

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 5, 1998**

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

ABSENT: John W. Hunter, Commissioner At-Large

//

The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Alcorn announced that the Environment Committee would meet on April 2, 1998 at 7:30 p.m. in the Board Conference Room.

//

Commissioner Palatiello announced his intention to defer the public hearing on five concurrent Hunter Mill District applications, PCA-85-C-008-3, RZ-1996-HM-043, RZ-1996-HM-044, PCA-88-C-066-2, and PCA-88-C-029-6, Jefferson at President's Park, LP, from March 18, 1998 for approximately two weeks, with an exact date to be announced later.

//

FS-Y97-31 - DEPARTMENT OF PUBLIC WORKS, 7122 Centreville Road.

Commissioner Koch MOVED THAT WE CONCUR WITH THE DIRECTOR OF OCP AND FIND THAT THE SANITARY SEWER PUMP STATION FACILITY PROPOSED BY THE DEPARTMENT OF PUBLIC WORKS AT 7122 CENTREVILLE ROAD IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN

AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232, FORMERLY 15.1-456, OF THE *CODE OF VIRGINIA*.

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

//

RZ-1997-SU-030 - CHANTILLY AMUSEMENTS, LLC

PCA-79-S-113 - CHANTILLY AMUSEMENTS, LLC (Decisions Only)

(The public hearing on these applications was held on March 4, 1998. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION RZ-1997-SU-030, SUBJECT TO EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 3, 1998.

Commissioners Alcorn and Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Byers abstaining; Commissioners Harsel and Thomas not present for the vote; Commissioner Hunter absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-79-S-113, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 3, 1998.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Byers abstaining; Commissioners Harsel and Thomas not present for the vote; Commissioner Hunter absent from the meeting.

//

RZ-1997-DR-048 - MADISON HOMES, INC.

FDP-1997-DR-048 -MADISON HOMES, INC. (Decisions Only)

(The public hearing on these applications was held on February 18, 1998. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-1997-DR-048, AND THE REQUESTED MODIFICATION OF THE OPEN SPACE REQUIREMENT, SUBJECT TO THE EXECUTED PROFFERS DATED FEBRUARY 23, 1998 AND APPROVE THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE FOLLOWING CONDITION: "THE LOCATIONS OF THE HOUSES ALONG BUENA VISTA DRIVE MAY BE SHIFTED TO MODIFY THE AMOUNT OF YARD SPACE BETWEEN THE INDIVIDUAL UNITS. IN

NO CASE, HOWEVER, WOULD ANY OF THE INDIVIDUAL HOUSES BE CLOSER THAN SEVEN FEET."

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

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN AND NORTHERN BOUNDARIES.

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

Commissioner Downer MOVED THAT THE PLANNING COMMISSION APPROVE FDP-1997-DR-048, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-1997-DR-048.

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

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION APPROVE A MODIFICATION OF STREET STANDARDS TO ALLOW BUENA VISTA DRIVE TO BE IMPROVED AS SHOWN ON THE CDP/FDP, WITH THE CURB SET 12 FEET FROM CENTERLINE AND SIDEWALK MEANDERING, SO THAT THE TREES ALONG BUENA VISTA DRIVE CAN BE PRESERVED, AND MODIFY THE STANDARDS ON PARK STREET TO ALLOW THE EXISTING CURB FROM OLD DOMINION DRIVE TO THE EXISTING ENTRANCE TO REMAIN IN PLACE, WHICH WOULD ALLOW THE EXISTING 40-INCH MAPLE ON PARK STREET TO BE PRESERVED.

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

//

SEA-91 -L-032 -THE McDONALD'S CORPORATION (Decision Only)

(The public hearing on this application was held on February 26, 1998. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-91-L-032, McDONALD'S CORPORATION, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED

MARCH 3, 1998, AND ATTACHED TO THE STAFF REPORT WITH TWO EDITORIAL CHANGES:

IN DEVELOPMENT CONDITION NUMBER 7, SECOND SENTENCE, BEFORE THE WORD "RED" ADD THE WORD "COLONIAL;"

IN DEVELOPMENT CONDITION NUMBER 13, STRIKE THE WORD "CUT-OFF" AND INSERT THE WORD "SHIELDED."

