MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 28, 1997

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:26 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 Hunter announced that the Transportation Committee had held its first 1997 meeting this evening. He said the Committee had scheduled two additional meetings for the following dates: Wednesday, July 9, 1997, and September 4, 1997, at 7:30 p.m. in the Board Conference Room.

Chairman Murphy noted that Commissioner Hunter had been re-elected Chairman of the Transportation Committee and Richard Frank, Transportation Advisory Commission, had been re-elected Vice Chairman.

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Commissioner Downer announced her intent to defer the public hearing on 456-D96-7, AT&T Wireless Services, from Thursday, May 29, 1997 to a date to be determined.

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER TO A DATE TO BE DETERMINED, DPA/PCA-B-846, (RESTON INN & CONFERENCE CENTER VENTURE), FROM THURSDAY, JUNE 26, 1997.

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SEA-90-S-035 - A. J. DWOSKIN. TRUSTEE (Decision Only)
(The public hearing on this application was held on May 7, 1997. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT WE RECOMMEND APPROVAL OF SEA-93-S-005, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT WITH THE FOLLOWING TWO ADDITIONS:

- "THE MAXIMUM HOURS OF OPERATION SHALL BE FROM 7:00 A.M. TO 8:00 P.M., MONDAY THROUGH FRIDAY; FROM 7:00 A.M. TO 6:00 P.M. ON SATURDAY; AND, FROM 8:00 A.M. TO 5:00 P.M. ON SUNDAY. HOWEVER, BETWEEN THE HOURS OF 8:00 AND 9:00 A.M. ON SUNDAY, OPERATION SHALL BE LIMITED TO RETAIL SALES AND PICK UP/DROP OFF ARRANGEMENTS. CAR SERVICING OPERATIONS SHALL NOT COMMENCE ON SUNDAY UNTIL 9:00 A.M." and,

- "A COPY OF THE SPECIAL EXCEPTION SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE AND MADE AVAILABLE TO ALL DEPARTMENTS OF THE COUNTY OF FAIRFAX DURING HOURS OF OPERATION OF THE PERMITTED USE."

Commissioner Palatiello seconded the motion which passed by a vote of 10-0-1 with Commissioner Coan abstaining, Commissioner Byers not present for the vote.

Commissioner Koch MOVED THAT WE APPROVE THE MODIFICATION OF BARRIER AND SCREENING REQUIREMENTS IN FAVOR OF THAT DEPICTED ON THE SEA PLAT IN CONNECTION WITH APPLICATION SEA-90-S-035, A. J. DWOSKIN, TRUSTEE.

Commissioner Thomas seconded the motion which carried unanimously with Commissioner Byers not present for the vote.

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Commissioner Kelso announced his intent to defer the public hearing on PCA-86-L-077, Potters Glen Community Association, Inc., from Thursday, May 29, 1997, to a date certain of Thursday, June 19, 1997.

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FDPA-82-P-069-6-6 - FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-14-2 - FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-15-5 - FAIR LAKES CENTER ASSOCIATES, L.P.
FDPA-82-P-069-13-6 FAIR LAKES CENTER ASSOCIATES, L.P. (Decisions Only)
(The public hearing on these applications was held on May 14, 1997. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Koch MOVED THAT WE APPROVE FDPA-82-P-069-13-6 AND FDPA-82-P-069-15-5, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN APPENDIX 1A OF THE STAFF REPORT.

Commissioner Palatiello seconded the motion which passed by a vote of 8-0-3, with Commissioners Coan, Downer, and Hall abstaining; Commissioner Byers not present for the vote.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-6-6 AND FDPA-82-P-069-14-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 20, 1997, WITH THE ADDITIONAL CHANGED CONDITION NUMBER 11 WHOSE THIRD SENTENCE SHALL BE REVISED TO READ: "SIGNAGE ALONG I-66 SHALL BE OF COMPATIBLE COLOR."

Commissioner Thomas seconded the motion which passed by a vote of 6-1-4 with Commissioner Alcorn opposed; Commissioners Coan, Downer, Hall, and Harsel abstaining; Commissioner Byers not present for the vote.

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RZ-1996-MV-03- CENTEX HOMES
FDP-1996-MV-036 - CENTEX HOMES (Decisions Only)
(The public hearing on these applications was held on May 1, 1997. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE RZ-1996-MV-036, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED MAY 15, 1997 AND PROVIDED TO THE COMMISSION LAST WEEK.

