

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 27, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth Lawrence, Providence District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

//

The meeting was called to order at 8:25 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON PCA 84-L-020-22, PCA 84-L-020-21, AND FDPA 84-L-020-02-12, WAL-MART REAL ESTATE BUSINESS TRUST, BE DEFERRED TO A DATE CERTAIN OF JUNE 3, 2004.

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

//

Commissioner Hopkins MOVED THAT THE DECISIONS ONLY ON RZ 2003-DR-063, SE 2003-DR-039, AND PCA 95-D-040, ST. JOHN'S CATHOLIC CHURCH, BE DEFERRED TO A DATE CERTAIN OF JUNE 16, 2004.

Commissioners Hart and de la Fe seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Murphy absent from the meeting.

//

Commissioner Byers noted that a public hearing had been held on SE 01-V-005, William A. Kinder, on April 29, 2004, with the decision deferred to tonight, May 27, 2004. He said, however, due to an error on the affidavit, the case had to be readvertised and a new public hearing was now scheduled for June 24, 2004. Therefore Commissioner Byers MOVED THAT THE PUBLIC HEARING ON THIS CASE BE SCHEDULED FOR JUNE 24, 2004.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

//

Commissioner Alcorn invited Commissioners to attend an Affordable Housing Preservation forum sponsored by the Board of Supervisors, the Housing Authority, Freddie Mac, and AHOME on Wednesday, June 2, 2004, from 9:15 a.m. to 1:30 p.m. at the Fairview Park Marriott.

//

FS-V04-32 - OMNIPOINT (T-MOBILE), 2709 POPKINS LANE

Commissioner Byers MOVED THAT THE PLANNING COMMISSION DENY FS-V04-32 AND RECOMMENDED THAT IT BE SCHEDULED FOR A PUBLIC HEARING IN ACCORDANCE WITH SECTION 2232 OF THE *CODE OF VIRGINIA*.

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

//

FS-P04-33 - OMNIPOINT (T-MOBILE), 8500 LEESBURG PIKE

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-33.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Murphy absent from the meeting.

//

FS-M04-34 - OMNIPOINT (T-MOBILE), 6219 LEESBURG PIKE

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION IN FS-M04-34.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Murphy absent from the meeting.

//

FS-M04-30 - OMNIPOINT (T-MOBILE), 6521 ARLINGTON BOULEVARD

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION IN FS-M04-30.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Murphy absent from the meeting.

//

CPA 86-C-121-14 - DIAMOND RESTON PARK, LLC

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE THE CONCEPTUAL PLAN AMENDMENT 86-C-121-14, DIAMOND RESTON PARK, LLC.

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

//

ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ 2003-LE-048 - GAYFIELDS ROAD ASSOCIATES, LLC
FDP 2003-LE-048 - GAYFIELDS ROAD ASSOCIATES, LLC
PCA C-448-30 - GAYFIELDS ROAD ASSOCIATES, LLC
PCA 79-L-109-02 - GAYFIELDS ROAD ASSOCIATES, LLC
2. RZ 2003-MV-045 - NATIONAL CAPITAL LAND & DEVELOPMENT INC.
FDP 2003-MV-045 - NATIONAL CAPITAL LAND & DEVELOPMENT INC.
3. RZ 2003-PR-026 - ELM STREET DEVELOPMENT
PCA 76-P-118 - ELM STREET DEVELOPMENT
RZ 2003-PR-013 - JCE, INC.

This order was accepted without objection.

//

RZ 2003-LE-048/ FDP 2003-LE-048 - GAYFIELDS ROAD ASSOCIATES, LLC - Appls. to rezone from R-1, R-4 and PDH-4 to PDH-3 to permit residential development at a density of 2.87 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the E. side of Beulah St. and on the N. and S. sides of Gayfields Rd. on approx. 13.90 ac. of land. Comp. Plan Rec: 1-2 du/ac with option for 2-3 du/ac. Tax Map 91-3 ((1)) 31, 32, 33, 34, 35, 37, 38, 39, 40A, 45, 46 and 47. (Concurrent with PCA 79-L-109-2 and PCA C-448-30.) LEE DISTRICT.

PCA C-448-30 - GAYFIELDS ROAD ASSOCIATES, LLC - Appl. to amend the proffers for DPA C-448-02 to permit a reduction in land area to allow this land to be included in RZ 2003-LE-048. Located E. of Beulah Rd. and the S. side of Gayfields Rd. near its terminus on approx. 8,106 sq. ft. of land zoned PDH-4. Tax Map 91-3 ((1)) 31pt. (Concurrent with RZ/FDP 2003-LE-048 and PCA 79-L-109-02.) LEE DISTRICT.

