

**MINUTES OF
PLANNING COMMISSION MEETING
APRIL 20, 1995**

PRESENT: John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Robert v. L. Hartwell, Commissioner At-Large
John W. Hunter, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Carl L. Sell, Jr., Lee District
Alvin L. Thomas, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:30 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Murphy noted that more time was needed for 456-S95-4 by the Northern Virginia Regional Park Authority and MOVED THAT THE PUBLIC HEARING (ON THAT CASE) BE DEFERRED TO A DATE CERTAIN OF MAY 24, 1995.

Commissioner Sell seconded the motion which carried unanimously.

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Commissioner Harsel stated that unresolved issues necessitated deferral of S94-CW-T4, Out-of-Turn Plan Amendment, and MOVED THAT IT BE DEFERRED UNTIL MAY 24, 1995.

Commissioner Sell seconded the motion which carried unanimously.

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Commissioner Downer said that more time was needed for S94-III-UP2, Out-of-Turn Plan Amendment, and MOVED THAT IT BE DEFERRED TO APRIL 26, 1995.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Downer also stated that further deferral of the decision on S94-II-M1, Out-of-Turn Plan Amendment, was necessary and MOVED THAT WE DEFER THAT TO APRIL 27, 1995.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Sell noted that unresolved issues necessitated further deferral of the decision on SE-92-L-039, Action Rent-A-Car and Trucks, Inc., and MOVED THAT DECISION ONLY BE FURTHER DEFERRED, WITH THE RECORD REMAINING OPEN FOR THE SUBMISSION OF WRITTEN TESTIMONY, TO A DATE CERTAIN OF APRIL 27, 1995.

Commissioner Byers seconded the motion which carried unanimously.

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"FEATURE SHOWN" - BELL ATLANTIC MOBILE (Former Lorton Elementary School)

Commissioner Byers MOVED THAT WE CONCUR WITH MR. ZOOK'S RECOMMENDATION THAT THE BELL ATLANTIC TELECOMMUNICATION FACILITY PROPOSED AT THE FORMER LORTON ELEMENTARY SCHOOL SITE, 8101 LORTON ROAD, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioner Sell seconded the motion which carried unanimously.

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"FEATURE SHOWN" - BELL ATLANTIC MOBILE (Tysons Park Place)

Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION CONCUR IN THE DETERMINATION THAT THE BELL ATLANTIC MOBILE TELECOMMUNICATION FACILITY PROPOSED ON THE ROOFTOP OF TYSONS PARK PLACE IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioner Thomas seconded the motion which carried unanimously.

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EXECUTIVE SESSION

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION GO INTO EXECUTIVE SESSION FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO LEGAL MATTERS RELATED TO OUT-OF-TURN PLAN AMENDMENT S94-II-F1 AND AREA PLANS REVIEW ITEM 94-II-4F WITHIN THE JURISDICTION OF THIS PUBLIC BODY PURSUANT TO VIRGINIA CODE SECTION 2.1-3-344(a)(7).

Commissioner Byers seconded the motion which carried unanimously.

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The Commission went into Executive Session at 8:45 p.m. and reconvened in the Board Auditorium at 9:50 p.m.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PROSCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY MATTERS IDENTIFIED SPECIFICALLY IN THE MOTION TO CONVENE THE EXECUTIVE SESSION WERE HEARD, DISCUSSED, OR CONSIDERED DURING THIS SESSION.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Sell abstaining.

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Commissioner Hartwell announced that the Environment Committee meeting scheduled for Wednesday, April 26, 1995 had been rescheduled for Wednesday, May 24, 1995 at 7:00 p.m. in the Board Conference Room.

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Chairman Murphy welcomed the newest member of the Planning Commission staff, Helen Darby, Secretary II, formerly employed by the Board of Zoning Appeals.

