

**MINUTES OF
PLANNING COMMISSION MEETING
APRIL 21, 1993**

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Patrick M. Hanlon, Providence District
Robert v. L. Hartwell, 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
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District

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

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COMMISSION MATTERS

Chairman Murphy welcomed Philip Leber, Esquire, and his land use class from George Washington University to the Planning Commission meeting this evening.

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Commissioner Baldwin announced that the Environmental Committee would meet on May 12, 1993 to discuss actions that may be taken to diminish the catastrophic threat resulting from a spillage of hazardous fluids, particularly petroleum products; and on May 19, 1993 to discuss the Federal Clean Air Act and its impact on Fairfax County.

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Commissioner Koch announced that he would consider the determination request by the Housing Authority for a "Feature Shown" for Stevenson Street for up to 70 units of assisted housing in the Fairfax Center area on Thursday, April 22, 1993.

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Commissioner Hanlon noted that he would be out of town for a few weeks and that the following cases would be deferred: RZ-92-P-036, Gary & Jean Dettra & James Robinson, scheduled for April 29, 1993 and SE-92-P-033, Christian Assembly Church, scheduled for May 5, 1993.

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Chairman Murphy noted that today was National Secretary Appreciation Day and expressed the Commission's appreciation to the clerks and the other staff agencies in Fairfax County who assist the Commission.

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Chairman Murphy noted that the first meeting of the 1993 Planning Commission Seminar Committee was held this evening. He announced that the Planning Commission Seminar would be held on May 22, 1993, from 9:00 a.m. to 4:00 p.m. in the Government Center, Board of Supervisors Conference Room. Chairman Murphy asked that the Commissioners submit topics to the Committee by Thursday, April 29, 1993, that they would like considered for discussion.

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ORDER OF THE AGENDA

In Secretary Harsel's absence, Chairman Murphy established the following order for the agenda:

1. Zoning Ordinance Amendment - Sign Regulations for Certain Commercial and Industrial Uses
2. 456-Y93-1 - Upper Occoquan Sewage Authority
3. PCA-86-D-093-5 & FDPA-86-D-093-3 - Worldgate Assoc. L.P.
4. S93-II-F1 - Out-Of-Turn Plan Amendment
5. S92-III-P1 - Out-Of-Turn Plan Amendment
6. PCA-C-52-3 & FDPA-C-52-8 - Sixteenth Skyline Assoc. L.P.
7. Subdivision Ordinance Amendment - Subdivision of Lots on Private Streets

Without objection, it was so ordered.

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ZONING ORDINANCE AMENDMENT (Sign Regulations for Certain Commercial and Industrial Uses) - On the matter of an amendment to Chap. 112, the Zoning Ord. of the 1976 Code of the County of Fairfax, as follows: Amend Art. 6, 9 & 12 to allow motor fuel price signs at service stations in the PDH District, to revise the max. total sign area for certain building-mounted signs in C & I Districts & to provide for a new Category 6 SE use which would allow the waiver or modification of the sign regulations by the B.O.S. in C & I districts. PUBLIC HEARING.

Mr. Michael Congleton, Deputy Zoning Administrator, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. He said that the proposed amendment would replace the current limitations on the permitted building mounted sign area on certain buildings which contained a public entrance. He added that the amendment also provided for a minor revision to Article 6, which clarified that service stations in the PDH District were permitted to have free standing motor fuel price signs as required by Chapter 10 of the County Code. Mr. Congleton also said that the amendment would establish a new Category 6 special exception use which would permit the Board to waive and/or modify, as a special exception or in conjunction with the rezoning, the current sign regulations in the commercial and industrial districts to allow an increase in sign area or height, or a different sign location.

There being no speakers, no closing staff comments, questions or comments from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Thomas for action on the case. (Verbatim excerpts are contained in the date file.)

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Commissioner Thomas MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT TO ARTICLES 6, 9, AND 12, SIGN REGULATIONS FOR CERTAIN COMMERCIAL AND INDUSTRIAL USES, AS ADVERTISED.