Commissioner Hunter seconded the motion which passed unanimously.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP-1996-MV-036, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-1996-MV-036.

Commissioner Hunter seconded the motion which passed unanimously.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (Quasi-Public Athletic Fields)
2. RZ-1997-MA-006 - COUNTRY SQUIRE LIMITED PARTNERSHIP
   FDP-1997-MA-006 - COUNTRY SQUIRE LIMITED PARTNERSHIP
3. FDP-87-C-060-18 - McNAIR SENIORS APARTMENTS, L.P.
4. SE-96-Y-024 - MILDRED K. DEBELL
5. SEA-90-M-003-2 - THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, INC.
6. RZ-1997-BR-005 - STEPHEN A. KORFONTA, JR.

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT - Quasi-public Athletic Fields & Related Facilities - On the matter of an amendment to Chap. 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax to amend Articles 4, 5, 9, and 17 to permit quasi-public athletic fields & related facilities as a by-right interim use in the C-1 thru C-9 Commercial Districts and the I-1 thru 1-6 Industrial Districts. COUNTYWIDE. PUBLIC HEARING.

John Reale, Zoning Administration Division (ZAD), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the Amendment.

In response to Commissioner Palatiello's question, Mr. Reale said the Board of Supervisors had instructed OCP staff to restrict the ball fields to commercial and industrial areas; therefore, residentially zoned properties, Agricultural & Forestal Districts, Planned Residential Communities (PRC), and other zoning districts in the County were not considered.

Commissioner Palatiello and Michael Congleton, Deputy Zoning Administrator, Ordinance Administration Branch, ZAD, OCP, discussed parking provisions and environmental sensitivity. Mr. Congleton stated that there were provisions in the Zoning Ordinance that allowed the Director of the Department of Environmental Management to waive a dustless surface and provide for alternative treatment.

Mr. Reale assured Commissioner Palatiello that language had been prepared to include the requirement that a sign be posted at each ball field indicating that it was an interim use and listing the proposed use for the property.

Commissioners Downer and Thomas and Mr. Congleton discussed who would be responsible for putting signs up, for grading the parking lots, whether or not the property owner could terminate the use without notice, and extension periods.

Commissioner Harsel raised the question of related facilities. Mr. Reale said anything covering a variety of athletic field types would be considered; e.g., benches and food stands.

Mr. Reale and Mr. Congleton, in response to additional questions asked by Commissioner Harsel, said quasi-fields did not come under the site plan requirement for 875 square feet of floor area, and in most circumstances a food stand would require a building permit.

Commissioner Thomas asked if the language concerning extensions could be changed to five years or less and still be within the scope of the advertisement. Mr. Congleton said yes and advised that OCP staff considered the current language to be adequate.

Commissioner Alcorn and Mr. Congleton discussed the set back requirement between the athletic use and the adjoining property.

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

John L. McBride, Esquire, 12221 Ox Hill Road, Fair Oaks, spoke on behalf of the Chantilly Youth Association. He explained the procedures for leasing ball fields and asked the Commission to support the proposed Zoning Ordinance Amendment.

Commissioner Alcorn and Mr. Congleton discussed parking regulations and how they would affect neighboring residential areas. Mr. Congleton explained that if adequate parking was not provided on site to serve the use it would be a violation of the use limitations and OCP would contact the lessee and the property owner, explain the situation, and have it corrected.

Commissioner Palatiello noted that the proposed requirement for signs established a maximum size and asked Mr. Reale if language could be provided to establish a reasonable minimum size. After conferring with Mr. Congleton, Mr. Reale suggested a 10-square foot minimum.

Chairman Murphy recognized Harold Strickland, Sully District representative on the Park Authority, who was in the audience. He thanked him for all the work he has done on behalf of the Authority and the County.

Chairman Murphy entered into the record a letter from Master Nicholas Palatiello, Boy Scout Troop 1577, Trinity Presbyterian Church, Herndon, who stated that he was working on his

Community Merit badge and had to write to a government official concerning a community issue. He said he had read the staff report on the proposed Zoning Ordinance Amendment and was in favor of it. Master Palatiello encouraged the Planning Commission to approve it.

