

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 28, 2001**

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

ABSENT: None

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth announced her intent to defer the public hearing on RZ-2000-PR-052, Decorous, Inc. from Thursday, March 29, 2001 to June 21, 2001.

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FS-P00-126 - FUZION COMMUNICATIONS, 1751 Pinnacle Drive

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY, BY FUZION COMMUNICATIONS, FOR THE OFFICE BUILDING LOCATED AT 1751 PINNACLE DRIVE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF 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 with Commissioner Alcorn not present for the vote.

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Commissioner Koch, at the request of the applicant, MOVED THAT RZ-2000-SU-059, CALVERT HOMES, BE (FURTHER) DEFERRED FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, UNTIL JUNE 13, 2001.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Koch, also at the request of the applicant, MOVED THAT (THE PUBLIC HEARING ON) RZ-2000-SU-071, BADREDDIN PLASEIED, BE DEFERRED UNTIL JULY 11, 2001.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Kelso, citing the need for more time to review the applications, MOVED TO CONTINUE TO DEFER DECISIONS ON PCA-84-L-020-19 AND FDPA 84-L-020-2-10, KINGSTOWNE COMMERCIAL, UNTIL APRIL 18, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Alcorn seconded the motion which carried unanimously.

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Commissioner Kelso announced that the School Facilities Committee would meet again on Wednesday, April 18, 2001 at 7:30 p.m. in the Board Conference Room. He added that all interested parties were invited to attend.

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Commissioner Hall announced her intent to defer the public hearing on RZ-2000-MA-055, John H. Thillmann, to a date certain of May 2, 2001. She then SO MOVED.

Commissioners Alcorn and Koch seconded the motion which carried unanimously.

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FS-M00-105 - NEXTEL COMMUNICATIONS, 7128 Columbia Pike

Commissioner Hall RECOMMENDED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY, BY NEXTEL COMMUNICATIONS, FOR THE ANNANDALE VOLUNTEER FIRE

DEPARTMENT PROPERTY, LOCATED AT 7128 COLUMBIA PIKE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF 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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Commissioner Byers, citing outstanding issues regarding access to Lot 33 and stormwater management, MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON RZ/FDP-2000-MV-019, WASHINGTON HOMES, INC., TO THURSDAY, MARCH 29, 2001.

Commissioner Wilson seconded the motion which carried unanimously.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. 2232-Y00-32 - COXCOM, INC.
PCA-82-P-069-10 - COXCOM, INC.
FDPA-82-P-069-7-6 - COXCOM, INC.
2. SEA-96-L-034-2 - SPRINGFIELD CAMPUS
3. SE-00-S-038 - JAGDISH BERRY

This order was accepted without objection.

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2232-Y00-32 - COXCOM, INC. - Appl. under Sect. 15.2-2232 of the Code of Virginia to permit a telecommunications facility on property located on the S. side of Fair Lakes Pkwy., approx. 600 ft. W. of Fairfax County Parkway on approx. 41,519 sq. ft. of land zoned PDC & WS. Tax Map 45-4((11))pt. A. (Concurrent w/PCA-82-P-069-10 & FDPA-82-P-069-7-6.) SULLY DISTRICT.

PCA-82-P-069-10/FDPA 82-P-069-7-6 - COXCOM, INC. - Appls. to amend the proffers & the sixth amendment to the seventh final development plan for RZ-82-P-069 to permit a telecommunications facility w/an overall FAR of 0.11 on property located on the S. side of Fair Lakes Pkwy., approx. 600 ft. W. of Fairfax County Parkway on approx.

41,519 sq. ft. of land zoned PDC & WS. Comp. Plan Rec: Fairfax Center
Area: Office & mixed use. Tax Map 45-4 ((11)) pt. A. (Concurrent
w/2232-Y00-32.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Ms. Inda Stagg, a planner with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit for PCA-82-P-069-10 and FDPA-82-P-069-7-6 dated March 15, 2001. There were no disclosures by Commission members.

Ms. Amy Parker, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report for all three applications, copies of which are in the date file. She noted that staff recommended approval of the applications.

In response to questions from Commissioner Harsel, Ms. Parker explained that new Land Bay 7A had been created out of Land Bay 7C for the purpose of constructing this proposed telecommunications equipment building. She confirmed that the generators would be located on the side of the proposed building opposite the nearby Residence Inn.