PCA 79-L-109-02 - GAYFIELDS ROAD ASSOCIATES, LLC - Appl. to amend the proffers for RZ 79-L-109 previously approved for residential development to permit a reduction in land area to allow 7,911 sq. ft. of land to be included in RZ 2003-LE-048. Located on the E. side of Bulfinch Ct. on approx. 7,911 sq. ft. of land zoned R-4. Comp. Plan Rec: 1-2 du/ac with an option for 2-3 du/ac. Tax Map 91-3 ((1)) 40A pt. (Concurrent with RZ/FDP 2003-LE-048 and PCA C-448-30.) LEE DISTRICT. JOINT PUBLIC HEARING.

Art Walsh, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated April 20, 2004. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Mr. Walsh's law firm, but it would not affect his ability to participate in this case.

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 applications.

Mr. Walsh discussed the changes made to the proposed site such as a reduction in density and an addition of open space. He added that the applicant had the support of the Crestleigh Homeowners Association (HOA), the Kingstowne Residential Owner's Corporation, and the Lee District Land Use Committee. He submitted for the record a letter of approval from Kingstowne Residential Owner's Corporation, a copy of which is in the date file.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Leah Lamba-Skidmore, President of the Crestleigh HOA, spoke in favor of the applications. She explained that most of her concerns regarding ingress and egress, road width, and public safety vehicle access had been addressed.

There being no further speakers, Vice Chairman Byers noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore he closed the public hearing and recognized Commissioner Lusk for action on these items. (A verbatim excerpt is in the date file.)

//

Commissioner Lusk MOVED THAT THE BOARD OF SUPERVISORS RECOMMEND APPROVAL OF RZ 2003-LE-048, SUBJECT TO THE DRAFT PROFFERS DATED MAY 26, 2004.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO WAIVE THE CUL-DE-SAC RADIUS REQUIREMENTS FOR THE CUL-DE-SAC ON RECONSTRUCTED GAYFIELDS ROAD AND MODIFY THE PAVEMENT WIDTH REQUIREMENTS FOR A PRIVATE STREET WITH REGARD TO THE EXTENSION OF GAYFIELDS ROAD IN FRONT OF LOTS 20, 21, AND PARCEL D, AS SHOWN ON THE PROFFERED CONCEPTUAL DEVELOPMENT AND FINAL DEVELOPMENT PLAN.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 79-L-109-2 AND PCA C-448-30.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-LE-048, SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 26, 2004, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2003-LE-048.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

//

The next case was in the Mount Vernon District; therefore Vice Chairman Byers relinquished the Chair to Secretary Harsel.

//

RZ 2003-MV-045/FDP 2003-MV-045 - NATIONAL CAPITAL
LAND & DEVELOPMENT INC. - Appl. to rezone from R-1 to PDH-
5 to permit residential development at a density of 4.02 dwelling units
per acre (du/ac) and approval of the conceptual and final development
plans. Located between Richmond Hwy. and Cranford St., S. of the
intersection of Richmond Hwy. and Gunston Cove Rd. on approx. 6.21
ac. of land. Comp. Plan Rec: 4-5 du/ac. Tax Map 113-2 ((1)) 20, 21
and 21A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, with Venable LLP, reaffirmed the affidavit dated May 14, 2004. Commissioner Hart disclosed that Mr. Stearn's law firm had represented the Board of Zoning Appeals, of which he was a member, on one case in federal court, but it would not affect his ability to participate in this case.

Lindsay Shulenberger, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the applications due to the crowded and unrealistic site design and said that a higher standard of development could be achieved.

Ms. Shulenberger and Leslie Johnson, ZED, DPZ, responded to questions from Commissioners Wilson, de la Fe, and Hart regarding the requirement for a noise wall and its location, maintenance, and design.

Ms. Shulenberger responded to questions from Secretary Harsel regarding the number of students projected to be generated by the proposed development, the distance between the houses, and an existing gas pipe easement.

Mr. Stearns stated that the proposed infill development met all the requirements of the Comprehensive Plan. He reviewed the positive aspects of the development, such as the 37 percent open space and the fact that the design would be able to accommodate the future consolidation and rezoning of 15 single family homes to the north known as Lorton Valley. He explained that 14 percent of the property would be dedicated to the Virginia Department of Transportation (VDOT) and that the density was at the lower end of the allowed range. He pointed out that VDOT had insisted on a concrete and steel sound wall which staff said could not be properly screened. He claimed that the site design addressed all of the limitations of the property and was laid out in an orderly fashion, and he believed that staff was being overly restrictive when they claimed that the site plan was too crowded.

Gary Garczynski, President of National Capital Land and Development, and Mark Baker, Bowman Consulting Group, responded to questions from Commissioner Wilson regarding the proposed noise wall.

Secretary Harsel called the first speaker and recited the rules for public testimony.