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

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS ON THE NORTHERN PERIPHERY OF THE SITE, SUBJECT TO WHAT'S SHOWN ON THE SITE PLAN.

Commissioners Hall and Byers seconded the motion which carried unanimously with Commissioner Hunter absent from the meeting.

//

RZ-1997-PR-024 - YASH P. SALUJA, ET AL.

FDP-1997-PR-024 - YASH P. SALUJA, ET AL. (Decisions Only)

(The public hearing on these applications was held on February 26, 1998. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Coan MOVED THAT THE WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-1997-PR-024, SUBJECT TO EXECUTION OF THE PROFFERS DATED MARCH 2, 1998.

Commissioners Kelso and Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Murphy abstaining; Commissioner Alcorn not present for the vote; Commissioner Hunter absent from the meeting.

Commissioner Coan MOVED THAT THE WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE REQUESTED VARIANCE REGARDING THE MINIMUM DISTRICT SIZE BE APPROVED.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Murphy abstaining; Commissioner Alcorn not present for the vote; Commissioner Hunter absent from the meeting.

Commissioner Coan MOVED THAT THE WE APPROVE THE FINAL DEVELOPMENT PLAN DATED MARCH 2, 1998, SUBJECT TO APPROVAL OF RZ-1997-PR-024 BY THE BOARD OF SUPERVISORS.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Murphy abstaining; Commissioner Alcorn not present for the vote; Commissioner Hunter absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. SE-97-V-061 - QUARLES PETRO, INC.
2. CODE AMENDMENTS (Affordable Dwelling Units)
3. RZ-1997-HM-018 - HANNAH AND NAIMEH GEORGE
4. PCA-84-D-049-2 - TYSONS II LAND COMPANY, LLC
FDPA-84-D-049-2 - TYSONS II LAND COMPANY, LLC

This order was accepted without objection.

//

SE-97-V-061 - QUARLES PETRO, INC. - Appl. under Sect. 4-604 of the Zoning Ord. to permit a service station on property located at 9801 Richmond Hwy. on approx. 36,885 sq. ft. of land zoned C-6. Tax Map 113-2((1))24. MOUNT VERNON DISTRICT. PUBLIC HEARING.

John Balis, agent for the applicant, reaffirmed the affidavit dated February 17, 1998. There were no disclosures by Commission members.

Commissioner Byers 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 Byers for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE SE-97-V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Hunter absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD WAIVE THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHERN AND WESTERN PERIPHERY.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Hunter absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENTS ON GUNSTON ROAD AND RICHMOND HIGHWAY.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Hunter absent from the meeting.

//

CODE AMENDMENTS (CHAPTER 112 - ZONING ORDINANCE & CHAPTER 101 - SUBDIVISION ORDINANCE) - Amend Articles 2, 6, 9, 17 & 18 of the Zoning Ord. & Sect. 101-25(c) of the Subdivision Ord. to comprehensively revise the Affordable Dwelling Unit Program provisions. COUNTYWIDE. PUBLIC HEARING.

Donna Roberson, Zoning Administration Division, Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the provisions outlined on pages 14 through 64 of the staff report.

Ms. Roberson responded to questions from Commissioners Alcorn and Byers concerning various aspects of the Affordable Dwelling Unit (ADU) Program, including the control period, number and location of units in a development, value versus market price, and exemptions.

Mary Egan, Deputy Director, Department of Housing and Community Development, responded to questions from Commissioners Palatiello, Murphy, Coan, Downer, and Harsel regarding the difference between public housing, subsidized housing and ADUs, the realtor's role, advertising, and dissemination of information about ADUs, the Planning Commission's authority, the Redevelopment and Housing Authority's (RHA) role, grandfathering, rental units, Federal programs, income standards, and the Policy Plan.