Ms. Stagg explained that the proposed telecommunications facility would have no associated antennas or towers. She added that fiber optic cable would link the facility to a communications network. Ms. Stagg said that the applicant had worked with the Fair Lakes League and its Design Review Board regarding design of the building and landscape plan. She stated that the applicant concurred with the proposed development conditions.

In response to questions from Commissioner Smyth, Mr. Gary Musciano, architect for the applicant, explained that conventional air conditioning methods would be used to cool and ventilate the building.

In response to a question from Chairman Murphy, Ms. Lyn Ganschinietz, Director of Government and Community Relations for Cox Communications of Northern Virginia, Inc., explained that this proposed upgrade would further the process of eliminating the need for a cable box for individual television sets.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he 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 FIND THAT APPLICATION 2232-Y00-32 SATISFIES THE CRITERIA OF LOCATION, CHARACTER AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

2232-Y00-32 - COXCOM, INC.
PCA-82-P-069-10/FDPA-82-P-069-7-6 - COXCOM, INC.

March 28, 2001

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION PCA-82-P-069-10 BE APPROVED, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE FOUND IN APPENDIX 1.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-7-6, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 28, 2001 AND SUBJECT TO THE BOARD'S APPROVAL OF PCA-82-P-069-10.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Koch MOVED THAT WE RECOMMEND (APPROVAL OF A) MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS IN FAVOR OF THE TREATMENT SHOWN ON THE FDPA.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

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SEA-96-L-034-2 - SPRINGFIELD CAMPUS LLC - Appl. under Sect. 3-304 of the Zoning Ord. to amend SE-96-L-034 previously approved for housing for the elderly w/associated medical care facilities to permit bldg. additions & site modifications on property located generally N. & S. of the Franconia-Springfield Pkwy., E. & W. of its intersection w/Spring Village Dr. on approx. 78.41 ac. zoned R-3. Tax Map 90-1((1)) pt. 63 & 64. LEE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated March 21, 2001. 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 approval of the application.

In response to a question from Commissioner Smyth regarding the ratio of parking spaces to units, Mr. Braham said that the applicant could better answer that question.

Ms. Strobel explained that the applicant was requesting this change in unit type from one bedroom to two bedrooms in response to market conditions. She noted that residents often wanted a spare room to accommodate guests or for use as a home office or hobby room. She added that there would be no increase in the overall number of units, but there would be an increase in building footprints and parking. Ms. Strobel noted that the applicant concurred with the proposed development conditions and had the support of the Lee District Land Use Advisory Committee. In response to Commissioner Smyth's earlier question, she stated that the parking ratio would be 1.28 spaces per unit.

In response to questions from Commissioner Kelso, Ms. Strobel confirmed that the applicant would work with staff to coordinate the landscaping plan along the Franconia-Springfield Parkway boundary of the property.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Kelso for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT SEA-96-L-034-2 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION FURTHER RECOMMEND THAT THE PREVIOUSLY APPROVED TRANSITIONAL SCREENING MODIFICATIONS AROUND THE PERIPHERY OF GREENSPRING VILLAGE AND A MODIFICATION OF THE 50-FOOT SETBACK REQUIRED BY SECTION 9-306 BE REAFFIRMED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

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Prior to the hearing of the next case in the Springfield District, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE-00-S-038 - JAGDISH BERRY - Appl. under Sect. 3-804 of the Zoning Ord. to permit a child care center w/an enrollment of 100 or more students daily on property located generally in the S.W. quadrant of the intersection of Edinburgh Dr. & Lake Pleasant Dr. on approx. 1.62 ac. zoned R-8. Tax Map 98-2((8))G. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Stephen Fox, Esquire, reaffirmed the affidavit dated October 25, 2001. There were no disclosures by Commission members.

Mr. Francis Burns, 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 approval of the application.

Commissioner Murphy announced his intention to defer decision on this application after the public hearing.

Mr. Fox noted that almost 50 percent open space would be provided and that the applicant had tried to work with citizens in the area, but had not been able to reach an acceptable compromise. He spoke about the need for day care in the area and submitted statistical information in the form of a Supplemental Statement of Justification to support that assertion, a copy of which is in the date file. He added that The Goddard School for Early Childhood Development, a well-known, reputable child care company, would oversee operation of the proposed child care center. Mr. Fox stated that the Department of Transportation had not identified any traffic issues in this application. In response to a concern expressed by the community that development of this site would adversely affect pedestrian paths used by children walking to nearby Saratoga Elementary School, he noted that the applicant was willing to provide a pathway through the subject property that would avoid the need for children to walk across the child care center's vehicular entrance. In conclusion, Mr. Fox said that the application represented a needed use that would be compatible with the neighborhood.

In response to questions from Commissioner Byers, Mr. Fox said that, to his knowledge, no fund had been established to offer incentives for child care providers. He said it was his understanding that a demographic firm hired by Goddard had made a marketing analysis based on census tract data to arrive at the statistics he submitted in the Supplemental Statement of Justification.

In response to questions from Commissioner Murphy, Mr. Fox agreed to provide copies of the statistical data to community leaders. He explained that the 25-foot buffer around the property had been included in calculating the amount of open space.

In response to a question from Commissioner Murphy, Mr. Burns confirmed that 25 feet was the buffer width required between commercial and residential uses.

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

Mr. Jim Fitzpatrick, 7908 Colorado Springs Drive, Springfield, spoke on behalf of the Saratoga Community Association. He expressed opposition to the proposal, citing incompatibility with the community and the safety of elementary aged school children who would have to walk past the site as his major concerns. (A copy of Mr. Fitzpatrick's statement is in the date file.)

Mr. Fitzpatrick responded to questions from Commissioners Byers, Hall, Koch and Alcorn regarding his position.

Mr. Phil Space, 8064 Sleepy View Lane, Springfield, spoke on behalf of the Townhouses of Saratoga. He concurred with Mr. Fitzpatrick's comments, adding that establishment of a commercial use in this area would adversely affect property values, create additional traffic and safety problems, and adversely affect the overall appearance of the neighborhood. (A copy of Mr. Space's comments is in the date file.)

Mr. Space responded to questions from Commissioners Hall, Murphy, Koch, Byers and Smyth regarding his position.

Ms. Megan Horan, 7902 Lake Pleasant Drive, Springfield, was also opposed to the application. She expressed her concern about the additional traffic that would be generated by the proposed day care center and the amount of trees that would be lost. (A copy of a letter from Ms. Horan is in the date file.)

Mr. Christopher Kask, 7911 Lake Pleasant Drive, Springfield, spoke in opposition. He was especially concerned that parking at the school for special events would overflow into the County. (A copy of Mr. Kask's statement is in the date file.)

Mr. Michael Harn, 7908 Lake Pleasant Drive, Springfield, concurred with the objections expressed by previous speakers and added that he was also concerned about noise from the proposed use.

Ms. Karen Wine, 8094 Sleepy View Lane, Springfield, explained that she had been a day care provider in the Saratoga neighborhood for 15 years. She listed other day care facilities in the area and said that, while she did not object to the competition of another day care center, she did not believe that the subject property was a good location. (A copy of Ms. Wine's statement is in the date file.)

Ms. Linda Burke, 8010 Sleepy View Lane, Springfield, represented the Saratoga Recreation Group, operator of the swimming pool and other recreation facilities in the Saratoga community. She questioned the applicant's judgment and credibility, saying that Mr. Berry had no knowledge of the day care business. She also objected to the additional traffic that would be generated and

noted that the Comprehensive Plan indicated that special exception uses should not have an adverse impact on existing development.

Commissioner Murphy commented that the Planning Commission considered land use issues only in reviewing applications and that the applicant's intentions or qualifications were not relevant to the Commission's decision. He noted that her comments regarding traffic and the Comprehensive Plan recommendation would be considered.

Ms. Burke responded to questions from Commissioner Byers regarding the traffic figures she quoted in her presentation.

In response to questions from Commissioner Byers, Mr. Burns stated that the County's Department of Transportation (DOT) would have to do a study over a 30-day period to either confirm or refute Ms. Burke's statistics. Commissioner Byers suggested that the traffic issue be addressed further by staff since it seemed to be a recurring issue in tonight's testimony.

Ms. Maureen Brody, 7915 Saint Dennis Drive, Springfield, spoke in opposition. She said that the proposed use was inconsistent with the nature of the community; that there was no need for additional day care in the area; and that the safety of school children would be compromised. (A copy of a letter from Ms. Brody is in the date file.)

