

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 31, 2001**

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

ABSENT: Janet R. Hall, Mason District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Alcorn announced that the 2001 Area Plans Review process was underway and that nominations for changes to the Comprehensive Plan for the Dranesville, Hunter Mill, Providence and Sully Districts would be accepted through June 29, 2001.

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2000-PR-064 AND FDP-2000-PR-064, S & R DEVELOPERS, BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 21, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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Commissioner Palatiello MOVED THAT THE DECISION ONLY ON PCA-87-C-060-8, BATMAN/MCNAIR ASSOCIATES, LP, BE FURTHER DEFERRED TO A DATE CERTAIN OF JUNE 14, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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FSA-46-1 - VERIZON WIRELESS - 8607 Westwood Center Drive

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE MODIFICATION PROPOSED BY VERIZON WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT 8607 WESTWOOD CENTER DRIVE, TYSON'S CORNER, BE FOUND IN CONFORMANCE WITH THE RECOMMENDATION OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION AS A "FEATURE SHOWN" ON MAY 18, 1995 AND THAT THIS 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 Hall and Murphy absent from the meeting.

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FS-H01-16 - NEXTEL COMMUNICATIONS - 1577 Spring Hill Road

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., FOR THE OFFICE BUILDING LOCATED AT 1577 SPRING HILL ROAD, 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 Hall and Murphy absent from the meeting.

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S00-IV-S1 - OUT-OF-TURN PLAN AMENDMENT (Decision Only)

(The public hearing on this application was held on May 24, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF S00-IV-S1, WITH THE FOLLOWING MODIFICATIONS TO THE PLAN TEXT, AS PROPOSED ON PAGES 8, 9 AND 10 OF THE STAFF REPORT:

1. RESTORE THE THIRD PARAGRAPH OF THE PLAN TEXT SHOWN AT THE BOTTOM OF PAGE 8 WITH STRIKE-THROUGH, WHICH ADDRESSES CONFORMANCE WITH ENVIRONMENTAL POLICIES.
2. REPLACE THE FIRST SENTENCE IN THE SECOND PARAGRAPH ON PAGE 9 WITH THE FOLLOWING TEXT: "THE PLAN MAP 99-2((1)), PARCELS 17, 20-23 AND 25-29 INCLUDE AREAS WITH ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES, INCLUDING SLOPES, POOR SOILS, AND A TRIBUTARY. THESE PARCELS ARE ALSO PLANNED FOR INDUSTRIAL USE UP TO .35 FAR SUBJECT TO THE FOLLOWING:....."
3. IN THE FOURTH PARAGRAPH ON PAGE 9, CHANGE THE RESIDENTIAL DENSITY FROM 5-8 DWELLING UNITS PER ACRE TO 3-4 DWELLING UNITS PER ACRE.
4. ON PAGE 9, ADD A NEW LAST SENTENCE TO THE NEXT TO THE LAST PARAGRAPH TO READ: "DEVELOPMENT AT THIS DENSITY WOULD BE SUBJECT TO ALL OF THE APPLICABLE DEVELOPMENT CONDITIONS OUTLINED FOR RESIDENTIAL USE ON PARCEL 24."
5. FURTHERMORE, THE BOUNDARY OF LAND UNIT I WILL BE MODIFIED ON FIGURE 140 TO EXCLUDE PARCELS F, D, 18, 19 AND 24. (SEE ATTACHMENT I, REVISED FIGURE 140.)

Commissioners Koch and Palatiello seconded the motion which carried by a vote of 9-0-1 with Commissioner DuBois abstaining; Commissioners Hall and Murphy absent from the meeting.

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PCA-82-P-069-11 - FAIR LAKES CENTER

FDPA-82-P-069-13-8 - FAIR LAKES CENTER (Decisions Only)

(The public hearing on this application was held on May 30, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-82-P-069-11 BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 30, 2001.

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

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-13-8, SUBJECT TO THE APPROVAL OF PCA-82-P-069-11 BY THE BOARD OF SUPERVISORS AND FURTHER SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 30, 2001.

