

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 25, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ilryong Moon, Commissioner At Large
John B. Kelso, Lee District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:18 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Hall, to allow more time for citizen review, MOVED THAT WE FURTHER DEFER DECISION, WITH THE RECORD TO REMAIN OPEN, FOR OUT-OF-TURN PLAN AMENDMENT S99-I-A1, TO A DATE CERTAIN OF MAY 31, 2000.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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Commissioner Downer, citing the need for revisions to the application, MOVED THAT WE FURTHER DEFER THE DECISION ON 2232-D00-6, AT&T WIRELESS/CELLULAR ONE, TO A DATE CERTAIN OF JUNE 14, 2000, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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Commissioner Downer noted that more time was needed to work on the application and MOVED THAT WE FURTHER DEFER DECISION ON 2232-D00-14, BELL ATLANTIC MOBILE, TO A DATE CERTAIN OF JUNE 14, 2000, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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Commissioner Downer, citing outstanding transportation issues, MOVED THAT WE DEFER THE PUBLIC HEARING ON SE-00-D-007, PROVIDENCE BAPTIST CHURCH TRUSTEES, TO A DATE CERTAIN OF JULY 27, 2000.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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Commissioner Smyth, referring to PCA-80-P-039-7 and FDPA-80-P-039-7, Northwestern Mutual Life Insurance, MOVED THAT WE DEFER THE PUBLIC HEARING TO A DATE CERTAIN OF JUNE 22, 2000.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ-1999-PR-029, COSCAN WASHINGTON, INC., TO A DATE CERTAIN OF JULY 27, 2000.

Commissioners Alcorn and Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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#3710-SP-03-2 - WORTHINGTON WOODS, SECTION 3 (Mount Vernon District)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE THE SITE PLAN FOR WORTHINGTON WOODS, SECTION 3, PROVIDED THAT LANDSCAPING BE

PLACED ALONG THE PROPERTY LINE BEHIND LOTS 165 THROUGH 176, AS SHOWN ON THE LANDSCAPE PLAN DATED 9/1/99, TO THE SATISFACTION OF THE URBAN FORESTER.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Moon abstaining; Commissioner Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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FSA-P96-10-1 - AT&T WIRELESS SERVICES, 9302 Lee Highway

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT MODIFICATIONS PROPOSED BY AT&T WIRELESS SERVICES, FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT 9302 LEE HIGHWAY, ARE IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVED GRANTING BY THE PLANNING COMMISSION UNDER FS-P96-10, ON OCTOBER 10, 1996. THEREFORE, IT IS RECOMMENDED THAT THE MODIFICATIONS BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Koch and Murphy absent from the meeting.

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FS-P00-61 - OMNIPOINT COMMUNICATIONS, 1951 Kidwell Drive

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT PROPOSED TELECOMMUNICATIONS FACILITY BY OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC, FOR THE OFFICE BUILDING LOCATED AT 1951 KIDWELL DRIVE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

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Vice Chairman Byers noted the passing of former Planning Commissioner Marguerite Dalton on Sunday, May 22, 2000. He noted that Mrs. Dalton had been on the Commission for 13 years, beginning in 1963 and had been involved in the original planning of Reston and Tysons Corner.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for the agenda items:

1. RZ-1999-PR-060 - RIVER TOWERS BUILDING #3 JOINT VENTURE
FDP-1999-PR-060 - RIVER TOWERS BUILDING #3 JOINT VENTURE
2. SEA-82-C-027 - WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS
SEA-81-C-027-2 - WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

This order was accepted without objection.

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RZ-1999-PR-060 - RIVER TOWERS BUILDING #3 JOINT VENTURE - Appl. to rezone from C-3, C-5, HC & SC to PDC, HC & SC to permit commercial development w/an overall FAR of 1.20 & approval of the conceptual development plan on property located on the S. side of Leesburg Pike, W. side of Gallows Rd., & approx. 130 ft. S. & W. of the intersection of Leesburg Pike & Gallows Rd. on approx. 3.95 ac. Comp. Plan Rec: Office & retail. Tax Map 39-2((1))7; 39-2((15))9, 11, & 30. (Concurrent w/FDP-1999-PR-060.) PROVIDENCE DISTRICT.

FDP-1999-PR-060 - RIVER TOWERS BUILDING #3 JOINT VENTURE - Appl. to approve the final development plan for RZ-1999-PR-060 to permit commercial development on property located on the S. side of Leesburg Pike, W. side of Gallows Rd., and approx. 130 ft. S. & W. of the intersection of Leesburg Pike & Gallows Rd. on approx. 3.95 ac. zoned PDC, HC & SC. Tax Map 39-2((1))7; 39-2((15))9, 11, & 30. (Concurrent w/RZ-1999-PR-060.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, Hazel & Thomas, reaffirmed the affidavit dated March 31, 2000. There were no disclosures by Commission members.