Michael Evans, 43 Mansfield Circle, Greensboro, North Carolina, read a letter written by his mother, the owner of the application property. She requested that the Planning Commission recommend approval of the applications because they met the guidelines of the Comprehensive Plan and had the support of the South County Federation. (A copy of Ms. Evans' letter is in the date file.)

Richard Cooper, 9723 Gunston Cove Road, representing the Lorton Valley Homeowners Association, spoke in favor of the applications. He said the Lorton Valley property owners were in the process of filing a rezoning application and that the applicant had taken into consideration their ideas for redevelopment of the area.

Marty Schirmacher, representing the South County Federation, noted that the Federation had voted to support this application.

Steve Stallings, 9721 Marion Place, Lorton, expressed support for this application.

There were no further speakers; therefore Secretary Harsel called upon Mr. Stearns for a rebuttal statement, but he declined. There were no further comments or questions from the Commission and staff had no closing remarks; therefore she closed the public hearing and recognized Commissioner Byers for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2003-MV-045 AND FDP 2003-MV-045 TO A DATE CERTAIN OF JUNE 16, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

//

At the conclusion of this case, Vice Chairman Byers resumed the Chair.

//

RZ 2003-PR-026 - ELM STREET DEVELOPMENT
PCA 76-P-118 - ELM STREET DEVELOPMENT
RZ 2003-PR-013 - JCE, INC.

May 27, 2004

RZ 2003-PR-026 - ELM STREET DEVELOPMENT - Appl. to rezone from R-1 and R-2 to R-3 to permit a cluster residential development at a density of 2.06 dwelling units per acre (du/ac) and a modification of the open space requirement for cluster subdivision. Located in the S.E. and N.W. quadrant of Wedderburn Ln. and Luckett Ave. on approx. 8.26 ac. of land. Comp. Plan Rec: Res. 1-2 and 2-3 du/ac. Tax Map 39-3 ((38)) A and 39-3 ((1)) 15, 16, 17, 18, 18A, 18B, 18C, 18D, 18E, 27, 27A, 27B, 28A. (Concurrent with PCA 76-P-118.) PROVIDENCE DISTRICT.

PCA 76-P-118 - ELM STREET DEVELOPMENT - Appl. to amend the proffers for RZ 76-P-118 previously approved for residential development to permit deletion of land area. Located on the S. side of Ninovan Rd. and N. of the terminus of Augustus Ct. on approx. 29,306 sq. ft. of land zoned R-2. Comp. Plan Rec: Res. 2-3 du/ac. Tax Map 39-3 ((38)) A. (Concurrent with RZ 2003-PR-026.) PROVIDENCE DISTRICT.

RZ 2003-PR-013 - JCE, INC. - Appl. to rezone from R-1 and R-2 to R-3 to permit a cluster residential development at a density of 2.56 dwelling units per acre (du/ac) and a modification of the open space requirement for cluster subdivision. Located in the N.W. quadrant of the intersection of Wedderburn Ln. and Cedar Ln. on approx. 5.06 of land. Comp. Plan Rec: Res. 2-3 du/ac. Tax Map 39-3 ((1)) 32, 33A, 33B and 33C. PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegler, Esquire, with McGuire Woods LLP, reaffirmed the Elm Street affidavits both dated April 28, 2004. Inda Stagg, land use planner with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the JCE affidavit dated May 11, 2004. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case each with Mr. Riegler's and Ms. Stagg's law firms, but it would not affect his ability to participate in this case.

Cathy Belgin, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Belgin responded to questions from Commissioner Lawrence regarding the historic significance of the structures located on the application properties; the requested waivers of the minimum district size requirements and open space requirements; stormwater management; and the proposed density.

In response to a question from Commissioner Lawrence, Ms. Belgin and Leslie Johnson, ZED, DPZ, said that the three homes to the south were located on existing lots and would be included in the rezoning application.

Mr. Riegle discussed the infrastructure and common site planning that the two applications shared. He explained that the complex was at the low end of the adjusted density range and met all elements of the residential development criteria. He claimed that the new development would help solve the existing downstream erosion problems. He said in response to citizens' concerns regarding a buffer between the proposed development and the Washington and Old Dominion (W&OD) Trail, the applicant had proffered to provide limitations on setbacks and buffers as well as restrictions on building heights, walk-out basements, and elevated decks.

Michael Rolband, Wetlands Studies and Solutions, described the fully developed watershed and its significant stream erosion. He outlined in detail the proposed measures that would treat the entire watershed for water quality and quantity, stream erosion, and habitat value.

Ms. Stagg stated that the proposed density of 2.37 dwelling units per acre was at the low end of the density range. She reported that 21 percent of open space would be provided, trees would be saved on the site, and there would be height limitations on the homes and decks. She pointed out that both developments would be under one consolidated site plan and under one homeowners association.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Jane Seeman, Mayor of the Town of Vienna, commented on the stream's impact on the town; the quality and quantity of the stream water; the management of the stormwater pond; traffic factors and improvements; the W&OD Trail and its setback; and the Chesapeake Bay Ordinance exception. She admitted that Vienna was not familiar with cluster housing and that it was not in its Zoning Ordinances. She expressed concern regarding the compatibility of the proposed development with the existing neighborhood and requested that the decision be deferred to allow residents the opportunity to receive more information.