Commissioner Sell seconded the motion which passed unanimously with Commissioner Harsel absent from the meeting.

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456-Y93-1 - UPPER OCCOQUAN SEWAGE AUTHORITY - Under provisions of Sect. 15.1-456 of the *Code of Virginia*, as amended, to realign approx. 2,000 ft. of the Rocky Run Interceptor. The proposed realignment begins in Greenbriar Park, approx. 300 ft. E. of Stringfellow Rd. & terminates approx. 550 ft. W. of Stringfellow Rd. Tax Map 45-3((1)) 10; ((3)) J. Area III. SULLY DISTRICT. PUBLIC HEARING.

Mr. Edwin Spann, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. Mr. Spann said that the proposed realignment of the Rocky Run interceptor satisfied the criteria of location, character and extent pursuant to Section 15.1-456 of the *Code of Virginia*, as amended, and recommended that the Planning Commission find the proposal in substantial accord with provisions of the adopted Comprehensive Plan.

In response to Commissioner Sell's question, Ms. Lynn Tadlock, Division Manager, Planning and Land Management, Park Authority, said that the proposed realignment would not affect any existing facilities in Poplar Tree Park.

Mr. Millard Robbins, Executive Director, Upper Occoquan Sewage Authority (UOSA), in response to Commissioner Baldwin's questions, said that UOSA would pass a safe distance under the Colonial Pipeline and that UOSA was well aware of the safeguards to be taken.

Chairman Murphy reviewed the Planning Commission's rules for speakers.

Mr. Steve Annino, 4602 Sand Rock Lane, Chantilly, was not present to speak.

Mr. James Waite, 13404 Crystal Rock Court, Chantilly, asked that the realignment be readjusted away from the homeowners to save trees. He presented a video showing the area that would be affected by the proposed pipeline. Mr. Waite then requested that consideration be given to reforestation of the cleared area, and that strict construction zones be adhered to in order to minimize damage to trees.

There being no additional speakers, Chairman Murphy called for rebuttal.

Mr. Robbins, in response to questions from Commissioners, emphasized the timing of the project. He said that Fairfax County had told UOSA that they needed to eliminate the bottlenecks in the sewerline by the end of 1993 since the line would be overloaded otherwise. Mr. Robbins said that it was critical to Fairfax County to get the project under way as soon as possible. He added that he had met with Mr. Annino and Mr. Paul Gural, 4600 Sand Road, Chantilly, last evening and they had proposed to donate an easement that would move the proposed sewerline closer to them in order to save some trees. Mr. Robbins said that UOSA would try to accommodate Mr. Waite's request without jeopardizing the project. He added that the Park Authority preferred not to have the line moved.

Mr. Spann underlined the sense of urgency and called the Commission's attention to the memorandum from the Department of Public Works (DPW) in support of the proposal. He added that there had been prolonged negotiations concerning this location in order to obtain balance between the environmental protection area, associated wetlands, and the residential area.

There being no further questions or comments from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on the case.

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Commissioner Koch MOVED THAT WE FIND THAT, IN ACCORDANCE WITH SECTION 15.1-456 OF THE *CODE OF VIRGINIA*, AS AMENDED, THE PROPOSED ALIGNMENT OF APPROXIMATELY 2,000 FEET OF THE ROCKY RUN INTERCEPTOR IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Strickland seconded the motion which passed unanimously with Commissioner Harsel absent from the meeting.

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PCA-86-D-093-5 & FDPA-86-D-093-3 - WORLDGATE ASSOCIATES LIMITED PARTNERSHIP - Appl. to amend the proffers & the final development plan for RZ-86-D-093 to permit mixed-use development & the creation of land bays with an overall FAR of 0.70 on property located in the N.E. quadrant of the intersection of the Dulles Airport Access & Toll Rd, & Centreville Rd. on approx. 79.76 ac. zoned PDC. Comp. Plan Rec: Office use with an option for mixed-use development. Tax Maps 16-1((2)) 25; 16-3((2)) 1A, 1B, 2A, 2; 16-4((2)) 23, 24. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C., reaffirmed the affidavit dated April 20, 1993. There were no disclosures by Commission members.

