

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 2, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank de la Fe, Hunter Mill 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
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Linda Q. Smyth, Providence District

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The meeting was called to order at 8:28 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 Harsel MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY COUNSEL, SPECIFICALLY WITH REGARD TO AMENDMENTS TO CHAPTER 101, SUBDIVISION ORDINANCE, ADOPTED BY THE BOARD OF SUPERVISORS ON MARCH 24, 2003, AND PROPOSED ADVERTISEMENT FOR FUTURE AMENDMENTS TO CHAPTER 101, SUBDIVISION ORDINANCE, REGARDING ILLEGAL LOTS, PURSUANT TO *CODE OF VIRGINIA* SECTION 2.1-344 (A)(7).

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers and Smyth absent from the meeting.

(The Commission went into Closed Session at 8:30 p.m. and reconvened in the Board Auditorium at 9:20 p.m.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE ONLY THE PUBLIC BUSINESS MATTER LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE *VIRGINIA FREEDOM OF INFORMATION ACT* AND ONLY

THE MATTER IDENTIFIED IN THE MOTION TO CONVENE CLOSED SESSION WAS HEARD, DISCUSSED OR CONSIDERED BY THE PLANNING COMMISSION DURING THAT SESSION.

Commissioner Moon seconded the motion which carried by a vote of 9-0-1 with Commissioner Wilson abstaining; Commissioners Byers and Smyth absent from the meeting.

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Commissioner Koch noted that the proffers associated with PCA-76-S-003-2 required that the site plan for Redwood Square Center be returned to the Western Fairfax County Citizens Association's Land Use Committee and the Planning Commission for review. He added that Site Plan #9491-SP-02 had been submitted in accordance with that proffer and found to be in compliance. He therefore MOVED THAT, IN ACCORDANCE WITH PROFFER 4 OF PCA-76-S-003-2, CENTRE RIDGE PROFESSIONAL PARK, WE HAVE REVIEWED THE SUBMITTED PLANS AND THAT THE CONDITIONS OF PROFFER 4 HAVE BEEN MET, RECOGNIZING THE LETTER FROM REDWOOD SQUARE LLC, DATED APRIL 1, 2003.

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

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SE-2002-MA-045 - ENTERPRISE LEASING COMPANY (Decision Only)

(The public hearing on this application was held on March 26, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2002-MA-045, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 2, 2003.

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

Commissioner Hall MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT TO THE NORTHWEST AND THE NORTHEAST AND THE BARRIER REQUIREMENT TO THE NORTHWEST, NORTHEAST AND SOUTHEAST AND MODIFICATIONS TO THE TRANSITIONAL SCREENING REQUIREMENT TO THE NORTHEAST TO PROVIDE LANDSCAPING AS SHOWN ON THE SE PLAT.

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

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ORDER OF THE AGENDA

In the temporary absence of Secretary Harsel, Chairman Murphy set the following order:

1. ZONING ORDINANCE AMENDMENT (Application Fees)
2. 2232-H03-2 - FAIRFAX COUNTY PARK AUTHORITY
3. RZ-2002-SP-033 - CHRISTOPHER MANAGEMENT, INC.
FDP-2002-SP-033 - CHRISTOPHER MANAGEMENT, INC.

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Application Fees) - Appl. to amend Chapter 12, Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, Sect. 18-106, Application Fees, to increase the application fees set forth in Sect. 18-106, to include variances, special permits, special exceptions, rezonings or amendments thereto, by up to 15%. PUBLIC HEARING.

Ms. Donna McNeally, 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 language on pages 1 through 6 of Attachment 1 to the staff report.

Ms. McNeally responded to questions from Commissioner Moon regarding the proposed changes in the fee schedules and how the new fees compared to those of neighboring jurisdictions.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Moon for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING

ZONING FEES AS ADVERTISED AND AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 26, 2003, WITH THE FOLLOWING CHANGE:

REVISE THE PROPOSED NEW PARAGRAPH 9 OF SECTION 18 106 AS SHOWN ON LINE 42 OF PAGE 5 OF ATTACHMENT 1 TO THE STAFF REPORT TO ESTABLISH A FEE OF \$40 FOR NON-RESIDENTIAL USE PERMITS.