Mr. Peter Braham, 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.

In response to questions from Commissioner Byers, Mr. Braham said that the applicant had just today submitted a new set of proffers.

Mr. Lawrence stated that all issues raised by staff had been addressed. He explained that the new proffers simply copied the conditions suggested by staff in the staff report with

the only major changes being a commitment to retail space on the first floor of one building and a reconfiguration of the drive-through lanes for the bank. He noted that the application was in conformance with the Comprehensive Plan. Mr. Lawrence presented a series of photographs and computer simulations depicting the existing buildings on the site and the applicant's proposal. (A copy of the presentation is in the date file.)

Commissioner Alcorn complimented the applicant on the design that incorporated pedestrian-oriented and first floor retail uses.

In response to questions from Commissioner Alcorn, Mr. Lawrence assured him there would be pedestrian access from the proposed parking garage to a retail complex west of the subject property.

Mr. Lawrence responded to questions from Commissioner Wilson regarding access to the site and the underground parking facilities.

In response to questions from Commissioner Alcorn, Mr. Braham stated that the applicant had not supplied details of their proposed signage, but noted that Zoning Ordinance requirements would have to be met. He added that a comprehensive sign plan, which would require approval by the Planning Commission, was one option the applicant could choose.

In response to questions from Commissioner Harsel regarding a letter (copy in date file) from Charles E. Smith Commercial Realty, an adjacent business, expressing concern about vehicular traffic through their property, Mr. Lawrence pointed out that the adjacent property owner had requested a waiver of the Zoning Ordinance provisions requiring a service drive. He added that the waiver, which was granted, included an agreement for interparcel access to the subject property. He submitted for the record copies of documentation supporting this claim. (Copies of the documentation are in the date file.)

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Smyth for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT WE DEFER DECISION ONLY ON RZ-1999-PR-060 TO A DATE CERTAIN OF MAY 31, 2000, WITH THE RECORD TO REMAIN OPEN.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

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SEA-82-C-027 - WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS - Appl. under Sect. 3-104 of the Zoning Ord. to amend SE-82-C-027 for a cultural center w/ administrative offices to permit increase in land area, bldg. additions & site modifications on property located at 1635 Trap Rd. on approx. 18.27 ac. zoned R-1. Tax Map 28-2((1))32C & 32D. (Concurrent w/SEA-81-C-027-2.) HUNTER MILL DISTRICT.

SEA-81-C-027-2 - WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS - Appl. under Sect. 3-104 of the Zoning Ord. to amend SE-81-C-027 for a cultural center w/ administrative offices to permit decrease in land area & site modifications on property located at 1624, 1632 & 1635 Trap Rd. on approx. 11.61 ac. zoned R-1. Tax Map 28-2((1))32C, 32D pt., 36; ((3)) 20. (Concurrent w/SEA-82-C-027.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Ms. Elizabeth Baker, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated May 8, 2000. There were no disclosures by Commission members.

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

Ms. Baker stated that these applications to implement the long range plans of the Wolf Trap Foundation to centralize and consolidate activities included the following:

- ❖ construction of a 38,000 square foot Center for Education;
- ❖ construction of a 6,000 square foot addition to the rear of The Barns;
- ❖ renovation and conversion of the former Shouse residence into a museum;
- ❖ expansion and paving of an existing parking lot;
- ❖ removal of the buildings currently serving as administrative offices; and
- ❖ addition of a stormwater management pond and a maintenance building.

She noted that the addition to the rear of The Barns was for the purpose of complying with the Americans with Disabilities Act. She concurred with the proposed development conditions suggested by staff and added that the applicant was willing to work with citizens in the area to resolve any outstanding issues.

Mr. Robert Mobley, architect for the applicant, circulated a series of renderings depicting the proposed project.

In response to a question from Commissioner Smyth, Ms. Baker said that none of the buildings to be demolished had any historic significance.

Vice Chairman Byers called for speakers from the audience and recited the rules for public testimony.

Mrs. Christine Argall, 9208 Bois Avenue, Vienna, expressed her opposition to the proposal to extend the operating hours to 12:00 midnight.

In response to a question from Commissioner Palatiello, Ms. Lewis confirmed that the current condition allowed operation at The Barns until 11:00 p.m. She added that the hours of the administrative center would remain the same, from 9:00 a.m. to 5:30 p.m.

