

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, APRIL 20, 2006**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Peter F. Murphy, Jr., Springfield District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District  
Nancy Hopkins, Dranesville District  
Rodney L. Lusk, Lee District

//

The meeting was called to order at 8:16 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 Land Use Information Accessibility Advisory Group would meet on Wednesday, April 26, 2006, at 7:30 p.m., in Conference Rooms 4 and 5 at the Fairfax County Government Center and he invited anyone interested to participate.

//

Commissioner de la Fe noted that information had been distributed to the Commission last evening concerning the May 4, 2006 public hearing on the proposed revisions to the Countywide Transportation Policy Plan for Fairfax County.

//

**ZONING ORDINANCE AMENDMENT (MODIFICATIONS TO FENCE & YARD REQUIREMENTS)** (Decision Only)

(The public hearing on this application was held on March 23, 2006. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED ZONING ORDINANCE

AMENDMENT FOR MODIFICATION OF CERTAIN FENCE AND YARD REQUIREMENTS, IN CONJUNCTION WITH OTHER DEVELOPMENT APPLICATIONS AND ACCESSORY STRUCTURE HEIGHT MEASUREMENT, BE ADOPTED AS ADVERTISED.

Commissioners Alcorn and Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners Byers, Hopkins, and Lusk absent from the meeting.

//

S05-IV-LP2 - OUT-OF-TURN PLAN AMENDMENT (Laurel Hill) (Decision Only)  
(The public hearing on this application was held on March 29, 2006. A complete verbatim transcript of the decision made is in the date file.)

On behalf of Commissioner Byers, Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF OTPA S05-IV-LP2, AS CONTAINED IN THE MEMORANDUM TO JOHN BYERS DATED 13 APRIL 2006 FROM MARIANNE GARDNER.

Commissioners Alcorn, de la Fe, and Lawrence seconded the motion which carried unanimously with Commissioners Byers, Hopkins and Lusk absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. FDPA 79-C-148-02 - JAY P. AND ANNETTE M. SOURMANY
2. OTPA S03-III-DS1 - OUT-OF-TURN PLAN AMENDMENT
3. APR 04-III-1FC- OUT-OF-TURN PLAN AMENDMENT
4. SE 2005-HM-010- WALKER FLP LIMITED PARTNERSHIP
5. SE 2003-SP-035 - ROBERT N. DEANGELIS; RONALD A. & LETA G. DEANGELIS; GEORGE HINNANT, TRUSTEE

This order was accepted without objection.

//

FDPA 79-C-148-02 - JAY P. AND ANNETTE M. SOURMANY - Appl. to amend the final development plan for FDP 79-C-148 previously approved for residential development to permit a second story addition to existing dwelling. Located on the S. side of Miller Rd., approx. 1,500 ft. W. of intersection with

Chain Bridge Rd. on approx. 36,750 sq. ft. of land zoned PDH-4. Tax Map 47-2 ((28)) (1A) 4. PROVIDENCE DISTRICT. PUBLIC HEARING.

William Thomas, Jr., Esquire, with Fagelson, Schonberger, Payne & Deichmeister, P.C., reaffirmed the affidavit dated November 18, 2005. There were no disclosures by Commission members.

St. Clair Williams, 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. Thomas said that the application would amend a previously approved final development plan to permit a second floor addition to an existing house located in a PDH district.

Chairman Murphy called for speakers from the audience but received no response; therefore, he noted that a rebuttal statement was not necessary.

The Commission had no comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 79-C-148-02, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED APRIL 20, 2006.

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

//

S03-III-DS1 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns Land Unit D-4 of the Dulles Suburban Center, an area that is generally located S. of Wall Rd., E. of Sully Rd. and W. of Centreville Rd. The proposal is to consider age-restricted housing and assisted living facilities including nursing homes in Land Unit D-4. Recommendations relating to the transportation network and the Sully historic overlay district in Land Units D-4, D-5, and E-1 may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Charlene Fuhrman-Schulz, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the Out-of-Turn Plan Amendment.

Commissioner de la Fe noted that Sully Historic Way and Sully Plantation Way was the same road. Ms. Fuhrman-Schulz said the amendment text would be revised to indicate Sully Historic Way was the correct name.

Chairman Murphy called for speakers from the audience.