There being no further comments or questions and no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Thomas for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Thomas SUGGESTED THAT TWO CHANGES IN THE ORDINANCE BE MADE AS FOLLOWS:

- PAGE 2, MODIFY PARAGRAPH B TO READ: "SUCH USE SHALL ONLY BE PERMITTED ON AN INTERIM BASIS FOR A PERIOD NOT TO EXCEED FIVE YEARS; PROVIDED, HOWEVER, THAT UPON REQUEST BY THE PROPERTY OWNER, SUBSEQUENT EXTENSIONS OF UP TO FIVE YEARS EACH MAY BE APPROVED BY THE BOARD." THAT SAME CHANGE WOULD BE MADE TO PARAGRAPH B ON PAGE 3.

- ADDITIONALLY, IN THE PROPOSED LANGUAGE ON THE SIGN, MODIFY PROPOSED PARAGRAPH G (AS FOLLOWS): "THERE SHALL BE A SIGN WHICH IDENTIFIES THE ATHLETIC FIELD AS AN INTERIM USE OF THE SITE. NO SUCH SIGN SHALL EXCEED 32 SQUARE FEET IN AREA, OR EIGHT FEET IN HEIGHT, OR BE LOCATED CLOSER THAN FIVE FEET TO A STREET" AND ADDITIONALLY, THE SIGN WOULD HAVE A MINIMAL SQUARE FEET OF TEN." THE OTHER LANGUAGE STAYS AS PROPOSED.

With these modifications, Commissioner Thomas then MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE PROPOSED ZONING AMENDMENT ON ARTICLES 4, 5, 9, AND 17, QUASI-PUBLIC ATHLETIC FIELDS, AND RELATED FACILITIES, AS AN INTERIM USE, AS MODIFIED THIS EVENING.

Commissioners Byers and Hall seconded the motion which carried unanimously.

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RZ-1997-MA-006 - COUNTRY SQUIRE LIMITED PARTNERSHIP
- Appl. to rezone approx. 24.40 ac. from 1-6 to PDH-1 2 to permit residential development at a density of 11.06 du/ac including provisions for bonus density for ADUs & approval of the conceptual development plan on property located N. of Cherokee Ave., approx. 600 ft. E. of its intersection w/Shawnee Rd. Comp. Plan Rec:

Industrial/office w/an option for 8-12 du/ac. Tax Map 72-3(0))l 713 & 81-1((1))19A and 20. (Concurrent with FDP-1997-MA-006.) MASON DISTRICT.

FDP-1997-MA-006 - COUNTRY SQUIRE LIMITED PARTNERSHIP - Appl. to approve the FDP for RZ-1 997-MA-006 to permit residential development on property located N. of Cherokee Ave., approx. 600 ft. E. of its intersection w/Shawnee Rd. on approx 24.40 ac. zoned PDH-12. Tax Map 72-3((1))17B and 81-1((1))19A & 20. (Concurrent with RZ-1997-MA-006). MASON DISTRICT. JOINT PUBLIC HEARING.

Tracy L. Steele, Esquire, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, P.C., agent for the applicant, reaffirmed the affidavit dated May 23, 1997. There were no disclosures by Commission members.

Leslie Johnson, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Chairman Murphy, Ms. Johnson concurred that the proffers referred to in the staff report were dated May 23, 1997.

Commissioner Harsel and Noel Kaplan, Planning Division, OCP, discussed the contours on the map contained in the staff report. Mr. Kaplan said they depicted steep slopes which had not been mapped as marine clay soils; however, there would have to be a significant amount of grading in that area because it had been subject to extensive disturbance in the past. Mr. Kaplan said if there were geotechnical problems they would have to go through geotechnical review and the Department of Environmental Management would have to approve the development in that area. Mr. Kaplan also said the slopes were above 15 per cent, probably 30 per cent.

Commissioner Byers noted that to the west of the site were Lots 17b, 17d, 24b, and 24c which were industrial sites. He said there was a narrow industrial site between two residential sites and wanted to know if the industrial sites were also planned for eventual residential use. Ms. Johnson said that this particular property was the subject of an Out-of-Turn Plan Amendment. Commissioner Byers expressed his concern over the loss of prime industrial land in the County.