Commissioner Koch noted that the Commission had received a letter from the RHA (copy in date file) supporting the proposed amendments as well as an additional provision that the developer of any property subject to the ADU Ordinance be required to inform each purchaser or tenant that the development was subject to the provisions of that Ordinance which included the

opportunity for the RHA to purchase 30 percent of the ADUs. He asked for staff comment on this additional provision.

Ms. Egan explained that this suggestion for notification was the only one the RHA had come to consensus on to date and that additional comments from the RHA would be submitted prior to the Board of Supervisors' hearing scheduled for March 30, 1998.

David Bobzien, County Attorney, commented that this additional notification provision was outside the scope of the advertising for these amendments.

In reply to a question from Commissioner Harsel regarding whether a voluntary proffer from a developer would serve the same purpose, Mr. Bobzien stated that he would have to consider that in more depth before responding. He noted that the County needed to be very careful about proffers that might be against public policy or that might in any way impinge upon the effect of the ADU Ordinance.

In response to questions from Commissioner Downer, Ms. Egan said that approximately 400 names were on the waiting list for affordable housing. She explained the income rules governing the Section 8 housing assistance program.

In response to a question from Commissioner Kelso, Barbara Byron, Director, Zoning Evaluation Division, OCP, explained that a developer could request a modification of the provisions of the ADU Ordinance that would allow him to contribute to the Housing Trust Fund in lieu of building ADUs. She added that this situation mostly occurred in previously-approved developments that were requesting a change in unit type. She said that modifications had only been requested twice by new developments and both had been denied.

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

Sharon Kelso spoke on behalf of the United Community Ministries and the Homeless Oversight Committee, 7511 Fordson Road, Alexandria. She supported the amendments in general, but suggested that the term limit be reduced from 50 years to 15 years instead of 10 years. Mrs. Kelso was not in agreement with the exemption or buy out proposal in certain predominantly single family areas of Fairfax County. (A copy of her remarks is in the date file.)

Greg Carter, representing Affordable Housing Means Everyone (AHOME), 4022 Hummer Road, Annandale, supported the majority of the proposed revisions, with two exceptions: 1) the exemption or buy out proposal; and 2) the reduction of the term limit from 50 years to 10 years. (Copies of his remarks and a resolution of the AHOME Board are in the date file.)

John Paul Kerby, 2966 Brook Mill Court, Herndon, speaking on behalf of the Franklin Oaks Homeowners Association, opposed the amendments. He said that ADUs would negatively impact the neighborhood by allowing incompatible homes and lowering property values. (A copy of his remarks and accompanying photographs are in the date file.)

In response to Commissioner Murphy, Mr. Kerby explained that a recent rezoning in his area, RZ-94-H-043, would include ADUs.

Ms. Byron responded to questions from Commissioner Palatiello regarding when the ADU Ordinance became effective and the latest date a developer could request modifications to his project.

Mr. Kerby responded to questions from Commissioner Byers regarding his position.

Tracy Kelso represented the Christian Relief Services, 8815 Telegraph Road, Lorton. She supported the amendments, but suggested that 15 years would be a more reasonable term limit and opposed the buy out proposal. (A copy of her remarks is in the date file.)

Parker Crawford, 11302 Westbrook Mill Lane, #302, Fairfax, spoke in opposition to the amendments. She specifically disagreed with the provision allowing the RHA to purchase 30 percent of the ADUs in a project. (A copy of her remarks is in the date file.)

In response to questions from Commissioner Palatiello, Ms. Crawford acknowledged that the provision she most disagreed with was part of the existing Ordinance, not part of the proposed amendments.

In reply to an inquiry from Commissioner Palatiello, Mr. Bobzien confirmed that it was not within the authority of the Commission to delete that provision.

Priscilla Ames, 11400 Washington Plaza, #602, Reston, supported the amendments. She spoke about the great need for affordable housing and urged the Commission to retain the provision allowing the RHA to purchase 30 percent of the ADUs in new projects.