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

Commissioner Koch MOVED THE REAFFIRMATION OF THE FOLLOWING WAIVERS AND MODIFICATIONS WHICH HAVE BEEN APPROVED WITH PREVIOUS APPLICATIONS ON THIS PROPERTY:

A WAIVER OF THE BARRIER REQUIREMENT ALONG I-66;

A MODIFICATION OF A TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG FAIR LAKES BOULEVARD;

A MODIFICATION OF A TRANSITIONAL SCREENING REQUIREMENT ADJACENT TO THE RESIDENTIAL UNITS IN LAND BAY 4C;

AND A MODIFICATION TO PERMIT THE USE OF EXISTING VEGETATION TO SATISFY TRANSITIONAL SCREENING REQUIREMENTS.

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

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2232-D99-13 - COMMUNITY WIRELESS STRUCTURES II, LLC
SE-99-D-043 - COMMUNITY WIRELESS STRUCTURES II, LLC (Decisions Only)

(The public hearing on this application was held on May 17, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-D99-13, AS AMENDED, DOES SATISFY THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Palatiello seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-99-D-043, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 31, 2001.

Commissioner Palatiello seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHERN AND WESTERN BOUNDARIES, IN FAVOR OF THE EXISTING VEGETATION.

Commissioner Palatiello seconded the motion which carried by a vote of 8-0-2 with Commissioners Harsel and Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (Dry Cleaners)
2. RZ-2001-PR-004 - LARRY AND CAROL BOEHLY
3. SEA-98-D-023 - SUNRISE/INOVA MCLEAN ASSISTED LIVING LLC
4. RZ/FDP 1999-PR-062 - SHAHMAN FORADI OF ALD GROUP, INC.

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Dry Cleaners) - To amend Chap. 112 as follows: Amend the definition of personal service establishment to revise the limitations regarding the type of laundry and dry cleaning establishments included within this

definition and therefore permitted in the retail commercial districts.
PUBLIC HEARING.

Commissioner Moon disclosed that as a local attorney, he had represented owners of several dry cleaners. He said under the Virginia Conflict of Interest Act, such representation created a personal interest in this transaction; however, he was entitled to participate in this matter since the Commission's action would affect dry cleaners as a group and not just his particular clients. Commissioner Moon declared that he would be able to participate in this hearing fairly, objectively and in the public interest. No objections to this disclosure were voiced by Commission members.

Mr. Jack Reale, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed Amendment.

Ms. Jane Gwinn, Director, ZAD, DPZ, responded to questions from Commissioner Palatiello about off-site pickup stations.

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

Mr. Darren Crew, 9104 Triple Ridge Road, Fairfax Station, expressed support for Dryclean Depot, saying it was a successful business model.

Commissioner Harsel pointed out to Mr. Crew that the matter before the Commission was whether or not to increase the allowed floor area for dry cleaning and laundry establishments. She asked him if he supported or opposed the proposed amendment. Mr. Crew said he supported the proposed amendment.

Mr. Sam Kazman, Competitive Enterprise Institute, 1001 Connecticut Ave., NW #1250, Washington, DC, expressed support for the proposed amendment. (A copy of his remarks is in the date file.)

Mr. Frank W. Stearns, Esquire, Venable, Baetjer, and Howard, LLP, 2010 Corporate Ridge, Ste. 400, McLean, representing Dryclean Depot, spoke in favor of the amendment because the current Ordinance was outdated and needed clarification.

Mr. Stearns responded to questions from Commissioner Alcorn about the type and amount of solvent used by dry cleaners and from Commissioner Moon about the number of Dryclean Depot customers and the geographic area from which they were drawn.

Grayson P. Hanes, Esquire, Reed, Smith, Hazel & Thomas, LLP, 3110 Fairview Park Drive, Ste. 1400, Falls Church, representing the Korean-American Dry Cleaners Association of the Washington Metropolitan Area, said the current Ordinance had functioned well since 1978 and expressed opposition to the proposed amendment due to environmental concerns.

Mr. David Slan, The Slan Companies, Inc., 7959 Twist Lane, Springfield, said he operated ten small dry cleaning facilities throughout the County as well as a large processing facility in an I-5 District. He expressed concern about the impact of large dry cleaning facilities on commercially zoned property.

