

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, MAY 16, 2007**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
Frank A. de la Fe, Hunter Mill District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Peter F. Murphy, Jr., Springfield District

ABSENT: Earl L. Flanagan, Mount Vernon District  
Janet R. Hall, Mason District  
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:19 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.

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COMMISSION MATTERS

Commissioner Lusk MOVED TO FURTHER DEFER THE DECISION ONLY ON SE 2006-LE-030, PETROLEUM MARKETING GROUP, INC., TO JUNE 13, 2007, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1, with Commissioner Hart abstaining; and Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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At the request of the applicant, Commissioner Lawrence MOVED TO ACCEPT THE WITHDRAWAL OF RZ-2006-PR-029, CEDAR LANE DEVELOPMENT, LLC.

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

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SE 2007-DR-003 - REFORMED THEOLOGICAL SEMINARY (Decision Only)  
(Public Hearing held on May 2, 2007)

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2007-DR-003, SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 15, 2007.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE EASTERN AND SOUTHERN LOT LINES OF THE SUBJECT PROPERTY.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN LOT LINE OF THE SUBJECT PROPERTY.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN, SOUTHERN AND EASTERN LOT LINES OF THE SUBJECT PROPERTY.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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Commissioner Hart announced that the Planning Commission's Environment Committee had received a briefing tonight from the Northern Virginia Building Industry Association on "green" building. He noted that the committee would meet again on May 31, 2007 and June 27, 2007, at 7:30 p.m., in the Board Conference Room to continue discussion.

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In Commissioner Hall’s absence, Commissioner Alcorn announced that the Policy and Procedures Committee would meet on May 24, 2007, at 7:30 p.m., in the Board Conference Room to continue discussion of the Area Plans Review process.

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Commissioner Harsel MOVED THAT THE FOLLOWING MINUTES BE APPROVED:

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| MARCH 3, 2005  | MARCH 17, 2005 |
| MARCH 9, 2005  | MARCH 23, 2005 |
| MARCH 10, 2005 | MARCH 31, 2005 |
| MARCH 16, 2005 |                |

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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Chairman Murphy announced that the Celebrate Fairfax! Fair would be held on June 8, 9, and 10 this year. He encouraged everyone to sign up to work at the Planning Commission’s soda stand, noting that all proceeds would go to a fund to help the families of the slain Virginia Tech students and faculty.

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FS-S07-19, NEXTEL, 13208 Lee Highway

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE “FEATURE SHOWN” FS-S07-19.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-Y07-6 – FAIRFAX WATER
2. SEA 99-S-012-02 – THE COUNTRY CLUB OF FAIRFAX, INC.
3. CSPA 86-C-029-06 – VARDELL REALTY INVESTMENTS  
FDPA 86-C-029-07 – VARDELL REALTY INVESTMENTS
4. RZ 2006-HM-020 – WINCHESTER HOMES, INC.  
FDP 2006-HM-020 – WINCHESTER HOMES, INC.

This order was accepted without objection.

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2232-Y07-6 - FAIRFAX WATER (FORMERLY FAIRFAX COUNTY WATER AUTHORITY) - Appl. to install approximately 1,650 feet of 24-inch diameter water main within the VDOT right-of-way and private property (3863 Centerview Drive) located on Centerview Drive between Metrotech Drive and Skyhawk Drive, Chantilly. Tax Map 34-4. Area III. Copies of the application and a more specific description of these facilities may be obtained from the Department of Planning and Zoning, 7th floor, Herrity Building, 12055 Government Center Parkway, Fairfax. SULLY DISTRICT. PUBLIC HEARING.

Commissioner Koch asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED, THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY FAIRFAX WATER AS SET FORTH IN 2232-Y07-6 TO INSTALL APPROXIMATELY 1,650 FEET OF 24 INCH DIAMETER WATER MAIN WITHIN THE VDOT RIGHT-OF-WAY ALONG CENTREVIEW DRIVE AND ACROSS PRIVATE PROPERTY IN CHANTILLY, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Lawrence and Hart seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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The next case was in the Springfield District; therefore Chairman Murphy relinquished the Chair to Vice Chairman Alcorn.