Stephen Cerny, 2011 Approach Lane, Reston, representing the Reston Citizens Association, supported the comments made by Mr. Carter who represented AHOME, with the exception of the term limit which he felt should be changed from 50 years to 20 years, not 15 or 10.

Richard Parker, 3236 Kenny Drive, Falls Church, was opposed to the provision allowing RHA to purchase ADUs. He related his personal experience in contracting to purchase a condominium in Westbrook Court only to discover that the RHA planned to purchase some units and move residents from a failed public housing project in Reston. He strongly objected to this plan and noted that the RHA had withdrawn its proposal. (A copy of his remarks is in the date file.)

Mr. Parker responded to questions from Commissioner Coan regarding his position.

Robert Ford, 11302 Westbrook Mill Lane, #102, Fairfax, supported the purpose of the ADU Ordinance to provide affordable home ownership. However, he was opposed to the purchase of ADU units by the RHA to be used as rental housing. (A copy of his remarks is in the date file.)

Mr. Ford responded to questions from Commissioner Coan regarding his position.

In response to questions from Commissioner Byers as to whether a covenant prohibiting rentals would be enforceable and whether the RHA would be exempt from such a covenant, Mr. Bobzien stated that that was a matter that would perhaps have to be settled in the courts on a case by case basis. He said the defense would no doubt argue that such a covenant was unenforceable because it was contrary to public policy.

Commissioner Palatiello commented that financial institutions many times required the mortgage applicant to be the occupant in condominium purchases.

Commissioner Downer explained that financing would be jeopardized if more than 20 percent of a condominium project was used as investment property.

In response to a question from Commissioner Kelso, Ms. Egan explained that there was one home ownership program, Moderate Income Direct Sales (MIDS), used by RHA to assist moderate income persons.

Francis Dowd, 11306 Westbrook Mill Lane, #102, Fairfax, concurred with Mr. Ford and Mr. Parker that ADU units should not be used as rental housing. He stated that RHA did not investigate communities before deciding to purchase units to determine whether the amenities needed by moderate income residents, such as nearby shopping and bus routes, were available. Further, Mr. Dowd said some sort of notification procedure should be used to let homeowners know that RHA was planning to purchase units in a community.

In response to questions from Commissioner Coan, Mr. Dowd reiterated that his objection was to rental units, not to home ownership by moderate income persons.

In reply to questions from Commissioner Palatiello, Ms. Egan explained that residents of The Green in Reston would be interviewed to see if they were interested in participating in RHA's proposal to move 24 households. She stated that Westbrook had been chosen because of the availability of the units and their location within a reasonable distance of the existing public housing. She added that, as mentioned by Mr. Parker, the RHA had recently voted to eliminate Westbrook from the list under consideration. Ms. Egan said that the RHA would ask for volunteers first, but would select residents as needed to reach the total of 24 households if enough volunteers were not found. Commissioner Palatiello said he would object to people being moved involuntarily.

In response to a question from Commissioner Palatiello, Mr. Bobzien confirmed that neither the RHA's plan to move households from The Green nor the proposal to allow the RHA to purchase 30 percent of ADU units was before the Commission tonight.

Lynne Hansen explained that she was a member of the ADU Task Force appointed by the Board of Supervisors to review the ADU proposal and also a former employee of the Department of

Housing and Urban Development (HUD). She said that she was presently an employee of the Peterson Companies, but did not represent them on the Task Force or tonight. She stated that a lack of notification had resulted in misinformation being circulated and that a lot of the questions raised this evening could be addressed. Ms. Hansen said that people in the communities targeted by RHA needed to be informed of the process and assured that there would be someone to notify if problems occurred.

In response to questions from Commissioner Koch, Ms. Hansen said it was also her understanding that the ADU units were to be revenue neutral; that is, a developer would neither make money nor lose money by providing them.