Francis McDermott, Esquire, with Hunton & Williams LLP, representing the owners of the property, the Peterson Companies, explained that negotiations with staff for seven years had resulted in the amendment to substitute residential rather than the by-right industrial use in Land Unit D-4 of the Dulles Suburban Center. He added that the revised language regarding Affordable Dwelling Units, as submitted by Commissioner Koch, would address a burgeoning policy of the Board of Supervisors concerning this issue. Mr. McDermott said that the age-restricted residential use would have no adverse impact on schools or park land and would significantly reduce the average daily trips generated by 78 percent in the morning peak time, 72 percent in the evening, and 62 percent overall.

Greg Budnick, GJB Engineering, said he represented CCLL Partnership, owner of parcel 6, one of the three parcels of property in the upper northeast corner of the area not included in the development plan. Mr. Budnick stated it appeared that consolidation of the parcels would not occur under the proposed development primarily because the parties had not reached an agreement on the sale of the property. He said that although the amendment addressed an important and critically needed improvement to the area, the language would revert the unconsolidated properties to the by-right I-5 zoning. Mr. Budnick asked the Commission to consider language that would allow the unconsolidated properties to potentially develop with uses compatible with the Dulles Discovery project.

In response to a question from Commissioner Koch, Marianne Gardner, PD, DPZ, said since the owner had been asked to provide amenities, staff had determined that the same level of density should not apply to the unconsolidated properties because generous buffers would be required which might be problematic.

Ms. Gardner said, in response to a question from Commissioner Hall, that the transportation analysis had not assumed that everyone in an age-restricted unit would be retired; however, a greater percentage of retirees in this type of community would result in trip reductions. Commissioner Hall expressed concern that allowing numerous age-restricted facilities could adversely impact school bond referendums because households without children might vote against school bonds, resulting in fewer school improvements. Ms. Gardner said staff had not considered that scenario in its analysis because specific information was not available to support that prediction. She added that other residential units marketed towards younger people with no children might have the same effect. Commissioner Hall stated that units marketed to younger people had no age restrictions and that at some point a study should be conducted to determine if there was a correlation between age restricted development and passage of school bond referendums.

Commissioner de la Fe said that County demographics showed that even though only about 20 percent of households had school age children school bond referendums still have passed.

In response to questions from Commissioner Wilson, Ms. Gardner said data suggested that often people stayed in the same communities where they had raised their families. She noted that since the Comprehensive Plan reflected a 20-year period, current market demand had not been a determining factor in staff's evaluation of the amendment. Commissioner Wilson questioned whether staff might support age-restricted housing because of the decreased impact on schools rather than demand and added that she was concerned that age-restricted housing might act as a magnet for senior citizens to move into the area when they otherwise might not have chosen this location.

In response to questions from Commissioner Wilson, Commissioner Alcorn said that in January 2006 the Board of Supervisors had adopted a policy that included a definition of work force housing and that this policy would be incorporated into the Comprehensive Plan.

In response to a question from Commissioner Hart, Ms. Gardner said that work force housing, if built on this site, would also be restricted to those 55 years and above.

Responding to a question from Commissioner Alcorn, Ms. Gardner said that the Policy Plan set a minimum goal of 12 percent affordable housing production on a yearly basis.

In response to a question from Commissioner Lawrence, Ms. Gardner said that Transportation Demand Management (TDM), if deemed necessary, would be addressed at a rezoning stage. She added that TDM may not be as effective with this development since retirees did not necessarily travel at peak hours.

There being no further speakers, Chairman Murphy called for concluding staff remarks from Ms. Fuhrman-Schulz.

Ms. Fuhrman-Schulz suggested that the Planning Commission recommend to the Board of Supervisors approval of the revised proposed Plan language dated April 6, 2006. She said the recommendation would provide an alternative for residential use limited to those 55 years of age and older with limited low intensity retail and office use for a portion of Land Unit D-4 located south of the Air and Space Museum Parkway.