Commissioner Hall explained that there were a number of office buildings around the site which would probably be there for many years to come. She advised that the property did go through an Out-of-Turn Plan Amendment a year ago; the applicant had not filed a rezoning application until all the issues had been addressed; there were many speakers at the public hearing; and eventually the site was incorporated into the Comprehensive Plan.

Commissioners Coan and Hall and Ms. Johnson and Kristen Abrahamson, Branch Chief, ZED, OCP, discussed the locations of the primary and secondary access roads to the subject property and the types of buildings abutting it.

Commissioner Downer and Mr. Kaplan, Ms. Abrahamson, and Ms. Johnson discussed the applicant's request for a waiver of the noise ordinance, the close proximity of the property line to the Route 395 (Shirley Highway) right-of-way, and the possibility of additional lanes being added to Route 395 and how that would affect the right-of-way.

In answer to Commissioner Downer's question concerning a noise study, Mr. Kaplan indicated that the most recent transmittal from the consultant to the applicant was dated April 23, 1997. He said the study had been revised to increase the traffic projection based on transportation information received for the "Mixing Bowl" project to the south of Edsall Road.

Commissioner Alcorn and Mr. Kaplan discussed site remediation and the process involved in obtaining a Virginia Department of Environmental Quality's (VDEQ) "Certificate of Satisfactory Completion of Remediation." Mr. Kaplan acknowledged that it was a new program, that the VDEQ had given one to another jurisdiction in the Commonwealth, and this was the first site in Fairfax County to receive a certificate. Mr. Kaplan also said the risk assessment was based on residential use.

Ms. Steele gave a brief history of the processes leading up to the applicant's filing for a rezoning. She said the application was in harmony with the policies of the adopted Comprehensive Plan. Ms. Steele advised that the development would include affordable dwelling units. She called attention to Proffer 19, dated May 23, 1997, that addressed environmental issues. On behalf of the applicant, Ms. Steele requested that Proffer 5 be amended to reflect that the $15,000 contribution to the Park Authority be made at the issuance of the 100th RUP (Residential Use Permit), instead of the 162nd RUP.

In answer to Commissioner Alcorn's question, Ms. Steele said all of the single family detached homes would have basements, Commissioner Alcorn and Mr. Kaplan discussed the depth of the aquifer. Ms. Steele said the applicant would go 8 feet into the aquifer, and 10-12 feet for utility lines. Mr. Kaplan agreed that the uppermost aquifer, which was contaminated, was never less than 15 feet deep.

Commissioner Alcorn and Mr. Carlyle C. Ring, Jr., Vice President and General Counsel, Atlantic Research Corporation (ARC), 1577 Spring Hill Road, Vienna, discussed soil composition. Mr. Ring said the site has been in its current contaminated condition for approximately 35 years. He advised that the acquifer would be 25 to 30 feet below the single family units. Commissioner Alcorn, noting that there had been abandoned drums on the site, asked if the applicant had conducted a geophysical survey. Ms. Steele indicated that the ARC had done one. Mr. Ring said the site had been reviewed by a total of 5 consultants.

Commissioner Alcorn asked Mr. Reale if OCP staff was satisfied with the array of techniques used in ARCs geophysical survey. In response, Mr. Reale said the most extensive study would be under the control of the Environmental Alliance. He said he was aware that a number of well points and soil gas work had been done, but had no knowledge of any geophysical studies that would detect metal, etc.

Commissioner Coan and Ms. Steele discussed where the sidewalks would be located on the site. Commissioner Coan felt it was unacceptable, in this urban county, to have residential streets without sidewalks on both sides. He advised that he would oppose this application.

Commissioner Harsel, Ms. Johnson, Ms. Steele, and Trini M. Rodriguez, an architect with Parker Rodriguez, Inc., 102 S. Alfred Street, Alexandria, conferred about the length of the driveways, the number of one and two-car garages in the single family detached and townhouse units, as well as the provisions for additional homeowner/visitor parking spaces.

Chairman Murphy opened the public hearing and called the first listed speaker.

John Davis, 4921 Lincoln Avenue, Alexandria, represented the Lincolnia Park Civic Association (LPCA). He read into the record a statement prepared by the Association regarding this application and noted that provided the County did not reject any of the Horning Brothers commitments, the LPCA was in favor of the rezoning. (A copy of the statement is in the date file.)