Ms. Catherine Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She explained that the application was in conformance with the Comprehensive Plan recommendations for a mixed-use development not to exceed a .7 FAR. She added that the application was in conformance with the Plan text which stated that a buffer be provided between the proposed development and the neighborhood to the north; and building heights taper down towards the northern property boundary. She said that the outstanding issue was the width of the transitional screening yard to be provided along the northern property boundary adjacent to the Court of Chandon pool and clubhouse. Since the publication of the staff report, Ms. Chianese said that the applicant had presented to staff a design concept for the stormwater management pond that would be provided with both development options on the northern portion of the site. She added that the applicant had submitted a proffer on the final design of the pond which described the intent of the pond and required coordination with the Courts of Chandon and the Dranesville Planning Commissioner. She noted that if the pond design was not approved by the County a 35-foot transitional screening yard would be provided. Ms. Chianese said that staff recommended approval of the application.

Responding to Commissioner Byers' question on the 35-foot buffer, Ms. Chianese said that transitional screening two was a Zoning Ordinance requirement that required the 35 feet.

Ms. Strobel said that the applicant's proposal addressed the need for a diverse mix of housing types available to Fairfax County residents which was a predominant concern in the Comprehensive Plan. She added that the division of property into land bays would make the project easier to develop and finance. Ms. Strobel requested approval, subject to the proffers distributed this evening, in lieu of the proposed development condition in Appendix 2.

Chairman Murphy repeated the Planning Commission's rules for speakers and called the first listed speaker.

Ms. Doreen Gumas, 2100 Sugarloaf Court, Herndon, represented the Reflection Homes Association. She read a letter into the record in opposition to the application. (See position statement in date file.) Ms. Gumas also read into the record a letter from Marla A. Kinkella for Lake Homes Association, (copy in date file) also in opposition to the application.

Ms. Janet Miller Croiter, Herndon, spoke in support of the application.

Mr. Robert Greenwald, Courts of Chandon Homeowners Association, said that the Courts of Chandon supported the proposed change for the stormwater management pond.

Mr. Les Zidel, Herndon Planning Commissioner, 617 Center Street, Herndon, spoke on his own behalf. He supported the ability of Worldgate to do either the proposed plan or the office buildings.

Mr. Julian Bolton, President of the Northern Virginia Chapter of the Izaak Walton League, said he did not hear any commitment on the part of the commercial developer to provide money for the maintenance of the BMP pond or for the maintenance of the private road. He said that he was very concerned that the Commission was looking at the transfer of road construction costs to the buyers of the multi-family units.

Commissioner Palatiello asked whether the proffers dated April 16, 1993, replaced and superseded previously approved proffers. Ms. Chianese said that the Worldgate application had been through a number of PCAs with separate proffers with each one, and that it was a benefit that had been incorporated into one set. Ms. Chianese noted that a number of the improvements that were specified in the proffers had been completed. She added that the one set of improvements which had not been completed was tied to a final nonresidential use permit on the site.

During rebuttal remarks, Ms. Strobel said that the improvements to Centreville Road had been completed and that the transportation proffers that had been agreed to by the applicant previously were being reaffirmed even though the residential proposal would have a lesser impact. She added that maintenance for the private streets and the internal amenities on the site would be taken care of by an umbrella association which was comprised of commercial and residential owners so that the burden would not rest solely on the residential community.

There being no closing staff comments, and no further questions or comments from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Downer for action on the case. (Verbatim excerpts are contained in the date file.)

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Commissioner Downer MOVED THAT THE PLANNING COMMISSION APPROVE PCA-86-D-093-5 AND CDPA-86-D-093-3, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 16, 1993, WITH THE ADDITIONAL PROFFER DATED APRIL 21, 1993.

Commissioners Hartwell and Thomas seconded the motion which passed unanimously with Commissioner Harsel absent from the meeting.

Commissioner Downer also MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-86-D-093-3, SUBJECT TO THE BOARD'S APPROVAL OF PCA-86-D-093-5, AND SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 16, 1993, WITH THE ADDITIONAL PROFFER DATED APRIL 21, 1993.

Commissioners Hartwell and Thomas seconded the motion which passed unanimously with Commissioner Harsel absent from the meeting.

Commissioner Downer then MOVED THAT THE PLANNING COMMISSION DIRECT THE DIRECTOR OF DEM TO WAIVE THE 600-FOOT MAXIMUM LENGTH OF A PRIVATE STREET AS PROVIDED IN SECTION 11-302 OF THE ZONING ORDINANCE; APPROVE A WAIVER OF THE 200-FOOT RESIDENTIAL BUILDING SETBACK REQUIREMENT FROM THE DULLES AIRPORT ACCESS ROAD PURSUANT TO SECTION 2-414 OF THE ZONING ORDINANCE; APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS BETWEEN THE PROPOSED RESIDENTIAL AND OFFICE DEVELOPMENT ON THE WORLDGATE SITE PURSUANT TO PARAGRAPH 1 OF SECTION 13-304 OF THE ZONING ORDINANCE; APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THAT PORTION OF THE NORTHERN PROPERTY BOUNDARY ADJACENT TO THE COURTS OF CRANDON POOL/CLUBHOUSE AS SPECIFIED IN THE PROFFER DATED APRIL 21, 1993; AND DELETE THE DEVELOPMENT CONDITION IN APPENDIX 2.

Commissioner Hartwell seconded the motion which passed unanimously with Commissioner Harsel absent from the meeting.

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S93-II-F1 - OUT-OF-TURN PLAN AMENDMENT - In accord. with the *Code of Virginia*, Title 15.1, Chap. 11, concerns land fronting on White Granite Dr. in the N.E. quadrant of the I-66/Rt.123 interchange, Tax Map 47-4((1)), Parcel 16. The property is planned for mixed use, including hotel, office, ancillary retail use & residential use @ a density of 12-16 du/ac. The Plan Amend. will consider adding an option for low intensity retail, such as restaurants. PROVIDENCE DISTRICT. PUBLIC HEARING.

Mr. Stephen Lopez, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. He said staff was asked to evaluate whether or not the Plan should include low intensity restaurants on the subject property, as an option. He noted that staff felt that the current Plan land use options were still appropriate and that the report included an option for low intensity restaurant use if a number of conditions were met, to include: a two building maximum, a .10 FAR maximum, 40% open space on site, no direct access to Route 123, and no fast food or drive-through facilities.

Chairman Murphy called the first speaker on this case.

Mr. William Breskin, 3203 Gemstone Court, Oakton, represented the Arrowood Community Association. He noted that the recommendations did not adequately address the substantial traffic and safety problems that could result from a development as planned. (See position statement dated April 21, 1993 in date file.)

Ms. Margaret Hicks, President of Flint Hill Manor Townhouses Association, said that they had concerns similar to those expressed by the Arrowood Community. She said that sidewalks and lighting on Flag Pole Lane were a necessity. Ms. Hicks said that her association was in favor of the proposal for two restaurants, as an option.

Ms. Barbara Coen, 11698 Fox Glen Drive, Oakton, was concerned with the traffic and neon signs that might be used at the restaurants.

Robert Lawrence, Esquire, represented the owner of the subject property. He said he had met with both associations and would continue to meet with them to address their concerns during the rezoning process. Mr. Lawrence pointed out that the approved plan was for a hotel and that the proposed plan for two sit down restaurants would be an improvement from a transportation standpoint. Mr. Lawrence submitted proposed revisions to page 6 of the staff report, third bullet, which would substitute "substantial amount of open space" for "minimum of 40 percent open space." Mr. Lawrence also submitted the traffic comparisons used in his presentation. (Copy of proposed revisions to page 6 and traffic comparisons in date file.)