In reply to questions from Commissioner Alcorn, Ms. Hansen said it probably would be useful for the Task Force to meet again, perhaps with a wider group to include more citizen representatives, to review and discuss a policy to address the issues raised tonight regarding rental units and notification procedures.

In response to questions from Commissioner Coan, Ms. Hansen stated that, while the provision allowing the RHA to purchase 30 percent of the ADUs in a project had been in the Ordinance from the beginning, it had never been implemented.

Luanne Owen, 2814 Gibson Oaks Drive, Herndon, was also opposed to rental units in condominium projects. She said that renters had no incentive to maintain the properties they occupied and that rules regarding the number of persons allowed to live in apartments were not followed.

Commissioner Coan and Ms. Owen discussed the problems associated with public and assisted housing projects and Ms. Egan replied to Commissioner Coan's question regarding RHA's maintenance program.

Chairman Murphy noted that the Commission still had two more public hearings to conduct and asked that speakers confine their remarks to the proposed amendments being considered tonight.

Jennings Cantrel, 4025 Murdstone Court, Fairfax, concurred with the speakers who supported complete disclosure and notification to prospective homeowners.

Will Collins, representing Horning Brothers and a member of the ADU Task Force, thanked staff for their support of the Task Force. He said that the proposal before the Commission tonight was the best effort of a variety of differing views expressed by members of the Task Force. He supported the amendments.

Responding to questions from Commissioner Murphy, Mr. Collins concurred that further revision to the proposal was needed.

In reply to Commissioner Kelso's question, Mr. Collins said he had no objection to changing the term limit from 10 years to 15 years.

In response to Commissioner Hall, Mr. Collins stated that he was willing to participate in additional Task Force meetings.

Commissioner Koch commented that perhaps staff could address the outstanding issues without further involvement by the Task Force.

James Buts, representing the Northern Virginia Building Industry Association (NVBIA), supported the proposed amendments. (A copy of his remarks is in the date file.)

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, speaking as a member of the ADU Task Force and as an attorney representing a number of Northern Virginia residential builders, supported the proposed amendments.

There being no further speakers, comments or questions from the Commission and Ms. Roberson having no closing staff remarks, Vice Chairman Byers, in the temporary absence from the room of Chairman Murphy, closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION TO THE PROPOSED REVISIONS TO CHAPTERS 112 AND 101 OF THE CODE OF FAIRFAX COUNTY REGARDING THE AFFORDABLE DWELLING UNIT PROVISIONS AS ADVERTISED TO A DATE CERTAIN OF MARCH 19, 1998.

Commissioners Hall and Byers seconded the motion which carried unanimously with Commissioner Hunter absent from the meeting.

//

The Commission went into recess at 12:00 a.m. and reconvened in the Board Auditorium at 12:15 a.m. with Chairman Murphy resuming the Chair.

//

RZ-1997-HM-01 8 - HANNAH AND NAL.MEH GEORGE - Appl. to rezone from R-1 to R-2 to permit residential development at a density of 1.56 du/ac on property located on N. side of Ashgrove Lane, E. of Teets Lane on approx. 5.76 ac. Comp. Plan Rec: Residential 1-2 du/ac. Tax Map 28-4((1)) 24. HUNTER MILL DISTRICT. PUBLIC HEARING.

Patrick Via, Esquire, with Rees, Broome and Diaz, reaffirmed the affidavit dated March 7, 1998. There were no disclosures by Commission members.

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

Mr. Braham and Chuck Almquist, Office of Transportation, responded to questions from Commissioners Downer and Palatiello regarding access to the subject property and development of adjacent lots.

Mr. Via explained that the applicant had reduced their request from 11 lots to 9 lots. He noted that a contribution for recreational purposes would be made to the Park Authority for use at Wolf Trails Park. He added that the limits of clearing would be proffered and that the application was environmentally sound. He concurred with staff's requests for transportation improvements with the exception of installing curbs and gutters along the proposed new road which he felt would be inconsistent with the character of the area. Mr. Via said that the average lot size would be more than 20,500 square feet.

