

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 17, 1997**

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
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
John B. Kelso, Lee District
John M. Palatiello, Hunter Mill District

ABSENT: Janet R. Hall, Mason District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Alvin L. Thomas, Commissioner At-Large

//

The meeting was called to order at 8:25 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Citing unresolved issues, Commissioner Kelso MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SE-97-L-009, SAYED ASLAM ALI, TO A DATE CERTAIN OF JUNE 19, 1997.

Commissioners Alcorn and Hunter seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

//

At the request of the applicant, Commissioner Byers, referring to application SEA-92-V-044-2, Coakley-Backlick Road L. P., MOVED THAT WE DEFER THAT PUBLIC HEARING TO A DATE CERTAIN OF MAY 15, 1997.

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

//

Commissioner Downer, at the request of the applicant, MOVED THAT WE DEFER RZ-1996-DR-045, JACK W. CARNEY, TO A PUBLIC HEARING DATE OF JUNE 12, 1997.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

//

Commissioner Downer announced her intent to defer the public hearing on 456-D96-7, AT&T Wireless Services, from Thursday, April 24, 1997 to Thursday, May 29, 1997.

//

Commissioner Kelso referred to subdivision plan #9128-SD-02 associated with application RZ-95-L-054 heard by the Planning Commission in May of 1996. He said that he found the plan to be in conformance with the proffers of the rezoning and MOVED THAT THE PLANNING COMMISSION ACCEPT THE SITE PLAN AS SUBMITTED AND ASK STAFF TO INFORM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OF THIS ACTION.

Commissioner Palatiello seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

NOTE: Since this subdivision plan was not processed through the Department of Environmental Management and distributed to the Commission according to normal procedure, the action to recommend approval was not valid and was reconsidered on Thursday, April 24, 1997.

//

SE-96-V-055 - RITE AID PHARMACY (Decision Only)

(The public hearing on this application was held on April 3, 1997. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT WE RECOMMEND THAT THE BOARD APPROVE SE-95-V-055, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 20, 1997, ATTACHED TO THE STAFF REPORT, WITH THE FOLLOWING CHANGES:

- CONDITION 5 WOULD READ: "THE DRIVE-THROUGH WINDOW SHALL BE USED ONLY FOR THE DROP OFF OF PRESCRIPTIONS AND PICK UP OF PHARMACEUTICALS. NO GENERAL RETAIL SALES SHALL BE PERMITTED FROM THE WINDOW."

- A NEW CONDITION 6: "SIGNS SHALL BE POSTED IN THE VICINITY OF THE STACKING AREA AND AT THE DRIVE-THROUGH WINDOW TO ADVISE DRIVERS THAT THE WINDOW SERVICE IS FOR PRESCRIPTION USE ONLY."
- CONDITION 7: "A SPEAKER BOX MAY BE ALLOWED TO FACILITATE PRESCRIPTION PICK UP AND DROP OFF. IT SHALL BE LOCATED DIRECTLY ON THE DRIVE-THROUGH WINDOW ITSELF. THE VOLUME OF THE SPEAKER BOX SHALL BE MAINTAINED AT REASONABLE LEVEL SO AS NOT TO DISTURB ADJACENT PROPERTY OWNERS."
- RENUMBER THE REMAINING ITEMS AND ADD THE FOLLOWING CONDITIONS: "THE APPLICANT WILL LABEL THE INGRESS/EGRESS EASEMENT THROUGH THE EXISTING PARKING EASEMENT AS A FIRE LANE WITH THE BORDERS PAINTED YELLOW AND WITH THE APPROPRIATE PAVEMENT MARKING."
- "THE APPLICANT WILL REMOVE THE CURB AND GUTTER BEHIND THE BUILDING, AS WELL AS A 15-FOOT SECTION ON THE NORTH REAR. A SMOOTH TIE WILL BE MADE TO THE EXISTING PARKING EASEMENT AND TO THE PROPERTY ON THE NORTH. THIS WILL ALLOW FOR THE PASSAGE OF FIRE AND OTHER EMERGENCY EQUIPMENT IN THE EVENT THERE ARE CARS PARKED WITHIN THE EASEMENT."