Mr. Xerxes White, Office of Transportation, in addressing Commissioner Hanlon's questions, said that if the proposed restaurant was built there would be a significant increase in traffic on White Granite Drive which could create safety problems.

There being no further speakers, comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Hanlon for action on the case. (Verbatim excerpts are contained in the date file.)

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Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THIS PROPOSED PLAN AMENDMENT TO A DATE CERTAIN OF MAY 13, 1993.

Commissioner Koch seconded the motion which passed unanimously with Commissioner Strickland not present for the vote; Commissioner Harsel absent from the meeting.

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The next case being in the Springfield District, Chairman Murphy asked Vice Chairman Hanlon to Chair the meeting.

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S92-III-P1 - OUT-OF-TURN PLAN AMENDMENT - In accord. with the *Code of Virginia*, Title 15.1, Chap. 11, on approx. 43 ac, bounded by Ox Rd. (Rt. 123) to the S. & W. & Crosspointe Subdivision to the N. & E. located on the N. side of Ox Rd. near its intersection with Hampton Rd., between Crosspointe Subdivision & Ox Rd (Rt.123). The Area III Plan recommendations for the Dominion (P5) Community Planning Sector of Pohick Planning District currently calls for residential use at .5-1 du/ac. The proposed Out-of-Turn Plan Amendment will consider residential use up to 2 du/ac.
SPRINGFIELD DISTRICT. PUBLIC HEARING.

Ms. Susan Leonard, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She said that staff recommended retention of the existing baseline development level of .5 to 1 dwelling unit per acre as well as the addition of two development options. She added that one option was for development up to 1.25 dwelling units per acre to the east if consolidation of at least 15 acres were achieved. The second option would involve consolidation of the whole area, although the Vaughn subdivision need not be included, which would allow residential development up to 2 dwelling units per acre. Staff noted that with the two new options, it recommended the addition of a few more development conditions which would address access and other details.

Vice Chairman Hanlon called for speakers.

Robert Lawrence, Esquire, Hazel & Thomas, P.C., spoke in favor of the Plan Amendment and submitted recommended changes to the language on page 8 of the staff report. (See copy in date file.)

There being no further speakers, no comments or questions from the Commission, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Murphy for action on the case.

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Commissioner Murphy MOVED TO DEFER ITEM S92-III-P1 TO A DATE CERTAIN OF APRIL 22, 1993, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which passed unanimously with Commissioners Hartwell and Sell not present for the vote; Commissioner Hansel absent from the meeting.

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At the conclusion of this case, Chairman Murphy resumed the Chair.

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PCA-C-52-3 & FDPA-C-52-8 - SIXTEENTH SKYLINE ASSOCIATES LIMITED PARTNERSHIP - Appl. to amend the proffers & final development plan for RZ-C-52 to permit an option for residential development at a density of 97.30 du/ac. for previously approved office use with a FAR of 2.21 & approval of revised parking tabulations on property located on the S, side of Leesburg Pike (Rt.7) approx. 50 ft. W. of its intersection with S. Jefferson St. on approx. 5.25 ac. zoned PDC, HC, & SC. Comp. Plan Rec: Mixed-use, Tax Map 62-3((1))38B (formerly 62-3((1))38 & 42. MASON DISTRICT. PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C., reaffirmed the affidavit dated April 19, 1993. There were no disclosures by Commission members.

Ms. Catherine Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She said that the purpose for the amendments was to provide the flexibility for two development options on a 5.25 acre portion of Skyline Center and to revise the existing parking reduction for the entire development. Ms. Chianese said that the application was in conformance with the Comprehensive Plan recommendations for a mixed-use development. She added that with the exception of parking for the residential option, the application met the applicable Zoning Ordinance provisions. Ms. Chianese noted that since the publication of the staff report, the applicant had agreed to provide the 1.2 spaces, recommended by staff, and had noted it on the development plan. She said that staff recommended approval of the applications.