In response to a question from Commissioner Kelso, Mr. Slan said that approximately one-third of the 3,000 square foot floor space of his establishments was used for processing.

Mr. Phillip Lee, address unknown, President, Korean American Dry Cleaning Association of the Greater Washington Area, said that the proposed Ordinance amendment would provide an unfair advantage to large dry cleaners. He recognized those persons in the audience whom he represented.

Mr. Ronald Kim, Centreville Brite Cleaners, 13840-A Braddock Road, Centreville, expressed opposition to the proposed Amendment because he said the 325 dry cleaning businesses in the County could not compete with larger establishments since many of them were locked into long term leases.

In response to a question from Commissioner Wilson, Mr. Reale said neither the current Ordinance nor the proposed Amendment distinguished between laundromats which did not use chemicals or solvents and dry cleaning establishments which did.

Mr. Thomas D. Myers, Director, Environmental Services, Engineering Consulting Services, Inc., 14026 Thunderbolt Place, Ste. 100, Chantilly, representing the Korean American Dry Cleaners Association, expressed opposition to the proposed amendment because of the potential environmental impact of perchloroethylene, the dry cleaning solvent most commonly used by dry cleaners in the County. He said because this solvent could cause adverse health effects, it needed to be carefully managed in order to avoid spills and vapor leaks.

In response to a question from Commissioner Alcorn, Mr. Myers said that perchloroethylene was far more difficult to remediate than traditional petroleum products such as gasoline or diesel fuel because in high concentrations it tended to sink rather than float.

Responding to questions from Vice Chairman Byers about perchloroethylene, Mr. Myers said there was up to about a five percent loss of vapor through general emissions and transfers and leakage through gaskets and seals; that it was reusable and had an indefinite shelf life; and that it was disposed of through a series of highly regulated hazardous waste transporters and disposal companies.

Mr. Emanuel Stikas, White Star Cleaners, 3039 Graham Road, Falls Church, said he had been involved in the adoption of the current Ordinance. He said if the proposed Amendment were adopted, small dry cleaners in the County would be unfairly disadvantaged because large dry cleaning establishments would change the nature and intensity of the use from one that was a neighborhood convenience to a mass market destination use, which was inappropriate in a

commercially zoned area. He also cited environmental concerns associated with the use of perchloroethylene.

In response to a question from Vice Chairman Byers, Mr. Stikas said at the time of the adoption of the current Ordinance, his facility in Falls Church had been the largest dry cleaning facility in Fairfax County consisting of 3,000 square feet.

Mr. Stikas responded to questions from Commissioner Alcorn about the percentage of square footage of a facility dedicated to processing and about the delivery and storage of dry cleaning solvents.

Mr. Dennis Falgout, Pacific Enterprises Services Inc., 560 Herndon Pkwy, Ste. 200, Herndon, speaking on behalf of Dryclean Depot, said that the size and capacity of Dryclean Depot presented no threat to the environment if it was maintained in compliance with applicable regulations. (A copy of his remarks is in the date file.)

Mr. Norris MacDonald, African American Environmental Association., 9903 Caltor Lane, Fort Washington, Maryland, expressed support for the proposed Amendment. He said he was concerned about attempts to use minor environmental issues to hinder legitimate business competition. (A copy of his remarks is in the date file.)

Ms. Kim Miller, President, League of Korean Americans, 9523 Retriever Road, Burke, said 90 percent of dry cleaning businesses in the County were owned by Korean Americans who had worked day and night and saved their earnings so they could own their own businesses. She said that the proposed Amendment would favor larger cleaning facilities and that the finished garment storage area should be included in the net floor area devoted to cleaning and processing.

Mr. Richard Munoz, 2622 Woodley Place, Falls Church, a customer of Dryclean Depot, expressed support for the proposed Amendment because it would encourage competition.

Commissioner Kelso expressed concern about the impact the expansion of dry cleaning establishments would have on neighborhood retail centers.