Commissioners Downer and Hunter seconded the motion which carried by a vote of 6-0-1 with Commissioner Coan abstaining; Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A WAIVER OF THE SERVICE DRIVE ON RICHMOND HIGHWAY AND A WAIVER OF THE TRANSITIONAL SCREENING ALONG A PORTION OF THE EASTERN PERIPHERY OF THE PROPERTY.

Commissioners Downer and Hunter seconded the motion which carried by a vote of 6-0-1 with Commissioner Coan abstaining; Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

//

ORDER OF THE AGENDA

In the temporary absence of Secretary Harsel, Vice Chairman Byers established the following order of the agenda.

1. FDPA-96-H-022 - PULTE HOME CORP. & EAKIN/YOUNGENTOB ASSOCIATES
2. RZ-1996-HM-046 - EASTWOOD PROPERTIES, INC.
FDP-1996-HM-046 - EASTWOOD PROPERTIES, INC.
3. RZ-96-P-011 - GLENN M. BUCCI

This order was accepted without objection.

//

FDPA-96-H-022 - PULTE HOME CORP. & EAKIN/YOUNGENTOB ASSOCIATES - Appl. to amend the FDP for RZ-96-H-022 to permit residential development in order to add certification by a professional engineer, architect or land surveyor on property located approx. 350 ft. W. of the intersection of Ashgrove Lane & Sherman Tysons Dr. on approx. 24.88 ac. zoned PDH-12 & HC. Tax Map 29-1((1))pt.1 OC & 29-3((1))1A. HUNTER MILL DISTRICT. PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated January 8, 1997. There were no disclosures by Commission members.

Commissioner Palatiello asked that Vice Chairman Byers 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, Vice Chairman Byers 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 APPROVE FDPA-96-H-022, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

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

//

RZ-1996-HM-046 - EASTWOOD PROPERTIES, INC. - Appl. to rezone approx. 3.64 ac. of located on the S. side of Lawyers Rd., approx. 150 ft. E. of Abbotsford Dr. from R-1 to PDH-2 to permit residential development at a density of 1.92 du/ac. & approval of the CDP. Comp. Plan Rec: 1-2 du/ac. Tax Map 38-1((1))31. (Concurrent

with FDP-1996-HM-046.) HUNTER MILL DISTRICT.

FDP-1996-HM-046 - EASTWOOD PROPERTIES, INC. - Appl. to approve the FDP for RZ-1996-HM-046 to permit residential development on property located on the S. side of Lawyers Rd., approx. 150 ft. E. of Abbotsford Dr. on approx. 3.64 ac. zoned PDH-2. Tax Map 38-1 ((1)) 31. (Concurrent with RZ-1996-HM-046.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Tracy Steele, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated January 29, 1997. There were no disclosures by Commission members.

Phyllis Wilson, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Wilson responded to questions from Commissioner Palatiello regarding the proposed bike trail and sidewalks, stormwater management, and road improvements on Lawyers Road. She also replied to a question from Commissioner Coan concerning the length of private streets.

Ms. Steele explained that the applicant was requesting PDH-2 zoning with a projected density of 1.92 dwelling units per acre, which was consistent with the use and intensity of surrounding lots. Access to the site, she added, would be from Lawyers Road via a private street of slightly less than 600 feet to be maintained by the proposed homeowners association. Ms. Steele listed the amenities to be provided, such as: 10 visitor parking spaces; a contribution of \$1050 per unit for recreational uses, exceeding Zoning Ordinance requirements; 23.6 percent open space, also in excess of requirements; a pedestrian circulation system; a bus shelter; and a tree preservation plan to be reviewed by the Urban Forestry Branch of the Department of Environmental Management. She noted that the buffer around the edge of the subject property, consisting of ornamental, canopy and evergreen trees, might include transplanted trees from other portions' of the site. She stated that conventional or even cluster development of the property would result in less open space, less tree save and no recreational contribution. Ms. Steele said that the applicant was requesting a modification of proposed Final Development Plan Condition 1 to indicate that the rear yard requirements for the R-2 District be allowed, with the caveat that a minimum side yard setback of 25 feet be provided on Lot 7.