In response to questions from Commissioner Byers, Ms. Lewis stated that there were no outdoor performances at The Barns.

In response to questions from Commissioner Harsel, Ms. Lewis explained that the new parking lot would have shielded lights and additional landscaping.

In response to questions from Commissioner Alcorn, Ms. Lewis said that the hours of operation were not raised as an issue during the staffing process. She explained that the applicant had asked for the one hour extension to accommodate certain performances that occasionally caused the applicant to be in violation of the 11:00 p.m. curfew.

Ms. Lewis responded to questions from Commissioners Hall and Downer regarding the hours of operation.

Ms. Lewis responded to questions from Commissioner Smyth regarding a trail to be provided along the property, from the Dulles Airport Access Road to the end of the property.

Returning to the hours of operation issue, Commissioner Palatiello suggested a change in Development Condition Number 11 to read as follows: "All operations shall cease prior to midnight, every night. Not later than that time, all light, except for security lights, shall be turned off." Vice Chairman Byers agreed that this would be a good clarification.

Commissioner Hall noted that the renderings circulated by Mr. Mobley showed people socializing on an outdoor balcony. She suggested that, if outdoor activities of any kind were anticipated, they needed to be considered in establishing hours of operation.

In response to questions from Commissioner Wilson, Ms. Lewis explained what landscaping and screening currently existed and how the applicant intended to enhance those areas.

Mr. Ross McNutt, 9145 Boise Avenue, Vienna, representing The Trails Owners Association, supported the application and complimented the applicant for its extensive involvement with the community. He requested that the trail proposed by the applicant connect to the existing trails in his subdivision.

Mr. Gordon Argall, 9208 Bois Avenue, Vienna, commented on the noise problems. He acknowledged that the performances took place inside, but said that because of the strength of the sound system, the noise carried outside. He added that there was also considerable noise after the performance ended with people exiting the site slamming car doors and sounding their horns. He maintained that extending the time limit to midnight would create an extremely unpleasant situation.

In response to questions from Commissioner Alcorn, Mr. Argall pointed out where his house was located.

There being no further speakers, Chairman Murphy called on Ms. Baker for a rebuttal statement.

Ms. Baker explained that the applicant had only suggested the one hour extension to allow time to clear the property after special double performances at the beginning and end of the season.

In response to a question from Commissioner Byers, Ms. Baker said that Wolftrap had only recently learned about the Argall's concerns and that Mr. Chris Eckert, the grounds manager, was working with Mr. Argall to address the problem. She added that additional insulation would be added to contain the noise.

Ms. Baker continued her rebuttal, noting that the new addition would be sufficiently insulated to provide noise mitigation.

In response to a question from Commissioner Byers, Ms. Baker said the applicant would agree to an additional condition addressing noise mitigation.

Ms. Baker continued her rebuttal, explaining that the balcony might be used during the day by employees, but was not part of normal nighttime activities at the facility. Regarding the trail issue, she noted that the Department of Public Works and Environmental Services would determine the final location.

In response to questions from Commissioner Palatiello, Ms. Baker said that the applicant would agree to a new condition to read: "The exterior wall of the cultural center at The Barns shall be acoustically insulated so as to minimize noise affecting adjoining residential properties." She added that the applicant would be willing to set 11:30 p.m. as the deadline for clearing the property.

In response to a question from Commissioner Moon, Ms. Baker confirmed that the special double performances took place in May and October. In reply to his suggestion that the time limit be extended to midnight for those months only, she stated that the applicant was more comfortable with Commissioner Palatiello's suggestion of 11:30 p.m.

In response to questions from Commissioner Alcorn, Ms. Baker explained further how and why the special double performances were held and confirmed that all of the music was amplified. She reiterated that the applicant was not intending to change its current practices and had only asked for the time extension so as to not be in violation of the current 11:00 p.m. deadline during those times of the year when performances were somewhat longer than normal.

In response to questions from Commissioner Harsel, Ms. Baker said that, to her knowledge, there had been no complaints about noise until tonight.

In response to a request from Commissioner Hall, Mrs. Argall returned to the podium and reiterated her objections to the music. When asked about Commissioner Palatiello's suggestion of an 11:30 p.m. deadline, Mrs. Argall replied that she was willing to consider a compromise. She noted that Wolftrap had been working with her and her husband to address their concerns.

In reply to a question from Commissioner Palatiello, Mrs. Argall said that she personally would be willing to accept 11:30 p.m. as a reasonable compromise.