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SEA 99-S-012-02 - THE COUNTRY CLUB OF FAIRFAX, INC.  
- Appl. under Sects. 2-904 and 3-C04 of the Zoning Ordinance to amend SE 99-S-012 previously approved for a golf course, country club, and uses in a floodplain to permit building additions and associated

modifications to site design and development conditions. Located at 5110 Ox Rd. and 11001 Braddock Rd. on approx. 150.85 ac. of land zoned R-C and WS. Tax Map 68-1 ((1)) 17, 18, and 20. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Francis A. McDermott, Esquire, with Hunton and Williams, LLP, reaffirmed the affidavit dated May 2, 2007. There were no disclosures from Commission members.

Commissioner Murphy noted that revised development conditions distributed this evening were non-substantive and simply for the purpose of bringing the development into conformance with current Zoning Ordinance and PFM requirements.

Commissioner Murphy asked that Vice Chairman Alcorn ascertain whether there was anyone to speak in opposition to this case. There being none, he asked that presentations by staff and the applicant be waived and the public hearing be closed. No objections were expressed; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Murphy. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 99-S-012-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 15, 2007.

Commissioners Koch and de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

Commissioner Murphy also MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES IN FAVOR OF THAT DEPICTED ON THE SE PLAT; APPROVE A WAIVER OF THE BARRIER REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES IN FAVOR OF THAT DEPICTED ON THE SE PLAT; RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENTS OF ROUTE 123; RECOMMEND APPROVAL OF THE MODIFICATION OF PARAGRAPH 2, SECTION 9-528 TO PERMIT THE LOCATION OF THREE STRUCTURES AND TENNIS COURTS WITHIN 50 FEET OF THE LOT LINE; AND RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO WAIVE THE REQUIRED CONSTRUCTION OF FRONTAGE IMPROVEMENTS ON ROUTE 123 IN ASSOCIATION WITH THE APPLICATION.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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Vice Chairman Alcorn returned the Chair to Chairman Murphy.

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CSPA 86-C-029-06 - VARDELL REALTY INVESTMENTS

- Appl. to permit a revised comprehensive sign plan for Dulles Corner. Located on the E. side of Sully Rd., W. side of Sunrise Valley Dr., and approx. 200 ft. N. of its intersection with Dulles View Dr. on approx. 26.68 ac. of land zoned PDC. Tax Map 15-4 ((1)) 13D1, 13E2, 13E3, 13F1, and 13F2. HUNTER MILL DISTRICT.

FDPA 86-C-029-07 - VARDELL REALTY INVESTMENTS

- Appl. to amend the final development plans for FDP 86-C-029 previously approved for mixed-use development to permit building and site modifications and associated changes to development conditions. Located N. of Dulles View Dr. and W. of Sunrise Valley Dr. on approx. 13.33 ac. of land zoned PDC. Tax Map 15-4 ((1)) 13D1, 13E2, and 13E3. HUNTER MILL DISTRICT.

Mark Viani, Esquire, McGuire Woods, LLP, reaffirmed the affidavit, dated April 16, 2007. Commissioner Hart disclosed that the law firm of Hart and Horan, PC, had a pending case with Cooley Godward Kronish, LLP, listed on the affidavit for the FDPA, but indicated that there was no business or financial relationship that would affect his ability to participate in this case.

William O'Donnell, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the file. He stated that staff recommended approval of the applications.

Commissioner Hart noted that revised Development Condition Number 3 did not provide for an alternative use of money escrowed for the trail in the event that it was not built. Kristin Abrahamson, ZED, DPZ, explained that staff specifically wanted the trail connections shown in the plan to connect Route 28 with the WO&D Trail, but acknowledged that there was no contingency plan. Commissioner Hart said he was concerned about this issue because there were many trail escrow funds that could not be used for anything else.

Mr. Viani stated that approval of a Final Development Plan Amendment was necessary to replace a previously approved two-story retail building with landscaped open space and to approve a hotel use with retail support. He said the porte-cochere would be moved away from the trail area onto the main road. He explained that the proposed sign plan would be more

reflective of the uses on the site, incorporate the architectural elements of the office buildings and the proposed hotel, and retain the Dulles Corner logo. Mr. Viani said that if utility easements located in the open space needed to be accessed, the landscaping could be removed and replaced. Addressing Commissioner Hart's concern, he said the applicant had been unsuccessful in getting the permission of the Metropolitan Washington Airports Authority to locate a trail on their property. He noted that the applications had the support of the Hunter Mill Land Use Committee.

Mr. Viani responded to a question from Commissioner Alcorn about the amount and location of the retail space.

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

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 de la Fe for action on these items. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 86-C-029-07, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MAY 14, 2007.