The Commission had no further comments or questions; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE DRAFT PLAN TEXT FOR DULLES DISCOVERY, S03-III-DS1, AS SHOWN IN THE STAFF REPORT DATED APRIL 6, 2006,

WITH THE MODIFICATIONS SHOWN IN THE HANDOUT DATED APRIL 20, 2006,  
WITH TWO REVISIONS TO THE BULLET REGARDING AFFORDABLE HOUSING:

ON THE SECOND LINE, CHANGE "APPROXIMATELY 10 TO 12 PERCENT" TO  
"BETWEEN 10 AND 12 PERCENT"

IN THE LAST SENTENCE, SPLIT THE WORD "MAYBE" INTO TWO WORDS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Byers, Hopkins, and Lusk absent from the meeting.

//

APR 04-III-1FC – DEFERRED 2004 AREA PLANS REVIEW NOMINATION

- To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 35 ac. generally located at the northwest corner of Route 50 and Fair Ridge Drive. Tax Map 46-1 ((22)) J (portion); 46-3 ((1)) 15. The area is planned for office and public facilities at .15 FAR at the overlay level, with an option for hotel use up to .15 FAR. The Amendment will consider a mix of office, retail, public facilities, and institutional use (church) up to .25 FAR. Recommendations relating to the transportation network may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Lindsay Mason, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff had found no justification to amend the Plan to allow retail uses in Sub-unit A5 of the Fairfax Center area; however, staff recommended approval of the proposed Plan Amendment with the revisions reflected in the republished staff report dated April 6, 2006.

Chairman Murphy called for speakers from the audience.

Keith Martin, Esquire, with Sack Harris & Martin PC, explained that the nominator had been working closely with the owners of the site, Light Global Mission Church and Virginia Electric and Power Company (VEPCO, now known as Dominion Virginia Power), for over two years to develop the church’s new building, a professional office park, and a village retail component with an .25 Floor Area Ratio (FAR) consistent with the surrounding commercial development. He said that the FAR calculations did not include the VEPCO substation acreage but the land would be included in a Proffer Condition Amendment (PCA). Mr. Martin stated that the retail component would have a supermarket as the anchor and the adjacent village shops would have professional offices on the second floor. He added that the nominator had been working with the Fairfax County Department of Transportation (FCDOT) and Virginia Department of Transportation (VDOT) over the previous six months to ensure an appropriate trip generation on

Route 50 and Fair Ridge Drive. Mr. Martin added that this was the last developable parcel in this area along westbound Route 50. He said that he would continue to work with the Fair Oaks Estates Homeowners Association and Fair Woods Homeowners Association regarding the pending PCA. He stated that the nomination had been recommended for approval by both the Sully District APR Task Force and the Sully District Council of Citizens Associations.

In response to questions from Commissioner Koch, Mr. Martin said that the Fair Woods Homeowners Association had sent an e-mail to Sully District Supervisor Michael Frey indicating that the nominator had not met with the association; however, he informed the Commission that there had been meetings with Fair Woods Homeowners Association and Fair Oaks Estates Homeowners Association. He said that he had assured the Fair Woods representatives that the nominator had no intention of crossing their property line. Mr. Martin indicated that since the ongoing concerns were proffer related issues and not Plan issues, meetings had been scheduled to discuss their concerns regarding the pending PCA.

In response to questions from Commissioner Alcorn, Mr. Martin said that a .2 FAR would have been achieved if the substation acreage had been included in the calculations. Marianne Gardner, PD, DPZ, said that staff did not support the increase in intensity primarily because the area transitioned to lower density areas. Ms. Gardner said that under the current Plan there would be development potential for 232,000 square feet of office use and under the amendment, if approved, it would be a mix of uses including 48,000 square feet grocery store; approximately 230,000 square feet of office; 41,000 square feet of retail; and 5,000 square feet restaurant. Commissioner Alcorn expressed concern that the increased density might not be appropriate since the site was not within a transit oriented area.

In response to questions from Commissioner Wilson, Mr. Martin said that the development plan and setback would be reviewed when the pending PCA application was filed and that the area in front of the substation would be landscaped. Ms. Gardner said that switching to a use that depended on more visibility would make maintaining the buffer more difficult; however, she said staff could not comment on the setbacks and buffer because the PCA application had not been filed.

John Bondi, 3957 Acorn Ridge, Fairfax, said that although he did not object to the property being developed, he had concerns about the 75 percent increase in vehicle trips and the proposed connection to Alder Woods Drive which could increase accidents and related fatalities in the area. He said that it would be difficult to achieve a .25 FAR with the proposed buffering and transportation improvements.