The following individuals spoke in opposition to the applicants' proposals. Their main concerns included: incompatibility with the existing neighborhood; increased traffic; an adverse impact on the W&OD Trail; removal of trees; stormwater management; inadequate buffers and setbacks; late and insufficient notification; increased safety risks; and increased density; and noted that the proposed development would not be an enhancement to the community.

1. Steven Ordun, 8603 Locust Drive, Vienna (A copy of his remarks is in the date file.)
2. John Redd, 2411 Cedar Lane, Vienna
3. Karen Sheffield, 8417 Reflection Lane, Vienna (She submitted a petition, a copy of which is in the date file.)
4. David Levy, 1107 Redwood Drive, Vienna

5. Alison Dyer, 8621 Redwood Drive, Vienna (A copy of her remarks is in the date file.)
6. Richard Kuhlthau, representing the Wedderburn Station Civic Association (He submitted letters signed by his neighbors, copies of which are in the date file.)
7. Diana Levy, 1107 Redwood Drive, SE, Vienna
8. Deborah Reyher, 8628 Redwood Drive, Vienna (A copy of her remarks is in the date file.)
9. Renata Wade, representing the Tysons Wood Civic Association (She submitted a letter by Dr. Dr. Penelope Firth, Tree Commissioner, Providence District, a copy of which is in the date file.)
10. Robert Picardi, President of the Oak Grove Community Association (A copy of his remarks is in the date file.)
11. Adonice Hereford, 2416 Locket Avenue, Vienna (A copy of her remarks is in the date file.)

//

The Commission went into recess at 11:42 p.m. and reconvened in the Board Auditorium at 11:57 p.m.

//

The following individuals spoke in opposition to the applicants' proposals. Their main concerns included: shortage of resident notification; an adverse impact on safety due to increased traffic; maximized density; preservation of the natural buffer to the WO&D Trail, trees, and environment; stormwater management; lack of cooperation from the applicants; and noted that the proposed development would not fit in with the existing neighborhood.

1. Erin Kuhn, 8609 Redwood Drive, Vienna
2. Jane Nixon Leppin, 8513 Wedderburn Lane, Vienna
3. Tim Reed, 202 Talahi Road, Vienna
4. Barbara Hildreth, Co-President of the Stonewall Manor Civic Association (A copy of her remarks is in the date file.)
5. Karen Hunt, 2431 Villanova Drive, Vienna
6. Matthew Welborn, 1013 Aponi Road, SE, Vienna
7. Charles Sheffield, 8417 Reflection Lane, Vienna

Becky Cate, Board member of the Friends of the W&OD Trail, read a letter written by Ursula Lemanski, the organization's President, a copy of which is in the date file. The letter expressed concern that the developers would place houses too close to the trail.

Ms. Belgin responded to questions from Commissioner Alcorn regarding the 25 foot setback issue, the proffers on the JCE application, and the open space on Parcel A.

RZ 2003-PR-026 - ELM STREET DEVELOPMENT
PCA 76-P-118 - ELM STREET DEVELOPMENT
RZ 2003-PR-013 - JCE, INC.

May 27, 2004

Mike Cavin, 8119 Westchester Drive, Vienna, explained that the Elm Street application was more of a Comprehensive Plan amendment and that the higher density would set a precedent for other developments to build at R3 or higher.

There being no further speakers, Vice Chairman Byers called upon Mr. Riegle for a rebuttal statement.

Mr. Riegle assured the Planning Commission that the applicants had given information to all those who had requested it and would continue to do so. He added that the buffer and setback issues would be followed up with the Town of Vienna and the applicants would meet with residents of the Oakdale Park community regarding traffic calming measures.

John Cowles, President of JCE, noted that the applicants had met with the individuals whose names had been provided by the Providence District Supervisor Linda Smyth's Office. He pointed out that a substantial buffer existed at the corner of Cedar Lane and the W&OD Trail and believed that a buffer could be provided which would satisfy the concerns of the community. He added that the applicants had a traffic consultant who would work with the neighborhood to address traffic calming measures and improvements to Cedar Lane.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Lawrence for action on these items. (A verbatim excerpt is in the date file.)

//

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER RZ 2003-PR-026, PCA 76-P-118, AND RZ 2003-PR-013 TO A DATE CERTAIN OF JUNE 16, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

//

The meeting was adjourned at 12:51 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

May 27, 2004

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Meeting taken by: Linda B. Rodeffer

Minutes by: Kara A. DeArrastia

Approved on: November 9, 2006

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