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594-II-F1 – OUT-OF-TURN PLAN AMENDMENT

94-II-4F – AREA PLANS REVIEW (Decisions Only)

(The public hearing on S94-II-F1 was held on December 7, 1994. The public hearing on 94-II-4F was held on September 21, 1994. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF OUT-OF-TURN PLAN AMENDMENT S94-II-F1, AS RESTATED IN THE LANGUAGE DATED APRIL 20, 1995.

Commissioners Hartwell and Thomas seconded the motion.

Commissioner Palatiello offered a SUBSTITUTE MOTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE LANGUAGE JUST PASSED OUT TONIGHT, STARTING WITH "RECOMMENDATION" ON PAGE 11 OF 14.

The substitute motion failed for lack of a second.

Following discussion of the main motion, Commissioner Hanlon agreed, and Commissioners Hartwell and Thomas concurred, to an AMENDMENT TO DELETE THE WORDS "AND WITHOUT EXCEEDING A MANHOLE DEPTH OF 16 FEET" FROM PARAGRAPH 7.

Chairman Murphy then called for a vote on the main motion, as amended, which carried by a vote of 10-0-2 with Commissioners Hall and Hunter abstaining.

Commissioner Hanlon then MOVED THAT THE PLANNING COMMISSION DENY 94-II-4F.

Commissioners Byers, Hartwell, and Thomas seconded the motion which carried by a vote of 9-0-3 with Commissioners Hall, Hunter, and Palatiello abstaining.

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RZ-94-L-034 - NAZIR BHAGAT

FDP-94-L-034 NAZIR BHAGAT (Decisions Only)

(The public hearing on these applications was held on April 12, 1995. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-94-L-034, SUBJECT TO THE PROFFERS DATED APRIL 20, 1995.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Sell MOVED THAT THE PLANNING COMMISSION APPROVE FDP-94-L-034, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-94-L-034 AND THE DEVELOPMENT CONDITIONS IN ATTACHMENT 2 OF THE APRIL 11, 1995 STAFF REPORT.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS WAIVER OF THE 600-FOOT MAXIMUM PRIVATE STREET LENGTH.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. DPA-89-C-025 – Reston Land Corporation
CP-89-C-025-2 – Reston Land Corporation
2. RZ-94-V-032 – Donald Wilkes, Trustee
FDP-94-V-032 – Donald Wilkes, Trustee
3. PCA-84-S-038 – MHS Associates

This order was accepted without objection.

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DPA-89-C-025 – RESTON LAND CORPORATION – Appl. to amend the development plan for RZ-89-C-025 to permit residential development at a density of 9.20 du/ac. on property located N. of the W&OD Trail, S. of the Reston Hospital Center & W. of the future Town Center Pkwy. on approx. 49.51 ac. zoned PRC. Comp. Plan Rec: Planned Residential Community – Town Center uses. Tax Map 17-1((1))pt.3. (Concurrent with CP-89-C-025-2.) HUNTER MILL DISTRICT.

CP-89-C-025-2 – RESTON LAND CORPORATION – Appl. to approve the second Conceptual Plan for RZ-89-C-025 to permit residential development at an overall max. density of 9.20 du/ac. on property located N. of the W&OD Trail, S. of the Reston Hospital Center & W. of the future Town Center Pkwy. on approx.

49.51 ac. zoned PRC. Tax Map 17-1((1))pt.3. (Concurrent with DPA-89-C-025.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Antonio Calabrese, Esquire, McGuire, Woods, Battle and Boothe, reaffirmed the affidavit dated April 6, 1995. There were no disclosures by Commission members.

Ms. Cathy Chianese, 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 these applications.

Mr. Calabrese explained that the proposed West Market Community would combine significant open space, a community recreational center, and a natural progression in development of residential uses within the Town Center District. He listed the important site features that dictated many of the design elements of the community; i.e., a 5-acre stormwater management pond with a substantial and protected drainage way leading to the pond. He said that the proposal had the support of the Reston Citizens Association's Planning and Zoning Committee.