In answer to Chairman Murphy's question, Mr. Davis clarified LPCA’s request in the last paragraph on page 1 concerning relaxation of requirements for saving trees on Cherokee Avenue, which was in reference to sight distance and proposed road improvements.

Mark Canale, Office of Transportation, explained that the Virginia Department of Transportation (VDOT) determined the requirement for sight distance and because it was a public safety issue, the County could not waive it. He indicated that VDOT was willing to go from 350 feet to 335 feet to preserve some of the trees but that would be its limit.

John B. Connor, Esquire, 1033 North Fairfax Street, Alexandria, represented Thomas D. Cafferty, Continental Shawnee Limited Partnership, owners of Shawnee Plaza adjoining the applicant's property. He said that pending a completion of VDEQs statutory required mandate, his client was requesting a deferral of the application. (Copies of his correspondence and related items are in the date file.)

Commissioner Palatiello, referring to the statute cited by Mr. Connor, asked what ARC would be granted immunity from. Mr. Connor replied they would be immune from any action under the environmental laws with respect to the environmental pollution on the property. Mr. Connor stressed that the proffers now were the responsibility of the applicant and ARC would have immunity from any future legal and environmental ramifications.

In response to a statement made by Commissioner Palatiello, Mr. Ring said he was correct that the law had been amended; however, the Susquehanna Corporation, who owned the property before ARC purchased it, was primarily responsible for contaminating the ground. He explained that Susquehanna had been purchased by a company in France, exempting them from liability, and because they were not in this country ARC would have borne 100 per cent of the liability. He said that in settlement of the law suit, ARC purchased the property and immediately began remediation. Mr. Ring claimed that Mr. Connor's comments overstated the statutory immunity because ARC had no immunity under federal law or from private law suits and, therefore, action was still permissible. Mr. Ring advised that the only immunity ARC would receive would be in connection with anything disclosed in the rezoning application. He said VDEQ had established the standards, they had been published in the Virginia Register on May 27, 1997, and the regulations were final. For the record, Mr. Ring read a provision from the regulations which provided that: "The Certificate may be revoked by the director at any time in the event the contamination posing an unacceptable risk to human health or environment is rediscovered on the site, or in the event it is discovered that the Certificate was based on information provided by the participant that was materially false, inaccurate, or misleading. By issuance of the Certificate, the department does not waive sovereign immunity."

Mr. Reale, in answer to Commissioner Alcorn's question, said OCP staff was recommending that the rezoning application not be approved until a Certificate had been issued to the applicant.

Commissioner Alcorn and Mr. Connor continued the discussion on contaminant levels and what the end result could be in the future, should more contamination occur. He recommended that the County set a precedent by not approving the application until all standards had been met.

Commissioner Byers queried Mr. Connor on whether VDEQ would make a finding of different levels depending on whether the land would be developed for industrial or residential use. Mr. Connor reiterated his previous comment that the analysis would be site specific.

Mr. Kaplan concurred with Commissioner Alcorn's statement that residential use presented more exposure to human health than commercial or industrial use. He noted that the VDEQ could find that the petition was not acceptable because the level of contaminants were too high for residential use and therefore would not grant the Certificate. In that event, under the proposed proffers, Mr. Kaplan said the applicant would not be able to get a site plan approved until further remediation had been done to lower the levels to the point where the Department of Environmental Management (DEM) would accept the levels.

Jules R. Letellier, 6480 7th Street, Alexandria, stated that he was opposed to the request for rezoning for all the reasons expressed this evening by the previous speakers.

Mr. Letellier, in answer to Commissioner Harsel's question, said the component shop formerly on the site had used hazardous materials and was primarily responsible for maximum contamination of the ground water. Commissioner Harsel asked staff to point out the site where the shop was located. Ms. Johnson claimed that the shop was off site and was not part of the

application property and would remain 1-6. She said the plume of contamination from the shop ran underneath a portion of the application property, it was an outlot and would remain as such and it was in the EQC and would not be dedicated to the homeowners association until the Certificate had been issued. She advised that there were two different Certificates and closure petitions involved.

Ms. Johnson informed Commissioner Coan that ARC owned the outlot and would do so until a Certificate was issued. Ms. Johnson indicated that if a Certificate was not issued, Proffer 15 contained language stating that the applicant could not get a site plan for the final 25 percent of the development. She said OCP staff had received the new proffers on Tuesday, May 27th. Ms. Johnson said that unless the language recommended by OCP staff was incorporated into the proffers prior to the Board of Supervisors hearing, they were not ready to recommend approval of the application.