Rebecca Walker, 12114 Greenleaf Court, Fairfax, said that the proposed development plan would cause an increase in traffic in an area that already had major traffic problems. She also stated her concern that the tree buffer zone would be inadequate.

In response to a comment from Commissioner Koch, Ms. Walker said that the congested weekend traffic was not a result of the current construction in the area.

Ling Guo, 12508 Flatwood Circle, Fairfax, said that the residents of the Fair Woods community had grave concerns that their safety, quality of life, property values, and air quality would be adversely affected if the amendment was approved.

John Guevara, 3913 Collis Oak Court, Fairfax, expressed his personal opinion that having retail shops adjacent to his community would be beneficial; however, as a board member of the Fair Woods Homeowners Association, he said the main concerns were safety and the impact of traffic on Alder Woods Drive. He pointed out that currently vehicles sped through the community and with limited drivable space due to parked cars, vehicles often crossed the median. Mr. Guevara said that the added traffic would exacerbate the problem and increase the risk to drivers and pedestrians.

In response to questions from Commissioners Alcorn and Wilson and Chairman Murphy, Mr. Martin said that the original plan did not show a connection to Alder Woods Drive from the property; however, VDOT and FCDOT suggested the connection as an alternative to a dual left lane on eastbound Route 50. Mr. Martin said he had informed staff that most residents would be opposed to the connection. He explained that Alder Woods Drive paralleled Route 50 and the connection would be at the southwestern corner of the site.

Tom Kollaja, 3879 Alder Woods Court, Fairfax, member of the Fair Woods Homeowners Association Board, said the association preferred that all traffic enter and exit the new development on Fair Ridge Drive.

In response to questions from Commissioner Harsel, Mr. Kollaja said that although the grade and curve made Alder Woods Court dangerous, residents had to park on the street because many townhouses did not have garages.

Commissioner Koch said that during the deferral period, the nominator, FCDOT, and VDOT should meet with the citizens to review the latest transportation plans for the area.

Doug Knoche, 12549 Lt Nichols Road, Fairfax, said that at a meeting last evening, he had been informed that there would be a connection to the proposed development via Alder Woods Drive. He said that the residents of Fair Oaks Estates had concerns that the added traffic would adversely impact their community.

Commissioner Lawrence said that the communities should consider traffic calming methods for Alder Woods Drive and suggested that the nominator meet with the homeowner associations to explain the process.

Commissioner Alcorn said concerns could be addressed at community meetings noting that there seemed to be a fair amount of confusion and dissension.

Commissioner Hall stated that some traffic calming methods were exasperating and that the communities should consider the disadvantages as well as the benefits.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application.

//

Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON APR 04-III-1FC, UNTIL MAY 11, 2006, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Byers, Hopkins, and Lusk absent from the meeting.

//

The Commission went into recess at 9:57 p.m. and reconvened in the Board Auditorium at 10:12 p.m.

//

SE 2005-HM-010 - WALKER FLP LIMITED PARTNERSHIP - Appl. under Sects. 5-304 and 9-607 of the Zoning Ordinance to permit a hotel and increase in building height from 75ft. up to a maximum of 123 ft. Located in the S.W. quadrant of the intersection of the Dulles Toll Rd. and Hunter Mill Rd. on approx. 8.50 ac. of land zoned I-3. Tax Map 18-3 ((1)) 7B and 7G pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

Benjamin Tompkins, Esquire, Reed Smith LLP, reaffirmed the affidavit dated March 28, 2006. There were no disclosures by Commission members.

Tracy Strunk, 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 denial of the application because it was not in accord with the applicable Zoning Ordinances and did not meet all the applicable Comprehensive Plan guidance or address all of the transportation issues associated with the development.