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

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 86-C-029-06, SUBJECT TO THE DEVELOPMENT CONDITIONS, DATED MAY 2, 2007.

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

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE EASTERN BOUNDARY LINE SHOWN IN FDPA 86-C-029-07, IN FAVOR OF THE EXISTING AND PROPOSED LANDSCAPING DEPENDENT ON THE FDPA.

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

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RZ 2006-HM-020/FDP 2006-HM-020 - WINCHESTER HOMES, INC. - Appls. to rezone from R-1 to PDH-2 to permit residential development at a density of 1.80 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located approx. 200 ft. N.W. of the intersection of Timber Wood Way and West Ox. Rd. on approx. 19.97 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 35-2 ((1)) 23 - 29. HUNTER MILL DISTRICT.

Gregory Riegle, Esquire, McGuire Woods, LLP, reaffirmed the affidavit, dated April 16, 2007. There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the staff report. He noted that staff recommended approval of the applications.

Mr. Riegle stated that the applications had evolved over time and now had the support of the Hunter Mill Land Use Committee as well as the two abutting homeowners' associations. He said that 42 percent of the development would be left as open space, providing significant buffering, tree preservation, and active recreation opportunities. He explained that the homes would be oriented towards West Ox Road with an extensive berm, landscaping, and a serpentine wall. In addition, Mr. Riegle said proffers provided for new trails, off-site stormwater detention, and interim and long term transportation improvements.

Responding to questions from Commissioner Hart, Mr. Riegle agreed to add a proffer requiring double front yards on corner lots.

Chairman Murphy called for speakers, three of whom came forward as follows:

Bryan Barnard, 12803 Neitherleigh Place, Oak Hill, expressed concern that the proposed development could exacerbate an existing drainage problem.

Arnold Lorentson, 12364 Pinafore Court, Herndon, said he owned property adjacent to the proposed development. He expressed concern that removal of a driveway could damage the root system of trees along his property line and wanted assurance that the developer would be responsible if damage occurred.

Neil Sachdue, address unknown, explained that, although he did not own property near the proposed development, he had children who attended a private school, The Embassy School, located on the property, and that he had been given only two and one half weeks' notice that the

school would close at the end of the summer. He requested that the school be allowed to remain open for another year to allow him time to find another school for his children to attend.

Addressing Mr. Sachdue's comments, Commissioner de la Fe said that regardless of the outcome of this application, the property would be sold and the school closed. He noted that this was not a land use issue and, therefore, did not fall under the purview of the Planning Commission. Commissioner de la Fe expressed sympathy for Mr. Sachdue's predicament and suggested that he contact Hunter Mill Supervisor Catherine Hudgins' office for assistance in either finding another school or establishing The Embassy School at another location.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Riegle for rebuttal remarks.

In response to the issue raised by Mr. Barnard, Mr. Riegle said that the outfall from the stormwater facility would be entirely within a contained system which would protect Mr. Barnard's property from stormwater flow and Mr. O'Donnell concurred. Addressing Mr. Lorentson's concern about possible damage to his property during construction, Mr. Riegle explained that one of the proffered commitments was to keep residents informed during the development process and that he would extend that same courtesy to Mr. Lorentson. He also noted that extensive tree save commitments had been proffered and Mr. Lorentson was welcome to review the plan for the limits of grading and clearing. Mr. Riegle agreed with Commissioner de la Fe's comments about the closing of the school and also offered to help find an alternative site.

Commissioner Lawrence asked Mr. Riegle to address Mr. Lorentson's concern about the possibility that the removal of a driveway could damage trees. Mr. Riegle reiterated that he would keep Mr. Lorentson informed during the development process and that care and diligence would be taken to ensure the health of the trees.

Responding to a question from Commissioner Lawrence, Kristen Abrahamson, ZED, ZPD, said she thought the intent was not to remove the driveway. Mr. Riegle said the driveway was breaking apart and he would have no objection to leaving it the way it was and would add a proffer to that effect before the Board of Supervisors' hearing.

There were 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 these items. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY WITH THE RECORD REMAINING OPEN FOR RZ/FDP 2006-HM-020 UNTIL MAY 24, 2007.

Commissioners Lawrence and Alcorn seconded the motion which carried unanimously with Commissioners Flanagan, Hall, and Sargeant absent from the meeting.

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The meeting was adjourned at 9:17 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, VA 22035.

Minutes by: Jeanette Phillips

Approved: November 20, 2008

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