Commissioner Hall advised that she would be deferring decision on this application.

There being no further speakers, Chairman Murphy called upon Ms. Steele for a rebuttal statement.

Ms. Steele addressed comments made earlier regarding tree removal, stormwater management, and expressed her disagreement with comments made by Mr. Connor. She said the application was in conformance with the Zoning Ordinance and the Comprehensive Plan, and safeguards were in place. She noted that a deed covenant would run with all the lots stating that there shall be no digging of any type into the ground because of the concern for potential groundwater contamination. Ms. Steele requested that the Planning Commission not defer the application until after a Certificate of Remediation had been issued. She said the language suggested by Ms. Johnson earlier was not a part of their proffers and they would have to confer with staff.

Ms. Johnson had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED TO DEFER APPLICATION RZ-1997-MA-006 FOR DECISION ONLY UNTIL TOMORROW EVENING, MAY 29, 1997, WITH THE RECORD TO REMAIN OPEN FOR COMMENTS.

Commissioners Alcorn and Byers seconded the motion which carried by a vote of 11-1 with Commissioner Coan opposed.

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The Commission went into recess at 10:50 p.m. and reconvened in the Board Auditorium at 11:03 p.m.

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FDP-87-C-060-18 - McNAIR SENIORS APARTMENTS, L.P. - Appl. to approve the 18th FDP for RZ-87-C-060 to permit elderly residential development on property located on the N. side of Coppermine Rd., approx. 335 ft. E. of Centreville Rd., on approx. 2.96 ac. zoned PDH-16. Tax Map 16-3((1)) pt. 38D. HUNTER MILL DISTRICT. PUBLIC HEARING.

Keith C. Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, agent for the applicant, reaffirmed the affidavit dated May 1, 1997. There were no disclosures by Commission members.

Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. Ms. James stated that staff recommended approval of the application, subject to the revised development conditions dated May 21, 1997. She noted that the only change to the development conditions was to the FDP (Final Development Plan) plan date which was revised as of May 12, 1997.

Mr. Martin gave a brief overview of the proposed development. He said facilities for the residents would include a community room, dining room, lounge, laundry facilities, exercise room, and a hair and barber salon. He indicated there would be a minimum of 12 affordable dwelling units (ADUs) provided with the remainder of the units qualifying for tax credit financing rental rates to meet 60 per cent of the HUD/Washington, DC Metro area income level. Mr. Martin said the proposal was in conformance with the approved Conceptual Development Plan and the Comprehensive Plan.

Commissioner Coan and Mr. Martin discussed the applicant's request for a reservation of tax credit and tax exempt financing. Matthew E. Hurson, President, Cove Ventures, Inc., 4340 East-West Highway, Bethesda, said the application for tax exempt financing was pending and they expected to have a commitment within two weeks.

In response to Commissioner Coan's question, Mr. Hurson said that if they did not get the commitment they would seek alternative financing.

With respect to ADUs, Mr. Martin advised Commissioner Coan that the applicant met the requirements of the County's Zoning Ordinance, Article 2-800, by providing 12 ADUs out of the 129 planned. Ms. James said the ADU requirement had been carried forward consistently with the last several FDP applications and this would address the final remaining requirements for ADUs in McNair Farms.

Commissioner Byers and Mr. Martin discussed the height of the proposed fence along the northern lot line and how the residents would gain access to the shopping center. Mr. Martin said there was no access from the fence to the shopping center at this time and hoped the center would provide one.

Commissioner Palatiello and Ms. James discussed the number of ADUs on the Plan for McNair Farms. She said that even if the tax credit financing application was not approved, the units would comply with the intent of the Ordinance in terms of fulfilling the deferred ADU requirements.

Mr. Martin said the applicant would have no objection to adding a development condition to provide a bus shelter for future residents of the senior apartments.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. James had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDP-87-C-060-18, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 21, 1997, WITH THE ADDITION OF A DEVELOPMENT CONDITION 8 TO READ AS FOLLOWS: "A BUS SHELTER SHALL BE PROVIDED ALONG COPPERMINE ROAD IN THE IMMEDIATE VICINITY OF THE ELDERLY HOUSING PROJECT. FINAL LOCATION OF THE BUS SHELTER SHALL BE DETERMINED BY THE OFFICE OF TRANSPORTATION TRANSIT OPERATIONS AT THE TIME OF SITE PLAN APPROVAL."