He further MOVED THAT THE PROPOSED AMENDMENT BECOME EFFECTIVE AS OF 12:01 A.M., JULY 1, 2003. THE REVISED FEES SHALL BE APPLICABLE TO ANY ZONING APPLICATION OR ANY NON-RUP APPLICATION FILED SUBSEQUENT TO THE EFFECTIVE TIME OF THE AMENDMENT AND THOSE ZONING APPLICATIONS WHICH ARE FILED PRIOR TO THE EFFECTIVE TIME OF THIS AMENDMENT AND WHICH ARE DEEMED TO BE COMPLETE IN ACCORDANCE WITH THE APPLICABLE SUBMISSION REQUIREMENTS, SHALL BE GRANDFATHERED FROM THIS AMENDMENT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Byers and Smyth absent from the meeting.

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2232-H03-2 - FAIRFAX COUNTY PARK AUTHORITY - Appl. to establish a public park for historic preservation, historic facility use by the public, and general site visitation/trail use, located at 9750 Brook-meadow Dr., Vienna. Tax Maps 28-3 ((1)) 8 and 28-3 ((22)) A. HUNTER MILL DISTRICT. PUBLIC HEARING.

Commissioner de la Fe disclosed, for the record, that he had been the Chairman of the Park Authority Board when the subject property was acquired.

Mr. David Jillson, 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.

Mr. Joseph Sicenavage, Planning and Development Division, Park Authority, explained that the subject property had been donated to the Park Authority through the will of its previous owner, Mrs. Lahey, with the requirement that the existing home be used as gallery space for rotating art exhibits. He added that the size and accessibility of the home would limit the number of guests allowed at one time. He noted that an adjacent cottage also on the subject property would be used for an artist-in-residence/caretaker.

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

Mr. Bill Thornton, 9704 Brookstone Lane, Vienna, representing the Lahey-Lost Valley Neighborhood Advisory Team, explained how the Team had worked with Park Authority staff on the proposed development of this park. He supported the application, but requested that the park be closed at 5:00 p.m. and that permits for alcoholic beverages on special occasions not be allowed.

In response to questions from Commissioner de la Fe, Mr. Thornton elaborated upon his reasons for those two requests.

In response to questions from Commissioner Hall, Ms. Karen Lindquist, Park Operations Division, Park Authority, explained that gallery openings sometimes featured wine and cheese receptions for which alcohol permits were required.

Ms. Pat Skarlatos, 1800 Brooktrail Court, Vienna, noted that her property was directly abutting the proposed park entrance. She questioned the need for a cul-de-sac on the subject property and wanted to know when it might be constructed. She expressed concern that the gate to the park was not always closed when it was supposed to be and asked that she be kept informed of park development.

Mr. Preston Baker, 1805 Brooktrail Court, Vienna, did not object to the application, but requested that no events be scheduled to last longer than 9:00 p.m. through the week or 5:00 p.m. on Friday, Saturday or Sunday, as discussed with Commissioner de la Fe.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Sicenavage for a rebuttal statement.

Mr. Sicenavage explained that construction for the proposed cul-de-sac would depend on funding and that the Neighborhood Advisory Team and adjacent property owners would be routinely notified of park development actions.

In response to a question from Commissioner de la Fe, Mr. Sicenavage said that the current caretaker would be reminded to close the gate at the proper time.

In response to questions from Commissioner Harsel, Ms. Lindquist stated that use of the home for private weddings was listed as an option, but was unlikely due to the size of the building and limited accessibility.