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

Mr. Fox said he understood the Saratoga community's opposition to change on the subject property, but he maintained that the proposed use was appropriate for the site. He noted that the center would be available to citizens for community meetings. He said that school children's safety would not be affected, reiterating that the applicant was offering to provide a pathway through the subject property that would avoid the need for children to walk across the vehicular entrance. He added that the applicant would assume the liability of public ingress and egress through the property. Mr. Fox stated that parking in excess of requirements was proposed and that the applicant would work with the Urban Forester to ensure adequate screening and buffering. He explained that the center would operate in accordance with the rules and regulations of both Fairfax County and the Commonwealth of Virginia.

In response to a question from Commissioner Murphy, Mr. Fox said he had no reason to believe that Goddard Schools would not abide by the conditions imposed on the day care center by the Board of Supervisors.

In response to questions from Commissioner Byers, Mr. Fox said that children aged 6 months to 6 years would be enrolled at the center. He added that a kitchen was not included in the proposal and that a dumpster would be located on site if Department of Public Works and Environmental Services (DPWES) determined that it was necessary.

In response to questions from Commissioner Smyth, neither Mr. Fox nor Mr. Burns could say whether Edinburgh Drive was classified as a minor arterial or a collector road. Mr. Burns said that that issue had not been raised by DOT during staff's review of the application.

Commissioner Murphy announced his intention to defer decision on this application and asked that staff clarify the status of Edinburgh Drive prior to the Commission's action.

In response to questions from Commissioner Harsel, Mr. Fox explained that since the road classification issue had not been raised by County staff or the Virginia Department of Transportation, the applicant had not addressed it. Commissioner Harsel maintained that the applicant should have investigated the matter nevertheless.

In response to further questions from Commissioner Harsel, Mr. Fox confirmed that the limits of clearing and grading were not delineated on the development plan, but noted that the buffer area proposed was addressed in Notes 14 and 17 on the plan.

In response to questions from Commissioner Hall, Mr. Fox outlined the hours of operation and the number of parking spaces and employees proposed.

In response to questions from Commissioner Hall, Mr. Burns explained how the parking spaces would be allocated between employees and other users.

In response to questions from Commissioner Murphy, Mr. Fox said it was his understanding that the determination as to whether a dumpster would be needed would be made by DPWES during its review of the project. He added that the applicant had tentatively planned a space for a dumpster behind the parking area west of the building. He said that a definite location would be shown on the plan before the Commission made its decision.

In response to questions from Commissioner Harsel, Mr. Fox stated that the applicant had not shown a loading area for deliveries because the deliveries to the center would be via UPS.

In response to further questions from Commissioner Harsel, Ms. Fran Loves, with Goddard Schools, provided information about Goddard Schools and its franchise requirements. She confirmed that hot lunches would not be served at the center.

In response to a question from Commissioner Harsel, Mr. Fox said that the site was too small for a church. Commissioner Harsel said that the current R-8 zoning would allow townhouses.

In response to questions from Commissioner Wilson, Mr. Michael Johnson, engineer for the applicant, explained that the limits of clearing would be extended into the roadway in certain areas to allow for connection to utilities.

In response to questions from Commissioner Smyth, Mr. Fox explained that there was no drop-off area because parents were required to park and escort their children to and from the building.

In response to further questions from Commissioner Smyth, Ms. Loves explained that not all of the staff parking spaces would be utilized at the same time because staff hours were staggered. She reminded the Commission that the parking spaces used by parents were only short term parking and that one space could be used by several cars over the course of an hour.

In response to questions from Commissioner Hall, Ms. Loves said that parent-teacher conferences were generally scheduled during the day and that any events held in the evening would only involve one class and that there would be adequate parking on site. She added that parking for parents attending any larger events involving the entire center would be provided off site through an arrangement with either the nearby shopping center or public elementary school.

In response to a question from Commissioner Hall, Mr. Burns confirmed that the hours of operation outlined in the development conditions indicated Monday through Friday operation only. Ms. Loves said that if that was the desire of the community, then no weekend activities would be scheduled.

In response to questions from Commissioner Byers, Mr. Fox stated that typically children would arrive at the center between 7:00 a.m. and 9:00 a.m.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON SE-00-S-038 TO A DATE CERTAIN OF MAY 10, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously.

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Chairman Murphy resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 11:02 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

CLOSING

March 28, 2001

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: March 13, 2002

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