Mr. Tompkins said that the application presented two options in the final phase of the Parkridge office project: Option A for two office buildings and Option B for an office building and hotel. He explained that the proposed building height would be approximately 12 to 15 feet higher than the Parkridge V building immediately adjacent to the property and maintain open space with no additional density over the by-right use. Mr. Tompkins said the site was the gateway to Reston and the application introduced various architectural elements to create a signature building in the area. He stated that there was currently an approved site plan for the property; however, the

applicant would be able to increase open space to 38 percent by utilizing structured parking and increasing the building height. Mr. Tompkins said that Washington Metropolitan Area Transit Authority (WMATA) had been contemplating the need for a stormwater management facility on this site during the Dulles Corridor Metrorail Project and that if the property were to be developed by-right, WMATA would have to condemn this land; however, the applicant was agreeing to grant the project developer the necessary rights to use the property. He said that the applicant was dedicating land along the Dulles Toll Road and Hunter Mill Road, as required by the County, to facilitate future improvements and completing the paved trail network that presently ran along the west side of Hunter Mill Road. Mr. Tompkins stated that a traffic analysis had been performed showing that in comparison to the by-right land use, Option A would create no increase in traffic and Option B would create a 9 percent increase which he noted was a correction to the staff report. He pointed out that Option B introduced a more attractive mixed use development, provided benefits and a service that did not exist in this section of Reston, and he added that the trip generation would not affect the morning or evening peak travel times. Mr. Tompkins said that the application had been presented to the Reston Planning and Zoning Committee in 2005 and had received an affirmative vote on both the height increase and the hotel use and the application and shadow studies had been presented to the Hunter Mill Estates homeowners. Mr. Tompkins said that a meeting with staff had been scheduled to discuss revisions to the Development Conditions.

In response to questions from Commissioner de la Fe, Mr. Tompkins said that the application maintained the same density as the by-right use but introduced the hotel option and that the current site plan which had been approved for 1 building had been prepared by the prior owner of the site. He explained that by-right the permitted height would equate to a five or six story building; that proposed Building A would be seven stories due to architectural elements, a penthouse, and a lantern roof; and that proposed Building B would be only 12 to 15 feet higher than the adjacent Parkridge V building due to a grade differential. Mr. Tompkins said that as stated in Development Condition 20, the application was contingent upon the amendment of the Reston Center for Industry and Government Covenants to allow a hotel use on this site. He indicated that many citizens were in favor of the amendment.

In response to a question from Commissioner Hall, Mr. Tompkins said the Reston Center for Industry and Government Covenants were put in place in the 1960s by private citizens and not Fairfax County. He said that the conservative read was that it would take 90 percent of the community to agree to modify the covenants although there had been some question whether that percentage was correct.

In response to a question from Commissioner Alcorn, Mr. Tompkins said that the future Wiehle Avenue and Reston Parkway Metro Stations were partial reasons for amending the covenants, that the covenants pertained to commercial not residential properties, and that the Reston Association was in favor of the amendment.

Commissioner Alcorn explained that mixed use along the Dulles Toll Road in Reston would not be allowed until the covenants were changed and that the Comprehensive Plan had been changed to reflect mixed use by the Dulles Corridor Plan Amendment. He added that the general

expectation was that the land owners would recognize that it was in their best interest to release themselves from the covenant restrictions.

In response to a question from Commissioner Lawrence, Ms. Strunk said that staff proposed a condition whereby the applicant would provide bicycle parking and shower facilities for the tenants and employees; provide pedestrian connections and improvements to an existing bus stop; and provide a shuttle van if the hotel option was approved. She explained that staff added conditions in lieu of a Transportation Demand Management (TDM) package because the proposed development would not increase the office density over the current by-right use. Mr. Tompkins noted that the applicant had paid over a quarter million dollars into a special rail tax fund and although that was not directly a TDM measure, the rail project would result in trip reductions.

In response to questions from Commissioner Harsel, Mr. Tompkins said that the lantern roof was intended to be an amenity accessible to the office personnel and since this part of Reston was not in the flight path to Washington Dulles International Airport, plane noise should not have a negative impact.

Chairman Murphy called for speakers from the audience and recited rules for testimony before the Commission.

Larry Tunks, 1779 Clovermeadow Drive, Vienna, spoke in opposition to the application citing concerns about an increase in noise and traffic, the lack of infrastructure, the location of the generators, and the increase in height. He said if the shadow study had been done in midday, the results would be inaccurate. Mr. Tunks commented that this site could not be considered the gateway to Reston since there was no supporting road infrastructure.

In response to a question from Commissioner Alcorn, Mr. Tunks said that the convenience of being able to get on the Dulles Toll Road counterbalanced the road noise and that there was a significant sound wall behind his home; however, the proposed location of the generators would compound the noise impact.

James Barrett, 1704 Fox Run Court, Vienna, president of the Wayside Homeowners Association, said he had been a member of the Hunter Mill Special Study Area Task Force and a board member of the Hunter Mill Defense League, worked in the Parkridge development, and lived a half mile from the site. He noted a letter dated April 19, 2006 had been submitted for the record from Jeannette Twomey, president of the Hunter Mill Defense League, which expressed support for the staff recommendation and urged the Commission to deny the application. (A copy of the e-mail is in the date file.) He commended the applicant on the trail plan and encouraged coordination with the traffic calming study proposed for the Hunter Mill area. He said he was not opposed to the .83 FAR, but had concerns about the height and the lantern roof. Mr. Barrett stated that this site was not a gateway to Reston and that the Plan called for an urban core tapering down to a green buffer zone between the Reston and Tysons area. He narrated a PowerPoint presentation that depicted the proposed building and surrounding area and showed

the building height exceeding the tree line by 50 to 100 percent. Mr. Barrett said that since the height of the building would be above the cell tower, it would create a cellular shadow causing additional cell tower requirements. He pointed out this was not in a transit oriented development area since the proposed Wiehle Metro station would be 1 ½ miles from the site. He noted that the applicant had not met with his community.

John Heitmann, 1781 Clover Meadow Drive, Vienna, said he lived across from the proposed development in the Hunter Mills Estates. He noted that a letter dated April 19, 2006 had been sent to Commissioner de la Fe and Hunter Mill District Supervisor Catherine Hudgins from Michael Powers, president of the Hunter Mills Estates Homeowners Association, which stated opposition to the application citing concerns about the height. (A copy of the letter is in the date file.) Mr. Heitmann said a mixed use development in this area was not part of the Plan, not consistent with the current Parkridge development, and not what the homeowners had expected when they moved into the neighborhood. He added that the infrastructure to this part of Hunter Mill needed to be improved before increasing traffic. He said that with the addition of a hotel, the added traffic pattern would be unpredictable, the light pollution from signage and the lantern roof would be unacceptable, and the proposed traffic signal would exacerbate the traffic congestion

There being no further speakers, Chairman Murphy called upon Mr. Tompkins for a rebuttal statement.

Mr. Tompkins presented a graphic showing the building only partially visible with full grown landscaping and a graphic depicting the shadow studies. He noted that the studies were performed at 5 p.m. when shadows were typically the longest.

In response to a question from Commissioner Harsel, Mr. Tompkins said the proposed landscaping included trees 14 to 16 feet in height when planted. Commissioner Harsel replied that it would be hard to maintain newly planted trees at that height. Mr. Tompkins said the proposed tree species were oaks, maples, sycamores, ash, and evergreens that would reach maximum height of 50 to 60 feet within 20 to 30 years.

Continuing his rebuttal, Mr. Tompkins said that although there would be an increase in traffic, the trips generated would be during off-peak hours; therefore, the hotel option would provide a 15 to 20 percent reduction in rush hour traffic compared to the office option. He said that compared to the by-right development, this application provided public benefits such as attractive architectural design, a significant commitment to the Dulles Corridor Metrorail Project, additional dedication along the Dulles Toll Road interchange and Hunter Mill Road, contributions to the trail network, and contributions for traffic signals.

Commissioner de la Fe expressed his concerns about the proposed development based on comments made by the applicant, citizens who testified this evening, letters, and the conversations he had with the residents along Hunter Mill Road. He said that the Reston Planning and Zoning Committee had held two separate votes on the application and that although the majority approved the hotel option, many members believed it would not be appropriate

partly because of the covenant restrictions. He added that the Committee had unanimously voted approval of the height since they considered this area to be the gateway to Reston; however, the lantern roof had not been voted on and Commissioner de la Fe suggested that if it had, the outcome probably would not have been as favorable. He said that the application would not be approved with a lantern roof because the residents of Reston were very concerned about light pollution. Commissioner de la Fe noted that there were many outstanding issues that needed to be addressed before making a recommendation on this application.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON SE 2005-HM-010 TO MAY 11, 2006, WITH THE RECORD REMAINING OPEN FOR COMMENT.

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

//

The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Secretary Harsel.