There were no further comments or questions from the Commission and Mr. Jillson had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY TO ESTABLISH A PUBLIC PARK AT 9750 BROOK MEADOW DRIVE, NEAR VIENNA, FOR HISTORIC PRESERVATION, HISTORIC FACILITY USE BY THE PUBLIC, AND GENERAL SITE VISITATION AND TRAIL USE, IS IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner DuBois seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers and Smyth absent from the meeting.

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The next case being in the Springfield District and in the absence of Vice Chairman Byers, Chairman Murphy asked Secretary Harsel to assume the Chair.

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RZ/FDP-2002-SP-033 - CHRISTOPHER MANAGEMENT, INC. -

Appls. to rezone from R-1 and WS to PDH-2 and WS to permit residential development at a density of 1.91 dwelling units per acre (du/ac) and approval of the final and conceptual development plans. Located on the N. side of Braddock Rd., approx. 900 ft. W. of Willow Springs School Rd. on approx. 8.90 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 66-2 ((1)) 11-14. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire, Woods, LLP, reaffirmed the affidavit dated March 7, 2003. There were no disclosures by Commission members.

Mr. Fran Burnszynski, 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.

Mr. Riegle stated that this rezoning request was in conformance with the recommendations of the Comprehensive Plan as recently amended and that all five issues suggested in the Plan language had been addressed. He added that the proposal was compatible with existing development and that the applicant had worked with adjacent property owners to address their concerns. He noted that the proffers included an extensive monitoring system to assure that there would be no diminishment of well water on adjoining properties.

Mr. Reigle responded to questions from Commissioner Wilson regarding the small private street to be used for interparcel access to neighboring properties on the east and how those parcels could develop in the future.

In response to questions from Commissioner Harsel, Mr. Reigle explained that the applicant was making a contribution to the Housing Trust Fund in lieu of affordable dwelling units because of the small number of homes proposed.

In response to a question from Commissioner Wilson, Mr. Reigle stated that the existing homes on the subject property would be removed.

Secretary Harsel called the only listed speaker.

Ms. Traleen Aquino, 12504 Braddock Road, Fairfax, expressed concern about the effect of the proposed development on stormwater runoff and well water in the area. She maintained that the monitoring system was inadequate.

Commissioner Kelso commented that the topography of the subject property sloped away from Ms. Aquino's property on the east.

Commissioner Murphy explained that the proffers clearly addressed the runoff and well water issues.

There were no further speakers; therefore, Secretary Harsel called on Mr. Reigle for a rebuttal statement.

Mr. Reigle reiterated that all of the issues, including mitigation of land disturbing activities, referenced in the Comprehensive Plan had been addressed to the satisfaction of the County's environmental staff. He offered to meet with Ms. Aquino personally to discuss the details.

Mr. Reigle responded to questions from Commissioner Wilson regarding disclosure of private street obligations to prospective homeowners and hours of blasting, if needed.

Mr. Burnszynski had no closing staff remarks; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Murphy for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-2002-SP-033 AND THE CONCEPTUAL PLAN, SUBJECT TO THE PROFFERS DATED APRIL 1, 2003, WITH THE WORDS "PRIOR TO" ADDED TO PROFFERS 5 AND 10 REGARDING DISCLOSURES TO PROSPECTIVE HOMEOWNERS.

RZ-2002-SP-033 - CHRISTOPHER MANAGEMENT, INC.
FDP-2002-SP-033 - CHRISTOPHER MANAGEMENT, INC.

April 2, 2003

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers and Smyth absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2002-SP-033, SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND THE CONCEPTUAL DEVELOPMENT PLAN AND THE PROFFERS, AS AMENDED THIS EVENING.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers and Smyth absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUEST FOR A VARIANCE TO ALLOW A SIX-FOOT HIGH FENCE ALONG BRADDOCK ROAD PER PARAGRAPH 3 OF SECTION 10 104.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers and Smyth absent from the meeting.

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At the conclusion of this last public hearing, Chairman Murphy resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 10:50 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: March 31, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission