

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 15, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District

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The meeting was called to order at 8:28 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth announced her intention to take action tomorrow night, May 16, 2002, on #6796-SP-07-2, a site plan by West*Group/West*Mac, in accordance with the proffers associated with PCA-88-D-005.

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Commissioner Smyth announced her intention to defer the public hearing on RZ-2001-PR-050, Stanley Martin Homes, from Thursday, May 16, 2002 to Thursday, May 30, 2002.

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Commissioner Alcorn noted that the Development Criteria Review Committee had met on Tuesday, May 14, 2002, and finalized its recommendations for changes to the development criteria in the Policy Plan. He noted that a draft of the recommendations would be presented to the Planning Commission for review prior to the public hearing scheduled on Wednesday, June 19, 2002.

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In response to an issue raised by a speaker during the public hearing of RZ/FDP-2001-SP-041, Centex Homes, regarding the number of students projected for the proposed development, Commissioner Alcorn reminded the audience that the Planning Commission's School Facilities Committee would meet at 7:30 p.m. with members of the School Board and the Parks Committee would meet at 8:30 p.m. with members of the Park Authority. He noted that both meetings would be held on Wednesday, May 22, 2002 in the Board Conference Room and that the public was invited.

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FSA-H98-5-2 - VERIZON WIRELESS - 2610 Reston Parkway

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE MODIFICATIONS PROPOSED BY VERIZON WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT FOX MILL FIRE STATION, 2610 RESTON PARKWAY, ARE IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION IN FS-H98-5.

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

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. SEA-83-C-065-4 - WASHINGTON DC SMSA LP, T/A VERIZON WIRELESS
2. SEA-00-Y-001 - CHEVY CHASE BANK
3. RZ-2001-SP-041/FDP-2001-SP-041 - CENTEX HOMES

This order was accepted without objection.

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SEA-83-C-065-4 - WASHINGTON DC SMSA LP, T/A VERIZON WIRELESS)- Appl. under Sect. 9-101 of the Zoning Ord. to amend SE-83-C-065 previously approved for a telecommunications facility to permit additional antennas on property located at 2610 Reston Pkwy. on approx. 1.68 ac. zoned R-2. Tax Map 26-3((1))22 & 22A. HUNTER MILL DISTRICT. PUBLIC HEARING.

David Lasso, Esquire, with Venable, Baetjer and Howard, reaffirmed the affidavit dated April 19, 2002. There were no disclosures by Commission members.

Mr. Fran Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Lasso noted that the applicant had met with the Fox Mill Homeowners Association and the Reston Homeowners Association and had support of both groups. He stated that the proposed additional antennas would have minimal impact on the existing structure and were part of Verizon's continuing efforts to provide upgraded service to its customers.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-83-C-065-4, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT DATED MAY 1, 2002.

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

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The Commission went into recess at 8:40 p.m. to allow technical personnel to make adjustments to the audio equipment, then reconvened at 8:50 p.m.

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SEA-00-Y-001 - CHEVY CHASE BANK - Appl. under Sects. 4-607, 7-607 & 9-610 of the Zoning Ord. to amend SE-00-Y-001 previously approved for a fast food restaurant & commercial development to permit a drive-in bank, site modifications & a waiver of the min. lot width requirement on property located in the triangle formed by Centreville Rd., Old Centreville Rd. & Westview Dr. on approx. 2.83 ac. zoned C-6, WS, SC & HC. Tax Map 54-4((5))2A. SULLY DISTRICT. PUBLIC HEARING.

Robert Flinn, Esquire, with Flinn and Beagan, reaffirmed the affidavit dated April 25, 2002. There were no disclosures by Commission members.

Mr. Fran Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Flinn presented a brief land use history of the subject property, which included approval of two pad sites, noting that one pad site had been developed as a fast food restaurant and that the applicant now wished to establish a bank on the second pad site. He explained that the proposed bank would have two drive-through automated teller machines (ATMs) and that the Western Fairfax County Citizens Association (WFCCA) supported the application. Mr. Flinn said that the applicant concurred with staff's proposed development conditions.

In response to questions from Commissioner Koch, Mr. Flinn said the applicant had met the four conditions set forth by the WFCCA.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-00-Y-001, SUBJECT TO THE PROVISIONS OF THE DEVELOPMENT CONDITIONS REVISED MAY 14, 2002.

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

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENT ALONG OLD CENTREVILLE ROAD.

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

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPE REQUIREMENT ALONG CENTREVILLE ROAD AS DEPICTED ON THE SPECIAL EXCEPTION PLAT AND FURTHER MODIFIED BY THE DEVELOPMENT CONDITIONS.

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

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Chairman Murphy relinquished the Chair to Secretary Harsel for the next public hearing because the subject property was located in the Springfield District.

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RZ-2001-SP-041/FDP-2001-SP-041 - CENTEX HOMES - Appls. to rezone from R-1, R-2 & WS to PDH-12 & WS to permit residential development at a density of 13.6 du/ac & approval of the conceptual & final development plans including bonus density for the provision of ADUs on property generally located on the N. side of Lee Hwy., S. of Post Forest Dr. on both sides of Legato Rd. & Dixie Hill Rd. on approx. 79.95 ac. Comp. Plan Rec: Fairfax Center Area: Residential at 12 du/ac at the Overlay Level. Tax Map 56-1((1))11A, 11B, 27-30; 56-1((2))1-5; 56-1((3))1-14; 56-1((4))4, 6-12; 56-1((5))6-8, 9 pt., 10 pt., 11 pt., 12 pt., 13 pt., 14 pt., 15 pt., 16-28; 56-1((6))1-10; 56-1((9))1-7, 11-13, 15-22; 56-1((11))1, 2, 3A, 4A, 5-7, A & B & a portion of the public rights-of-way for Deljo Dr., Ruffin Dr., Deming Dr., Butler Dr., Legato Rd., Dixie Hill Rd., Rhett La. & Quality St. to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Deljo Dr., Ruffin Dr., Deming Dr., Butler Dr., Legato Rd., Dixie Hill Rd., Rhett La. & Quality St. to proceed under Sect. 15.2-2272(2) of the *Code of Virginia*.) SPRINGFIELD DISTRICT. PUBLIC HEARING.

Francis McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated May 7, 2002. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Harsel, Mr. Mayland explained that the Cambryar, Fair Oaks Hill, and Fairfax Ridge developments, the Dixie Hill Park and the Fairfax County Fire Station had been developed at the intermediate level and were not part of this application. He added that the applicant had consolidated 83 percent of the Dix-Cen-Gato area and the 17 percent remaining included the Merrifield Garden property in the southwest corner, two parcels which were part of Dixie Hill and nine parcels which were part of Centennial Hills.

Commissioner Murphy noted that a new set of proffers had been submitted by the applicant this evening and announced his intention to defer the decision on this case to May 16, 2002.

In response to questions from Commissioner Smyth, Mr. Mayland explained that the townhouse units would have 9-foot wide, 18-foot long driveways.

Mr. McDermott explained that the issue of how this land area should be redeveloped had been the subject of many attempts at assemblage, two task forces and three Plan Amendments, with the third one being deferred indefinitely. He stated that the applicant's proposal was within the Comprehensive Plan criteria and provided attractive design aspects as well as significant public infrastructure needs not driven by this application. He said that the 1,087 units planned would include 89 affordable dwelling units (ADUs) and result in a density of 13.6 dwelling units per acre. He noted that Centex had consolidated 93 of the 105 parcels with Subarea 01 of Fairfax Center, representing 83 percent of the area. Addressing the May 15, 2002 proffer, Mr. McDermott explained that the last sentence of Proffer 23 should have been deleted, thereby relieving the County of an obligation for a pro-rata share of the stormwater management facility associated with the school site. He discussed the amenities to be provided, including a school site, a contribution for off-site ball fields in an existing park, protection of the Manassas Gap Railroad right-of-way and significant road improvements. He asked the supporters of the application in the audience tonight to stand. Approximately 60 to 65 people stood.

In response to questions from Commissioner Alcorn, Mr. McDermott explained the applicant's efforts to assemble parcels and why he felt that 83 percent consolidation was acceptable when the Comprehensive Plan recommended 85 percent.

In response to a question from Commissioner Smyth, Mr. McDermott assured the Commission that the 42-foot high townhouses would only be three stories.

In response to questions from Commissioner Wilson, Mr. McDermott pointed out the two main streets in the proposed development that would be public streets. He noted that the remainder of the street system would be private streets.

In reply to questions from Commissioners Wilson and Harsel, Mr. Peter Rinek, with BC Consultants, explained the type of lighting proposed, noting that each street light fixture would have a single bulb, probably 100 watts in strength. Mr. McDermott noted that Proffer 24 required inward and downward directed lighting for all common areas.

Mr. Rinek responded to questions from Commissioner Smyth regarding the location and extent of the tree save area and the environmental quality corridor (EQC).

In response to further questions from Commissioner Smyth, Mr. McDermott explained that the existing home in the area of the Manassas Gap Railroad right-of-way would remain and that he did not know its exact height. Commissioner Murphy noted that it was a one-story home.

Mr. Mayland pointed out that the homes proposed by the applicant in that area were 35 feet high. Mr. McDermott replied to additional questions from Commissioner Smyth and Commissioner Harsel about the applicant's plans for stormwater management.

In reply to an inquiry from Commissioner Wilson, Mr. Rinek pointed out the location of the three proposed tot lots.

In response to a question from Commissioner Harsel, Mr. Rinek explained that the tot lot in the area of a detention pond would be fenced

In reply to questions from Commissioner Wilson, Mr. McDermott reiterated that a total of 1,087 dwelling units were proposed.

Commissioner Wilson commented on the need for tot lots within easy walking distance for families of young children. Mr. Rinek explained that the tot lot equipment listed on the development plan was for illustrative purposes. Mr. McDermott and Mr. Rinek responded to further questions from Commissioner Wilson regarding the proposed tot lots.

In reply to an inquiry from Commissioner Harsel, Mr. McDermott said he was not sure where the sales trailer would be located, but that development was expected to begin in the northern portion of the property and that the temporary sales trailer would probably be located in one of the areas proposed for recreational use. He added that the Manassas Gap Railroad right-of-way would be dedicated to the County and would not be used by the developer for any purpose. Commissioner Harsel suggested that the exact location of the sales trailer be reflected on the development plan.

In response to a question from Commissioner Harsel, Mr. Mayland explained that, in a PDH District, no waiver was required for the proposed 42-foot high townhouses.

There being no further questions or comments from the Commission, Secretary Harsel called the first listed speaker and recited the rules for public testimony.

Mr. Charles Thomas, 4506 Legato Road, Fairfax, supported the application. He said that Centex Homes was the only developer in 14 years to get a clear majority of landowners under contract. He spoke about changes in the area and said that if this proposal was not accepted, segmented development could occur. (A copy of Mr. Thomas' statement is in the date file.)

Mr. Joe Salcetti, 12111 Ruffin Drive, Fairfax, representing the Cambryar Homeowners Association, explained that Cambryar residents were not informed of land consolidation efforts in the area when they purchased their homes and were therefore left out of the process. He said that their primary concern was that the new development maintain the same single family detached home style in the area bordering Cambryar. (A copy of Mr. Salcetti's statement is in the date file.)

Mr. Salcetti responded to questions from Commissioners Murphy and Wilson concerning Cambryar's concerns.

Mr. David Watkins, representing Merrifield Garden Center, 12101 Lee Highway, Fairfax, supported the application. He stated that, based on the applicant's latest plans, Merrifield was now willing to consider adding the residential portion of its property to the consolidation effort. He asked that the Commission encourage the applicant to allow that to occur.

In response to a question from Commissioner Harsel, Mr. Watkins explained that Merrifield's property was split zoned, commercial in front and residential in the back. He reiterated that only the residential portion, approximately five acres, would be added to the consolidation.

In response to questions from Commissioner Koch, Mr. Watkins said that he was not sure of the exact figures, but that the addition of Merrifield's property would certainly increase the consolidation beyond the 85 percent recommended in the Comprehensive Plan.

Commissioner Koch commented that it was not really the Planning Commission's role to encourage the applicant to acquire Merrifield's property, but agreed that it would be a logical addition to the new development.

Mr. Derek Wojciech, 4763 Thornbury Drive, Fairfax, a resident of Windsor Mews, said that neither he nor his homeowners association representative had been notified of the applicant's proposal. He expressed his concern about the impact of the new development on the EQC area near Windsor Mews and Cambryar.

Mr. Mayland and Ms. Kristen Abrahamson, ZED, DPZ, responded to questions from Commissioner Wilson regarding the EQC. He explained that the area marked as floodplain was a mapping error and that it had been determined that a floodplain, as defined in the Zoning Ordinance, did not exist at that location.

Mr. Bob Billak, 4710 Caronia Way, Fairfax, also commented on the lack of notification. He disputed staff's claim that no floodplain existed. He said there was a creek running through the property and that existing homes were already experiencing reduced water pressure and flooding problems. He maintained that additional development, which would include the removal of a substantial number of trees, would exacerbate the situation.

In response to questions from Commissioner Murphy, Mr. Billak stated that some residents of Windsor Mews had paid a lot premium, between \$6,000 and \$8,000, for their homes because they had a heavily wooded open space behind them. Commissioner Murphy and Mr. Billak further discussed his objections to the proposed development.

Mr. Patrick Arnold, owner of property located at 4512 Rhett Lane, Fairfax, said he had not been able to reach an agreement with Centex for the sale of his property and was therefore not

included in the subject application, but requested that Centex provide public sewer hookups for the unconsolidated lots.

Ms. Joyce Kubitz, 12106 Ruffin Drive, Fairfax, expressed her concern about the impact of the proposed development on wells and traffic in the area.

Mr. Stephen Gross, 12107 Ruffin Drive, Fairfax, echoed the previously expressed concerns about insufficient notification and stated his opposition to the proposed waivers of transitional screening and buffering.

Mr. Ben Bovee, 12108 Ruffin Drive, Fairfax, supported the applicant's plans, but expressed his displeasure that he had not been informed by his realtor about the land consolidation efforts and announced his intent to file a formal complaint with the realtor's board. He asked the Commission's advice on how to pursue his complaint.

In response to questions from Commissioner Harsel, Mr. Bovee said, although he had only been living in his home for 15 months, he had agreed to sell and was now part of the consolidation. She suggested that he might want to investigate whether there was a State Board of Realtors that could address his concerns.

Commissioner Murphy said the Commission could not give him legal advice, but understood his frustration and encouraged him to seek satisfaction as appropriate.

Ms. Cecilia Roman, 4585 Kieland Ridge Road, Fairfax, wanted to know how high and how close the townhouses planned adjacent to her back yard would be.

Mr. Marshall Heeger, 4731 Thornbury Drive, Fairfax, expressed his concern for the loss of trees and encouraged sensitivity in the EQC area.

Ms. Carol Herring, 4510 Rhett Lane, Fairfax, wanted to know where the single family detached homes would be located.

At Secretary Harsel's request, Mr. Mayland responded to Ms. Herring's questions by pointing out the location of the proposed single family homes. He added that the white areas on the map represented parcels where property owners had chosen not to be part of the consolidation.

Mr. Tom McDonald, 12307 Cannonball Road, Fairfax, representing the Buckner Forest, spoke about the significant changes that had occurred in the area in the last 10 years or so, including the Fairfax County Parkway, and the many townhouse developments built along Lee Highway. He supported the applicant's consolidation and plans for Dix-Cen-Gato, especially the applicant's dedication of a school site.

In response to questions from Commissioner Kelso, Mr. Gary Chevalier, Director, Facilities Planning Services, School Board, confirmed that the proposed 13-acre site would be sufficient for an elementary school site.

Mr. Sean Pomeroy, 4761 Thornbury Drive, Fairfax, supported the applicant's plans for a tree save area and preservation of the EQC which was directly behind his home in Windsor Mews.

In response to questions from Commissioner Koch, Mr. Pomeroy confirmed that his property backed up to Parcel A, which actually abutted the subject property and that he did not receive a legal notice letter.

Ms. Kathleen Klimek, 4583 Kieland Ridge Road, Fairfax, asked if the row of townhouses planned behind her property could be rotated 45 degrees so that only the side of one townhouse would be visible from her back yard rather than the entire row. She also asked if those townhouses could be constructed with a brick facade. Ms. Klimek questioned the statistics projecting the number of students expected from the proposed development.

Secretary Harsel explained that the figures regarding students were compiled by the School's Facilities Planning staff.

Ms. Barbara Payne-Booze, 12014 Ruffin Drive, Fairfax, suggested that the Commission look into the obvious communication problems because a lot of speakers had commented on lack of notification. She agreed with Mr. Arnold's suggestion that Centex provide public sewer hookups for the unconsolidated lots and more information was needed on the size, location and equipment included in the tot lots. She said the issue of the 83 percent versus 85 percent consolidation should be investigated thoroughly because she felt that some of the homeowners included had been strong-armed into agreeing. She referred to the consolidation as a hostile takeover and urged the Commission to make the right decision for the whole County as well as the homeowners left behind after the developer moved on.

Commissioner Moon pointed out that the figures provided by the School Board represented not a total number of students expected, but the number of additional students over and above those that would normally be expected if the property were to redevelop by right rather than with this rezoning. Commissioner Murphy reiterated that the figures came from the School Board and, at his request, Mr. Chevalier further explained that the new school would serve students in the area west of Fairfax City to Brookfield, and was expected to be sufficient for the number of students projected in that area. Ms. Payne-Booze continued to express her doubts about the accuracy of the figures.

Commissioner Alcorn pointed out that the School Facilities Committee would meet with members of the School Board at 8:30 p.m. on Wednesday, May 22, 2002 in the Board Conference Room and that the public was invited.

James Autry, Esquire, 4122 Leonard Drive, Fairfax, explained that he represented 18 homeowners in the Dix-Cen-Gato area. He said he had originally been retained to oppose the assemblage, but following negotiations with Centex, his clients now believed the plan before the Commission tonight was the best solution for redevelopment.

In response to questions from Commissioner Harsel, Mr. Autry explained that 15 of the 18 homeowners he represented had reached agreements with Centex and 3 had not.

Mr. Charles Stilton, 4603 Cambryar Street, Fairfax, spoke in opposition. He objected to the density proposed and wanted to know if wildlife on the property had been considered and if the ADUs would be Section 8 housing.

Commissioner Murphy said the ADUs would not be administered under the Section 8 program and Commissioner Harsel explained that the applicant was required by the Zoning Ordinance to provide the units.

Mr. Floyd Taylor, Jr., 4520 Rhett Lane, Fairfax, explained that he had originally opposed any redevelopment proposal, but had come to realize that the character of the area had drastically changed and that redevelopment was needed. He supported Centex's plans.

Mr. Anthony Rudzinski, 4525 Rhett Lane, Fairfax, supported the application. He reiterated that consolidation efforts had been underway for more than ten years.

Mr. Kevin McDonald, 4613 Dixie Hill Road, Fairfax, supported the applicant's proposal. He discussed changes in the area and said it was time for redevelopment.

There being no further speakers, Secretary Harsel called upon Mr. McDermott for a rebuttal statement.

Mr. McDermott noted the location of Cambryar's own open space which was immediately adjacent to a portion of the proposed development. He explained that, at his request, the applicant's engineers had determined that there would be 230 feet between the closest units of Windsor Mews and the new homes, with more than 100 feet of tree save in that area. Regarding the notification issue, he assured the Commission that all legal requirements were met. He noted that the County's records, where the applicants obtained the information needed for registered notice letters, were often out of date and that the address shown for Cambryar's and Windsor Mews' homeowners associations was still that of the developers of those subdivisions. He added that Supervisor McConnell's office had also sent out notices and that a well-attended community meeting was held to inform citizens of the applicant's plans.

In response to questions from Commissioner Wilson, Mr. McDermott reiterated that all adjacent property owners were notified as required.

Commissioner Murphy confirmed that community meetings were held. He added that Supervisor McConnell had specifically established a satellite office in the Government Center to respond to the needs of citizens in that part of the Springfield District.