Mr. Walsh said that Ms. Chianese had covered the issues very well. He added that a development plan and fully engineered site plan had been approved for the parcel which would permit construction of two 14-story office buildings. Mr. Walsh said that the applicant was providing the option to develop the parcel with residential uses compatible with existing residential development at Skyline. Mr. Walsh explained that the applicant was proposing two 14-story residential buildings in the same general footprint and configuration of the approved office buildings where would decrease the amount of traffic generated from the site. Mr. Walsh said that the applicant had proposed a number of proffers, additional landscaping on site, and enhanced pedestrian access.

There being no listed speakers and none from the audience, no further questions or comments, and no need for rebuttal, Chairman Murphy closed the public hearing and recognized Commissioner Strickland for action on this case. (A copy of the verbatim is contained in the date file.)

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Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA-C-52-3 AND CDPA-C-52-8, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1, AND THE PROPOSED DEVELOPMENT CONDITION IN APPENDIX 2.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hanlon, Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-C-52-8, SUBJECT TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-52-3 AND CDPA-C-52-8, AND SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1, AND THE PROPOSED DEVELOPMENT CONDITION IN APPENDIX 2.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hanlon, Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT IT DIRECT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO WAIVE PARAGRAPH 7 OF SECTION 6-0302 OF THE PUBLIC FACILITIES MANUAL TO PERMIT UNDERGROUND DETENTION FACILITIES IN THE RESIDENTIAL DEVELOPMENT, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO WAIVE THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS, PURSUANT TO SECTION 11-302 OF THE ZONING ORDINANCE.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT WAIVE THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS BETWEEN THE OFFICE AND THE RESIDENTIAL USES WITHIN SKYLINE CENTER, PURSUANT TO SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Strickland finally MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE PARKING REDUCTION FOR SKYLINE CENTER IN THE AMOUNT OF 25 PER CENT, SUBJECT TO THE PARKING TABULATIONS AND THE CONDITIONS TO BE REVISED IN APPENDIX 5, TO A DATE OF MAY 6, 1993, THURSDAY.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hartwell, Koch, and Sell not present for the vote; Commissioner Harsel absent from the meeting.

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The Commission recessed at 11:05 p.m. and reconvened at 11:23 p.m.

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Vice Chairman Hanlon assumed the Chair for the remainder of the meeting.

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SUBDIVISION ORDINANCE AMENDMENT (Subdivision of Lots on Private Streets) - In accordance with Chapter 101 of the Code of the County of Fairfax, VA, the proposed amendments address the subdivision of lots on private streets. The proposed amendments provide a means through which lots zoned to the R-1 or higher density districts may be subdivided in appropriate instances; preclude the subdivision of lots on private streets zoned to the R-A, R-P, R-C, or R-E districts except for minor adjustment of property lines; provide that variances or waivers of the minimum requirements may be granted with or without conditions; and make an editing revision. PUBLIC HEARING.

Ms. Cynthia Chambers, Design Review Branch, Department of Environmental Management, presented the staff report, a copy of which is contained in the date file. She noted that the proposed amendment would allow the Board of Supervisors to waive the public street frontage requirement in specific instances to permit the creation of new lots on existing private streets in the R-1 or higher density zoning districts. She added that the Board of Supervisors may grant a waiver when it finds that the provisions of Section 101-2 of the Ordinance would not be adversely affected.

Commissioner Byers asked whether there was anything in the Code to allow relief to be given by the Board when a citizen is caught, through no fault of his own, by a change of the Ordinance. If not, he said he would propose that the Planning Commission suggest that the Board look into providing a procedure which would allow relief for citizens.

Vice Chairman Hanlon reiterated the rules and called the first listed speaker.