In response to a question from Commissioner Smyth, Ms. Baker said that the deadline would apply to private parties held on the premises as well as regular performances.

Ms. Baker responded to further questions from Commissioner Alcorn about the music at private parties and from Commissioner Wilson about the proposed trail.

Ms. Lewis responded to further questions from Commissioner Palatiello regarding the possibility of light rail in the vicinity at some time in the future.

There being no further comments or questions from the Commission and Ms. Lewis having no closing staff remarks, Vice Chairman Byers closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-81-C-027-2, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 25, 2000.

SEA-82-C-027-WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS May 25, 2000
SEA-81-C-027-2-WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING FOR SEA-81-C-027-2 BE MODIFIED ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES TO PERMIT EXISTING VEGETATION AS DEPICTED ON THE SEA PLAT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BARRIER REQUIREMENTS FOR SEA-81-C-027-2 BE WAIVED ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES IN LIEU OF THE EXISTING BARRIERS AS DEPICTED ON THE SEA PLAT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-82-C-027, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 25, 2000, WITH THE FOLLOWING MODIFICATIONS:

FIRST, THAT CONDITION 11 BE REVISED TO READ AS FOLLOWS: "ALL OPERATIONS SHALL CEASE PRIOR TO 11:30 P.M. EVERY NIGHT. NOT LATER THAN THAT TIME, ALL LIGHTS, EXCEPT FOR SECURITY LIGHTS, SHALL BE TURNED OFF."

FURTHER, THAT THE CONDITIONS BE AMENDED TO ADD A CONDITION 28 TO READ AS FOLLOWS: "THE EXTERIOR WALL OF THE BARNS SHALL BE ACOUSTICALLY INSULATED SO AS TO MINIMIZE NOISE AFFECTING ADJOINING RESIDENTIAL PROPERTIES."

Commissioner Alcorn seconded the motion.

Commissioner Alcorn suggested an amendment as follows: ADD A SENTENCE TO DEVELOPMENT CONDITION NUMBER 11 TO READ: "FURTHERMORE, ALL AMPLIFIED MUSIC WILL CEASE BY 11:00 P.M."

Commissioner Smyth seconded the amendment.

Commissioner Palatiello did not accept the amendment.

Following a lengthy discussion, Commissioner Alcorn MODIFIED HIS AMENDMENT TO READ: "FURTHERMORE, ALL AMPLIFIED MUSIC WILL CEASE BY 11:00 P.M. ON WEEK NIGHTS."

Commissioner Smyth, as seconder of the amendment, agreed to the modification.

Following further discussion, Vice Chairman Byers called for a vote on the amendment which carried by a vote of 6-4 with Commissioners Alcorn, Downer, Harsel, Moon, Smyth and Wilson in favor; Commissioners Byers, Hall, Kelso and Palatiello opposed; Commissioners Koch and Murphy absent from the meeting.

Before Vice Chairman Byers could call for a vote on the main motion, Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON SEA-81-C-027-2 AND SEA-82-C-027 INDEFINITELY.

Commissioner Hall seconded the motion.

After a discussion of the proper procedure to be followed, Commissioner Palatiello WITHDREW HIS MAIN MOTION.

Commissioner Alcorn, as the seconder of the main motion, did not agree to the withdrawal.

Following another discussion, it was decided that the Commission take a recess to determine the appropriate parliamentary procedure.

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(The Commission went into recess at 10:05 and reconvened in the Board Auditorium at 10:10 p.m.)

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Commissioner Palatiello MOVED TO WITHDRAW HIS MOTION AND THE PREVIOUS MOTIONS JUST CONSIDERED.

Commissioner Hall seconded the motion.

Vice Chairman Byers commented that a second was not required for a withdrawal.

SEA-82-C-027-WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS May 25, 2000
SEA-81-C-027-2-WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

After a brief discussion, it was decided that the withdrawal could only apply to the motion to recommend approval of SEA-82-C-027. Vice Chairman Byers then invited Commissioner Palatiello to make a motion on the first SEA.

Commissioner Palatiello MOVED FOR RECONSIDERATION OF THE THREE MOTIONS PREVIOUSLY ADOPTED WITH REGARD TO SEA-81-C-027-2.

Commissioners Alcorn and Harsel seconded this motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON SEA-81-C-027-2, CONCURRENT WITH SEA-82-C-027, TO A DATE CERTAIN OF MAY 31, 2000.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Murphy absent from the meeting.

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The meeting was adjourned at 10:15 p.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: March 1, 2001

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