Mr. McDermott continued his rebuttal, commenting that price demands were a large part of why some properties were not included in the consolidation. Regarding the school issue, he pointed out that Appendix 14 of the staff report included a memorandum from Mr. Chevalier indicating that a total of 326 students were expected from the proposed development and that the School Board requested dedication of a school site, which the applicant had proffered.

In response to questions from Commissioner Harsel, Mr. McDermott stated questions regarding the timetable for construction of the school should be directed to the School Board and its staff.

Mr. McDermott continued his rebuttal, explaining that density issues had been discussed at great length since 1990 and was further addressed in the Fairfax Center Plan. He commented on the changes in the neighborhood and the need for redevelopment. He explained the applicant's intentions for stormwater management in the southwest corner of the site, assuring the Commission that all Public Facilities Manual requirements would be met.

In response to questions from Commissioner Harsel, who had maintained a list of questions from speakers, Mr. McDermott offered the following:

- the townhouses closest to Cambryar would be 42 feet high;
- the entire project would probably take about five years;
- as detailed in Proffer 27, owners of unconsolidated lots would be presented the opportunity to connect to Centex's sewer line at their own expense;
- the well on Ruffin Drive would not be adversely affected;
- the buffer between the proposed townhouses and Cambryar would consist of 25 feet of replanted vegetation and a fence on the applicant's property;
- the number of waivers of transitional screening and barriers needed was less than originally expected;
- there was an existing small park in the middle of the project and three tot lots were planned in various locations;
- there was no floodplain on the subject property;
- there was no wildlife relocation program planned;
- the small portion of EQC in the southwest corner would be preserved;
- the ADUs would not be part of a Section 8 subsidized housing program; and
- the new homeowners closest to Cambryar could opt for a brick facade at an additional cost.

In response to questions from Commissioner Smyth, Mr. McDermott explained that the applicant's layout was the result of many hours of discussions and adjustments and the

row of townhouses adjacent to Cambryar could not be reoriented. He added that water pressure issues would be addressed by County engineers, in conjunction with the Fairfax County Water Authority, during the site plan review process.

Mr. McDermott concluded his rebuttal, reiterating that the density issue had been debated for years and the applicant's proposal was in accord with the Fairfax Center Plan and would have less impact than an office/high-rise residential combination. He added that the applicant was proffering to significant public infrastructure improvements that would not be possible with development at a lower level.

In reply to a question from Commissioner Harsel, Mr. McDermott stated that the 2.5-acre park in the center of the site would not be reduced in size and that, in compensation for the originally requested park land addition, the applicant had agreed to build two ballfields for the Park Authority in the Lewis-Lincoln-Vannoy area of the County.

In response to questions from Commissioners Smyth and Wilson, Mr. McDermott explained that the applicant had requested vacation of the portion of right-of-way for Butler Drive on the subject property. He further explained the internal circulation and noted that the final limits of clearing and grading would be determined during the site plan review process.

Mr. Mayland had no closing staff comments, but asked Mr. Chevalier to elaborate on the anticipated number of students.

Commissioner Wilson once again raised the issue of the floodplain shown on the map in the staff report. Mr. Mayland explained that Sheet 2 of the conceptual development plan included the following statement: "Planning staff concurs with the analysis that the swale draining through Tax Map 56-1((11))B drains less than 20 acres. Fairfax County floodplain regulations are for streams that drain 70 or more acres. In light of the size of the watershed, you may be able to vacate the regulatory floodplain line on the site." He added that staff had therefore concluded that a floodplain, as defined by the Zoning Ordinance, did not exist on the subject property. Commissioner Wilson asserted that a more thorough explanation of the issue should have been included in the staff report.

Commissioner Wilson also expressed her concern about the testimony of several speakers who indicated that they had not received notice of the application and Secretary Harsel suggested that staff investigate the issue and report back to the Commission.

There being no further comments or questions from the Commission, Secretary Harsel closed the public hearing and recognized Commissioner Murphy for a deferral motion. (A verbatim transcript is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ/FDP-2001-SP-041, TO A DATE CERTAIN OF MAY 16, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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The meeting was adjourned at 12:05 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: October 15, 2003

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