Ms. Steele responded to questions from Commissioner Byers regarding the types and sizes of trees on the subject property.

Commissioner Coan commented on the private street issue and suggested that prospective homeowners be informed in writing that they would be responsible for maintenance. Both Ms. Steele and Commissioner Palatiello concurred.

Ms. Steele responded to questions from Commissioners Palatiello and Alcorn regarding stormwater management and from Commissioner Kelso regarding the proposed road design.

Vice Chairman Byers called for speakers and listed the rules for public testimony.

Alan Stevens, 2217 Tanglewood Drive, Vienna, representing the Tanglewood Community Association, spoke in opposition to the applications. He stated that, other than increasing the applicant's profits, he could see no reason or need for the requested rezoning. (A copy of his remarks is in the date file.)

Mr. Stevens responded to questions from Commissioners Palatiello and Byers regarding stormwater problems in the area, specifically the Tanglewood Park, and traffic and safety problems.

Mick Smisko, 2213 Abbotsford Drive, Vienna, was opposed to the applications. He said the proposed homes would be incompatible with existing development and the related increase in traffic would cause safety problems.

Mr. Smisko replied to questions from Commissioners Byers and Palatiello concerning density, safety, lot sizes, and buffer areas.

At Vice Chairman Byers' request, Mr. Stevens returned to the podium to further address his concerns regarding the safety issue. Commissioner Byers pointed out that a stormwater management area for such a small development would probably consist of a dry pond which would only accumulate water during storms and would quickly drain afterwards, posing little safety hazard.

Mark Gardiner, 2203 Abbotsford Drive, Vienna, noted that the applicant had attempted to meet citizens concerns in that the original plan called for nine houses whereas the applicant was now requesting only seven. He still opposed the rezoning, however, maintaining that there was no need to change the current R-1 zoning.

Mr. Gardiner and Commissioner Byers discussed the bond process whereby developers were required to post bonds until certain obligations were met.

Maureen Gallagher, 2206 Abbotsford Drive, Vienna, expressed her concern about stormwater runoff and the possibility of damage to parkland.

Commissioner Palatiello explained that details of stormwater management would be required by the Department of Environmental Management (DEM) during the subdivision plan review process by County engineers.

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

Ms. Steele confirmed Commissioner Palatiello's statement regarding the review process, adding that if the applicant could not satisfy DEM's engineers, development would not take place. She reiterated that a tree preservation plan would be prepared and that the applicant's proposal would save more trees and provide more open space than conventional or by-right development. Regarding the safety and access issue, Ms. Steele reminded everyone that this property would require an entrance on Lawyers Road whether the applicant's request was approved or not. She said that lot sizes would be compatible with surrounding uses.

Ms. Steele responded to questions from Commissioner Downer regarding the history of the subject property.

Ms. Steele and Ms. Wilson replied to questions from Commissioner Coan concerning the existing trees and additional screening to be provided.

Ms. Wilson had no closing staff comments; therefore, Vice Chairman Byers 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 THE DECISION ON RZ-1996-HM-046 AND FDP-1996-HM-046 TO A DATE CERTAIN OF APRIL 30, 1997 AND THAT THE RECORD REMAIN OPEN FOR ANY ADDITIONAL WRITTEN COMMENTS.

Commissioners Alcorn and Coan seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

//

RZ-96-P-011 - GLENN M. BUCCI - Appl. to rezone approx. 1.88 ac. located in the N.E. quadrant of the intersection of Chain Bridge Rd. & Five Oaks Rd. from R-1 to R-2 to permit residential development at a density of 1.60 du/ac. Comp. Plan Rec: 1-2 du/ac. Tax Map 48-1((2))3A & 4A. PROVIDENCE DISTRICT. PUBLIC HEARING.