In response to a question from Commissioner Palatiello, Mr. Via stated that if a stormwater management waiver was granted the number of lots would not increase.

Chairman Murphy called the first listed speaker.

Barbara Burlingame, 1633 Irvin Street, Vienna, expressed her concern for the density proposed and dismay at the amount of trees that would have to be removed. (A copy of her remarks is in the date file.)

Mark Stahl, 1641 Irvin Street, Vienna, representing the Greater Tysons Green Civic Association, spoke in opposition to the application. He said that this application, if approved, would set an undesirable precedent for the development of other vacant land in the area. (A copy of his remarks is in the date file.)

Mr. Stahl responded to questions from Commissioner Palatiello regarding his position.

Alfred Zavis, 8915 Higdon Drive, Vienna, expressed his opposition to the application because of the increased traffic it would cause.

Harvey Howe, 8914 Higdon Drive, Vienna, was concerned about traffic problems on Irvin Street.

Greg Molnar, 1618 Palm Springs Drive, Vienna, concurred with Mr. Stahl that the approval of this application would set an undesirable precedent.

Mr. Molnar and Commissioner Palatiello discussed the Comprehensive Plan recommendation for the subject property.

Helene Oliver, 8880 Ashgrove Lane, Vienna, supported the application.

Tom Melhuish, 1642 Irvin Street, Vienna, supported the proposal as proffered by the applicant.

Debbie Witherow, 1644 Irvin Street, Vienna, spoke about the Comprehensive Plan recommendations.

Commissioner Palatiello outlined the limits of the Tysons Corner study area, read the Comprehensive Plan language pertaining to the subject property, and explained what it meant.

Ms. Witherow continued her presentation. She said that sidewalks were needed and that the applicant should be asked to provide them.

Louis Ragonese, 1633 Irvin Street, Vienna, spoke in opposition to the application. He said that the R-1 zoning should be retained.

There being no further speakers, Chairman Murphy called upon Mr. Via for a rebuttal statement; however, Mr. Via declined.

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

//

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER TO MARCH 19, 1998, THE DECISION ONLY ON RZ-1997-HM-018, WITH THE RECORD TO REMAIN OPEN.

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

//

PCA-84-D-049-2 - TYSONS II LAND COMPANY, LLC - Appl. to amend the proffers for RZ-84-D-049 to add secondary uses to a planned mixed use development w/an overall FAR of 1.0 based on 106.84 ac. on property located in the N.W. quadrant of Galleria Dr. & Tysons Blvd. on approx. 16.35 ac. zoned PDC, HC, SC. Comp. Plan

Rec: Mixed Use. Tax Map 29-4 ((10))2-A1, 2-A2, 2-C & 2-D.
(Concurrent w/FDPA-84-D-0493.) PROVIDENCE DISTRICT.
PCA-84-D-049-2 - TYSONS II LAND COMPANY, LLC
FDPA-84-D-049-3 - TYSONS II LAND COMPANY, LLC

March 5, 1998

FDPA-84-D-049-3 - TYSONS II LAND COMPANY, LLC - Appl. to amend the final development plan for RZ-84-D-049 to permit a planned mixed use development on property located in the N.W. quadrant of the intersection of Galleria Dr. & Tysons Blvd. on approx. 16.35 ac. zoned PDC, HC, SC. Tax Map 29-4 ((10))2-A1, 2-A2, 2-C & 2-D. (Concurrent w/PCA-84-D-049-2.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Benjamin Tompkins, Esquire, with Hazel and Thomas, reaffirmed the affidavit dated January 13, 1998. There were no disclosures by Commission members.

Commissioner Coan 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 Coan for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Coan MOVED THAT WE DEFER DECISION ON THIS MATTER TO A DATE CERTAIN OF MARCH 11, 1998.

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

//

The meeting was adjourned at 1:35 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins

Approved on: September 22, 1999


Mary A. Bascoe

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