Mr. Richard Peters 9209 Weant Drive, Great Falls, represented the Great Falls Citizens Association, and stated that they were in opposition to the amendment for the following reasons: it would reopen a loophole in the Ordinance; make possible by re-subdivision what was not possible under the same Ordinance by original subdivision; have potential for destabilizing presently stable residential areas; promote higher densities on private streets and exacerbate already difficult access problems for emergency vehicles; aggravate maintenance problems and costs on private streets thereby increasing pressures for the County to take over their maintenance; initiate steps taken in 1989 to stop abuse of the Gift Lot provision; and jeopardize the general welfare while aiming to serve the interests of only a few. (See position statement contained in the date file.) Mr. Peters also presented a map showing all private streets in Fairfax County. (A copy may be found in date file.)

Mr. David Karmol, the next listed speaker, did not respond when called by Vice Chairman Hanlon.

Mr. Howard R. Green, 2721 Colt Run Road, Oakton, said he was in opposition to the amendment if the following conditions were not met: no re-subdivision should be granted in any existing community of record; consent of all property owners fronting on the existing private road must be obtained; use and density objectives of the Comprehensive Plan must be conformed with; and newly-created streets within any re-subdivision area, must be built to public standards. (See copy of position statement in date file.)

Ms. Brigitte Laffitte-Smith, 3906 Bokel Drive, Chantilly, represented the Sully District Transportation and Land Use Committee stated that they were in opposition to the amendment. She read a Resolution of the Committee into the record. (See copy in date file.)

Ms. Patricia Losecco, 3651 Beech Down Drive, Chantilly, was not present. However, Mr. Julian Bolton representing the Chantilly Coalition for Planned Growth spoke in her place. He said they were also in opposition to the amendment. (See position statement in date file.)

Ms. Mary Dunn, 1420 Rosewood Hill Drive, Vienna, represented Citizens for Balanced Growth. She said that they were in opposition to the amendment for the following reasons: special interest legislation sponsored on behalf of one property owner; no provision for a public hearing or posting an advertisement on the site; no specific criteria on which to base approval or disapproval; misuse of the waiver process; and appropriate comments from Fire and Rescue and the Office of Transportation should be incorporated into a complete staff report. (See position statement in date file.)

Ms. Sally Mann, 9416 Pamlico Lane, Great Falls, represented the Citizens Committee on Land Use & Transportation who expressed opposition to the amendment. Ms. Mann said that the proposed Ordinance needed to be completely revised. She added that the proposed amendment was inadequate and that there was no criteria for the waiver. She submitted, for the record, her version of Section 101-2-2. (A copy may be found in the date file.)

Mr. Tom Hartnett represented the Citizens Committee on Land Use and Transportation, in lieu of Ms. Sally Ormsby. He said they were in opposition to the application. He said that they were concerned about the ramifications of such an amendment and noted that there was no criteria set forth to justify the subdivision of a residential lot located on a private street. (See position statement in date file.)

Ms. Barbara Coen, 11698 Fox Glen Drive, Oakton, represented the Federation of Citizens Associations who, she stated, were in opposition to the amendment. She noted that the Federation felt that the amendment was contrary to the public interest. She read into the record a Resolution by the Federation, a copy of which is in the date file.

Mr. Thomas Fleury, with West*Group, Inc., represented Charles & Betty Ewing, 1322 Merchant Lane, McLean. He noted that the Ewing's were not the genesis of the case but would be beneficiaries of its passage. He referred to documentation submitted on April 5, 1993 along with a complete history of the Ewing case. (See copies in date file.) Mr. Fleury recommended approval of the amendment since there was no other way for the Ewings to subdivide their property in order to improve one of the existing homes. He added that the Ewings would have no problem with the addition of a public hearing process, special exception process, or most of the criteria outlined this evening.

Mr. William Byrnes, 7921 Old Falls Road, McLean, represented the McLean Citizens Association. He stated that the association was opposed to the amendment and concurred with statements made by previous speakers.

Mr. John Colby, 731 Walker Road, Great Falls, represented the Great Falls Business and Professional Association. He said they were opposed to the proposed amendment. He said that the proposed amendment would set a precedent and would be inequitable, destabilizing, and without merit. (See position statement in date file.)