John Bellaschi, Esquire, with McGuire, Woods Battle and Boothe, reaffirmed the affidavit dated March 20, 1997. There were no disclosures by Commission members.

In the absence of Inda Stagg, the staff coordinator assigned to this application, Donna McNeally, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because the proposal did not meet the criteria to justify the high end of the recommended Comprehensive Plan density range and the resulting lot sizes would be incompatible with surrounding lots.

Mr. Bellaschi said that the subject property currently contained two houses and the area between the two was sufficiently large to construct a third home. He said the applicant's proposed density of 1.59 dwelling units per acre (du/ac) was consistent with the Comprehensive Plan recommendations and would be compatible in character with other homes in the area.

Commissioner Coan and Mr. Bellaschi discussed compatibility in terms of style, materials, color, scale, and lot sizes. Mr. Bellaschi maintained that the proposal should be evaluated in terms of the entire Five Oaks Subdivision consisting of 33 homes, of which 12 were of the same or smaller size than that proposed by the applicant. Commissioner Coan stated that he and staff were more concerned about the proposal's compatibility with the homes in the smaller, more immediate area of Five Oaks Road.

Vice Chairman Byers called the first listed speaker.

Philip Charlwood, 2601 Five Oaks Road, Vienna, spoke in opposition to the application. He said that the proposed houses would be crowded too close together and would not be compatible with existing homes in the neighborhood. (A copy of his letter is in the date file.)

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

Stephen Lee, 2650 Five Oaks Road, Vienna, also spoke in opposition. He expressed the opinion that the property should remain at the R-1 level. (A copy of his letter is in the date file.)

Kenneth Stegeman, 2635 Five Oaks Road, Vienna, opposed the application. He noted that a previous application for subdividing a large lot in this area had been denied several years ago and that this one should be denied also. He expressed concern for the possible deleterious effect on his property value.

Commissioner Coan noted that the information regarding denial of a subdivision of Lot 10 in 1983 was outlined in the background section on page 2 of the staff report, which also included the fact that the subject property itself had been subdivided in 1996.

Steve Pawlow, 3548 Five Oaks Road, Vienna, pointed out that Five Oaks Road continued beyond the map shown in the staff report and on the screen tonight. He said that it was a gravel road in that area lined with large, mostly wooded lots. Approval of the applicant's rezoning request, he stated, might encourage owners of these large lots to do likewise which would be very detrimental to the neighborhood.

In response to a question from Commissioner Byers, Mr. Pawlow explained that while the Commonwealth of Virginia owned that portion of the road, it had never been improved to State standards and was not maintained by the State.

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

Mr. Bellaschi explained that the lot sizes proposed by the applicant would have been larger if not for the required road dedications. He maintained that the remaining lot sizes were compatible with the area and noted that standard R-1 side yard setbacks for all three lots would be provided.

Mr. Bellaschi responded to questions from Commissioner Coan regarding an easement for possible future access to adjoining Lot 5.

Ms. McNeally and Mr. Bellaschi responded to questions from Commissioner Coan regarding the possible future redevelopment of Lot 5.

In response to questions from Commissioner Coan, Glenn Bucci, the subject property owner, explained that he had owned the property for three years and that he was now requesting a subdivision of his property into three lots because there seemed to be so much open space between the two homes.

In reply to questions from Commissioner Harsel, Mr. Bellaschi reiterated that all three of the proposed lots would meet the R-1 side yard requirements and that the proposed density of 1.59 du/ac was in accord with Comprehensive Plan recommendations which called for 1 to 2 du/ac.

Commissioner Coan said that this case required further investigation on his part and announced his intent to defer the decision.

Ms. McNeally had no closing staff comments; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Coan for a deferral motion. (A verbatim excerpt is in the date file.)

//

Commissioner Coan MOVED THAT WE MOVE TO DEFER THIS MATTER FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN, UNTIL MAY 15, 1997.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Hall, Koch, Murphy, and Thomas absent from the meeting.

//

ADJOURNMENT

April 17, 1997

The meeting was adjourned at 10:30 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: November 11, 1998

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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