Commissioners Byers and Coan seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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> SE-96-Y-024 - MILDRED K. DEBELL, TRUSTEE - Appl. under Sect. 3-104 of the Zoning Ord. to permit a child care center & nursery school on property located at 6321 Old Centreville Rd. on approx. 1.38 ac. zoned R-1 and WS. Tax Map 65-1((1)) pt.8. SULLY DISTRICT. PUBLIC HEARING.

John T. DeBell, with Bengtson, DeBell & Elkin, Ltd., 5900 Centreville Road, Centreville, agent for the applicant, reaffirmed the affidavit dated September 16, 1996. There were no disclosures by Commission members.

Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. Ms. James stated that staff recommended approval of the application provided that all transportation and environmental issues she had addressed were met.

Mr. DeBell said that based on his meeting with OCP staff earlier today, they had verbal agreement on the changes recommended by staff. He asked that decision on this application be deferred until they had had an opportunity to address the few outstanding conditions.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. James had no closing staff comments; 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 WE DEFER DECISION ON SE-96-Y-024, MILDRED K. DEBELL, TRUSTEE, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, UNTIL A DATE CERTAIN OF JUNE 25, 1997.

Commissioners Byers and Coan seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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SEA-90-M-003-2 - THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, INC. - Appl. under Sect. 3-204 of the Zoning Ord. to amend SE-90-M-003 for a school of general education, nursery school, & child care center to permit a building addition on property located at 6820 Pacific Lane on approx. 2.77 ac. zoned R-2. Tax Map 71-2((8)) 93B. MASON DISTRICT. PUBLIC HEARING.

Keith C. Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, agent for the applicant, reaffirmed the affidavit dated November 22, 1996. There were no disclosures by Commission members.

Gregory Russ, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. Ms. Russ stated that staff recommended approval of the application.

Mr. Martin said the application had the favorable recommendation of staff and the Mason District Land Use Committee. He asked the Planning Commission to recommend approval of the application.

Chairman Murphy called the listed speaker.

David Borowski, 6825 Pacific Lane, Annandale, expressed concern that the Virginia Department of Transportation (VDOT) would build a cul-de-sac at the terminus of Pacific Lane and asked for assurances from the County that it would not happen.

Commissioner Hall asked Mr. Russ to address Mr. Borowski's concern. Mr. Russ explained that VDOTs request, regardless of whether this application was approved or not, would stand. He said he did not know if it was on VDOTs high priority list. Referring to a letter contained in the staff report from VDOT, Mr. Russ indicated that it was a standard recommendation and did not state that they would actually require the land as part of this development.

Walter Sanders, Vice President, Hillbrook Tall Oaks Association, 5008 Dodson Drive, Annandale, said the Association had no objection to the application.

There being no further speakers, comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SEA-90-M-003-2 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REAFFIRMATION OF THE WAIVER OF THE BARRIER REQUIREMENT ALONG THE WESTERN AND SOUTHERN BOUNDARIES OF THE SUBJECT SITE.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote.

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RZ-1997-BR-005 - STEPHEN A. KORFONTA, JR. - Appl. to rezone approx. 0.78 ac. of land from R-1 to R-3 to permit residential development at a density of 2.56 du/ac on property located 250 ft. S. of Toll House Rd. Comp. Plan Rec: Resident. 2-3 du/ac. Tax Map 70-1((0))8. BRADDOCK DISTRICT. PUBLIC HEARING.

Reed Dudley, Runyon Dudley Engineers, represented the applicant and reaffirmed the affidavit dated December 23, 1996. There were no disclosures by Commission members.

Gregory Russ, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of the application.

Mr. Dudley said the application was in conformance with the Comprehensive Plan and requested a favorable recommendation by the Planning Commission.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Mr. Russ had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1997-BR-005, CONSISTENT WITH THE EXECUTION OF PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Coan and Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote.

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The meeting was adjourned at 11:45 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, Virginia 22035.

Minutes by: Mary A. Pascoe

Approved on: November 11, 1998

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