlook Subdivision and noted that she had been told by the salesman that the homeowners warranty did not cover shifting foundations.

In response to questions from Commissioner Hall, Mr. Durbin stated that his wife had bought one of the model homes in Overlook.

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

Ms. Yantis reiterated that Pulte's warranty related to the structural integrity of the units and that the structure would be impacted by unstable slopes; therefore she felt that the future homeowners would be protected.

Commissioner Coan requested that Pulte provide a legal opinion as to its liability for damages caused as a result of a slide not directly related to structural failure, to which Ms. Yantis replied that Pulte's legal counsel would submit additional information to the Commission addressing that issue.

Commissioner Hall indicated her intention to defer decision on these applications and discussed an appropriate date with Ms. Johnson.

There being no further comments or questions from the Commission and Ms. Johnson having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Hall for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT WE DEFER DECISION ONLY ON APPLICATION PCA-94-M-060 AND FDPA-94-M-060 TO A DATE CERTAIN OF MARCH 3, 1999, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioners Coan and Byers seconded the motion which carried unanimously.

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The meeting was adjourned at 11.56 p.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: Gloria L. Watkins

Approved on: May 18, 2000

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