Mr. William Walsh, 2713 Colt Run Road, Oakton, presented a resolution which had been prepared by Roan Stallion Estates residents who were in opposition to the proposed amendment. (See copy of resolution in date file.)

Mr. James Ballard, 1013 Congress Lane, McLean, said that private streets, if properly planned, could significantly save on the cost of infrastructure development; that properly planned private streets could provide the same level of services as public streets; and, private streets could be a legitimate planning tool in terms of site planning. Mr. Ballard said that the Comprehensive Plan, Public Facilities Manual, and Subdivision Ordinance should not be ignored. He urged the Commission not to reject the concept of the Ordinance since it was valid if properly researched.

Ms. Jody Bennett, 1459 Hunter Mill Road, Vienna, urged the Commission to reject the amendment. She added that there was already enough by-right development capability in Fairfax County without any requirements for expensive infrastructure costs.

The Honorable Duncan Hunter, (U.S. Congress, California) residing at 4840 Walney Road, Centreville, noted that he would like to see criteria added for surfacing roads, a requirement for a public hearing, and conformance with the Comprehensive Plan and Zoning Ordinances. Congressman Hunter concluded that there should be some flexibility between doing absolutely nothing and massive subdivisions.

In response to questions from Commissioners, Congressman Hunter said that the building industry was being tightly regulated, and that the inability for young people to buy a home, was the result of governments who thought they were operating in good faith but basically going along with people who wanted to put road blocks in the way of other people being able to build.

Mr. Bryce Eldridge said he thought the Ordinance was severely flawed. He suggested that staff and all involved citizens come up with language that would protect everyone.

Mr. John Winfield, Deputy Director, Plan Review, Department of Environmental Management, said that up until 1990 the County Executive granted waivers, not the Board of Supervisors. He added that the reason the amendment did not address new private streets was because there were prohibitions currently in Section 11-301 of the Zoning Ordinance and Section 101-2-2(3)(C) of the Code which precluded the creation of new private streets except in the P, R-5, R-8, and R-12 Districts.

In response to Commissioner Thomas' question, Mr. Winfield said that staff had been directed to make them available to Supervisor Frey and that they were ready to do whatever he thought advisable.

Commissioner Thomas told the Commission that he would be deferring the decision on this case so the Planning Commission could provide a more comprehensive list of criteria to the Board of Supervisors.

Following discussion between the Commissioners and staff, Commissioner Sell reminded the Commission that it was incumbent upon them to suggest to the Board what criteria might be used. He added that the Commission should provide a list and recommend to the Board of Supervisors what should be done because this waiver proposition was a land use issue which was within the purview of the Planning Commission.

Commissioner Strickland suggested that the amendment be referred to a subcommittee and that they should work with staff to develop criteria that everyone would feel comfortable with.

There being no further questions or comments from the Commission, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Thomas for action on the case. (Verbatim excerpts are contained in the date file.)

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Commissioner Thomas MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED ORDINANCE UNTIL JUNE 17, 1993, SO THAT THE MAJOR ISSUES THAT HAVE BEEN IDENTIFIED (CAN) BE INVESTIGATED.

Commissioner Sell seconded the motion which passed unanimously with Commissioner Murphy not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Thomas also MOVED THAT THE PLANNING COMMISSION APPOINT AN AD HOC COMMITTEE TO PROVIDE GUIDANCE TO THE STAFF IN ADDRESSING THE MAJOR ISSUES.

Commissioner Strickland seconded the motion which passed unanimously with Commissioner Murphy not present for the vote; Commissioner Morsel absent from the meeting.

Commissioner Thomas then MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MOVE THEIR PROPOSED HEARING DATE FROM APRIL 26, 1993 TO (A DATE SUBSEQUENT TO THE PLANNING COMMISSION'S DECISION.)

Commissioner Sell seconded the motion which passed unanimously with Commissioner Murphy not present for the vote; Commissioner Harsel absent from the meeting.

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The meeting was adjourned at 2:00 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

April 21, 1993

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: Sandra L. Stever

Approved On: July 29, 1993

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