//

SE 2003-SP-035 - ROBERT N. DEANGELIS; RONALD A. & LETA G. DEANGELIS; GEORGE HINNANT, TRUSTEE - Appl. under Sects. 3-104, 2-904, and 3-204 of the Zoning Ordinance to permit a plant nursery and uses in a floodplain. Located at 9401 Burke Rd. on approx. 21.84 ac. of land zoned R-1 and R-2. Tax Map 78-4 ((1)) 17A, 17B, and 17C. Also under consideration will be the applicant's request for a Water Quality Exception #8450-WRPA-001-2 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) to permit encroachment within a Resource Protection Area (RPA) for the purpose of wetland restoration and disturbance of additional RPA in order to permit plant nursery uses including building and festival uses. SPRINGFIELD DISTRICT. PUBLIC HEARING.

William Thomas, Jr., Fagelson, Schonberger, Payne & Deichmeister, P.C., reaffirmed the affidavit dated June 15, 2005. There were no disclosures by Commission members.

Tracy Strunk, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Thomas said that although the site had a significant amount of RPA, Burke Nursery had been established prior to RPA classifications. He indicated that the special exception met the needs of the nursery, as well as the County. Mr. Thomas explained that a fall festival had been held for the past 10 years and the nursery had a fairly significant customer base, a fairly good reputation, and was supported by the community at large. He said that staff requested the fence be moved to provide transitional screening between the site and an adjacent property; however, the owner of that property had voiced opposition to this at one of the several community meetings. Mr. Thomas indicated that minor revisions to the Development Conditions regarding location of the festival tent and the parking lot would be made at the request of staff prior to the decision date.

Commissioner Wilson stated that based on the floodplain requirements, the zoning violations on this property, and her experience working on the amendments to the Zoning Ordinance regarding nurseries, she would prefer to close down the nursery operations; however, she said she would keep an open mind during this hearing.

Secretary Harsel called for speakers from the audience.

John Betz, 9348 Burke Road, Burke, said that the site looked more like a dumping ground than a nursery.

In response to a question from Commissioner Harsel, Mr. Betz said that he was not necessarily against the application but he would like to see the property reverted to its original condition.

Commissioner Murphy said that he had expressed the same concerns and thanked Mr. Betz for his participation at the community meetings.

In response to a question from Commissioner Murphy, Mr. Betz said that he lived across the street from the nursery but partially due to the condition of the applicant's property, had listed his home for sale. He thanked Commissioner Murphy for his aggressiveness, diligence, and work on this issue.

In response to a question from Commissioner Wilson, Mr. Betz said that his property was one of a few directly impacted by the nursery.

Secretary Harsel called upon Mr. Thomas for a rebuttal statement but he declined.

In response to a question from Commissioner Murphy, Ms. Strunk said that the current Development Conditions addressed the previous concerns of the Zoning Administrator and staff.

She said that due to logistics, it had been difficult to remove the excess items at the site but the applicant had been rectifying the situation.

In response to a question from Commissioner Murphy, Mr. Thomas said items that had no relationship to a plant nursery were being removed; however, some things were an accommodation for the County, such as the soccer field for the local children's use, and the trailer used by the Lions Club.

In response to a question from Commissioner Murphy, Ms. Strunk said that if the application was denied by the Board of Supervisors, the applicant would need to close down the operation or revert the property back to the last legal state which would be the original building and greenhouse and not the landscape contracting, retail sales, or fall festival.

In response to a question from Commissioner Wilson, Ms. Strunk said staff considered the greenhouse part of the building; therefore, it was used to calculate floor area allowance for the artificial plant sales.

In response to questions from Commissioner Wilson, Mr. Thomas said that the RPA exception request was part of this application. He said that although a neighbor claimed that the dedication for right of way was located on her property, the research done by the applicant's surveyor indicated that the prescriptive right of way claimed in the application was correct.

Commissioner Wilson said that the applicant would need to look closely at the traffic control provisions for the fall festival.

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

//

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2003-SP-035 TO A DATE CERTAIN OF MAY 11, 2006, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioners Byers, Hopkins, and Lusk absent from the meeting.

//

Chairman Murphy resumed the Chair.

//

ADJOURNMENT AND CLOSING

April 20, 2006

The meeting was adjourned at 11:42 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: Susan M. Donovan

Approved on: November 8, 2007

---

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