Mr. Calabrese responded to questions from Commissioner Palatiello concerning parking, recreational playing fields, Town Center Parkway, and phasing of the proposed transportation improvements.

Commissioner Palatiello commented that there was no citizen opposition to these applications; however, pending resolution of his concerns regarding surface parking on a pipeline easement, he said it was his intention to defer decision on these cases.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. Chianese had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on these cases. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON CP-89-C-025-2 AND DPA-89-C-025 TO A DATE CERTAIN OF APRIL 27, 1995 WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioners Hanlon, Hunter and Byers seconded the motion which carried unanimously.

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RZ-94-V-032 – DONALD WILKES, TRUSTEE – Appl. to rezone approx. 2.00 ac. located on the N. side of Silverbrook Rd., approx. 50 ft. E. of its intersection with Rocky Gap Dr. from R-1 to PDH-3 to permit residential development at a density of 2.00 du/ac. & approval of the CDP. Comp. Plan Rec: 2-3 du/ac. Tax Map 98-3 ((1))3. (Concurrent with FDP-94-V-032.) MOUNT VERNON DISTRICT.

FDP-94-V-032 – DONALD WILKES, TRUSTEE – Appl. to approve the FDP for RZ-94-V-032 to permit residential development on property located on the N. side of Silverbrook Rd., approx. 50 ft. E. of its intersection with Rocky Gap Dr. on approx. 2.00 ac. zoned PDH-3. Tax Map 98-3((1))3. (Concurrent with RZ-94-V-032.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Frederick Taylor, Esquire, Bean, Kinney and Korman, reaffirmed the affidavit dated April 19, 1995. There were no disclosures by Commission members.

Ms. Diane Johnson-Quinn, 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 applicant's request for the PDH-3 District, but approval of rezoning to the R-2 District.

Mr. Taylor said that the applicant had reconsidered his position and that the R-2 District was acceptable.

In response to a question from Commissioner Byers, Mr. Taylor explained that a proposed land swap with an adjacent property owner that would have made the PDH proposal more desirable was not completed because the homeowners association involved required the consent of 75 percent of the mortgage companies associated with some 200 units and that was an almost impossible task.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. Johnson-Quinn had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on these cases. (Verbatim excerpts are in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF RZ-94-V-032.

Commissioners Thomas and Sell seconded the motion which carried unanimously with Commissioner Hartwell not present for the vote.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REZONE THE SUBJECT PROPERTY FROM R-1 TO R-2.

Commissioner Hanlon seconded the motion which carried unanimously with Commissioner Hartwell not present for the vote.

No action was taken on FDP-94-V-032 since it was aligned with the PDH-3 zoning.

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PCA-84-S-038 – MHS ASSOCIATES – Appl. to amend the proffers for RZ-84-S-038 to permit warehouse use with an overall FAR of 0.12 on property located on the S. side of Lee-Jackson Memorial Hwy. approx. 500 ft. E. of its intersection with Westfax Dr. on approx. 3.78 ac. zoned I-5, HC, WS & AN. Comp. Plan Rec: Industrial use. Tax Map 34-3 ((1))2A, 2C. SULLY DISTRICT. PUBLIC HEARING.

Grayson Hanes, Esquire, Hazel and Thomas, reaffirmed the affidavit dated January 11, 1995. There were no disclosures by Commission members.

Commissioner Koch asked that Chairman Murphy ascertain whether there were any speakers for this case. Chairman Murphy called for speakers, but received no response. Commissioner Koch therefore requested that presentations by staff and the applicant be waived and the public hearing closed. There being no objections expressed, Chairman Murphy closed the public hearing and recognized Commissioner Koch for a motion on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-84-S-038, MHS ASSOCIATES, SUBJECT TO PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hartwell not present for the vote.

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The meeting was adjourned at 12:01 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

April 20, 1995

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: January 11, 1995

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