Ms. Jerrie Gunn, speaking on behalf of Consumer's Legal Equity Action Network, P. O. Box 11062, Burke, expressed support for the proposed Amendment because a competitive marketplace was the consumer's best guarantee of price and service fairness.

Commissioner Alcorn noted for the record that there was no limitation on the size of a dry cleaning establishment in an industrial district and that the issue at hand was whether or not it was appropriate to have large dry cleaning facilities in retail zones.

Mr. Carlos Cardenas, owner of Dryclean Depot, recognized his employees attending tonight's meeting. He said upon opening his business he had received all the necessary permits, and had no idea why, many months later and after many inspections, he was found to be in violation of

the Ordinance. He suggested that the action brought against him was punitive in nature because he charged less than his competitors.

Mr. Cardenas responded to questions from Commissioners Alcorn, Harsel and Kelso about his position.

Mr. Sung B. Im, address unknown, said he did not believe the government should regulate the size of businesses.

Mr. Sung Im, address unknown, owner of several dry cleaners, expressed opposition to the proposed Amendment.

Ms.. Marlene Campos, 4502 Grove Lane, Woodbridge, said as an employee of Dryclean Depot, she had been afforded many opportunities unavailable to her in her native country.

Mr. Dean Lee, address unknown, said his father owned a dry cleaning store and said if the proposed Ordinance were adopted he was concerned his father's business would suffer and he would be unable to continue his education at the University of Virginia.

Mr. Bart Casiello, owner of a Dry Clean Depot in Laurel, Maryland, empathized with Mr. Cardenas because he too had faced similar issues due to concerns of competitors. He said the current Ordinance was vague and outdated and needed to be amended.

In response to a question from Commissioner Koch, Mr. Casiello said that the primary issue he had faced was a limitation on the number of employees. He said after lengthy negotiations and \$35,000 in legal fees, the number of employees allowed had been raised from 13 to 30.

Mr. William Chun, 5207 Audrey Drive, Centreville, pointed out that when he and other dry cleaners had opened their businesses they had had to comply with the floor area limitation.

Mr. Stan Lee, address unknown, owner of two dry cleaning stores in close proximity to Dryclean Depot, said he did not believe it was necessary to change the number of square feet allowed.

Mr. Charles Kim, address unknown, said he was concerned about the possibility that stores like Dryclean Depot would bankrupt smaller dry cleaners.

Mr. Tony Suh, address unknown, said that large dry cleaning establishments would force smaller stores to go out of business.

Mr. Frank Tuma, address unknown, said he was the husband of a dry cleaners' owner and that he believed the issue was one of equity, not competition.

Mr. James Suh, address unknown, said if the Ordinance were amended it would adversely affect the 325 dry cleaners in Fairfax County.

Mr. Bob Lee, 1775 Duke Street, Alexandria, said he thought large dry cleaning establishments should be located in industrially zoned districts. He said the larger establishments would force small dry cleaning facilities out of business.

There were no further speakers. Vice Chairman Byers recognized staff for closing comments.

Mr. Reale noted that although discussion tonight had focused on the C-5 District, a revision to the personal service establishment definition would affect all commercial retail districts, C-5 through 9.

Commissioner Alcorn announced that he was going to propose that a workshop be held on June 20, 2001 to further explore some of the issues raised tonight, with a decision scheduled for the following evening, June 21, 2001. Commissioner Wilson said she supported this idea.

Commissioner Palatiello requested that staff tell him at the time of the workshop what the implication would be if the only change to the Ordinance was the deletion of the word "etc."

Commissioner Moon suggested that a decision on this matter be held on June 27, 2001 instead of June 21, 2001 to give the Commission more time to consider all information presented. Commissioner Alcorn agreed.

There were no further comments or questions from the Commission, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT RELATING TO PERSONAL SERVICE ESTABLISHMENTS, DRY CLEANERS/LAUNDRY, TO A DATE CERTAIN OF JUNE 27, 2001.

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

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The Commission went into recess at 11:40 p.m. and reconvened at 11:55 p.m.

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RZ-2001-PR-004 - LARRY AND CAROL BOEHLY - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 3.0 du/ac on property located on the E. side of Arden St., S. of Railroad St. on approx. 1.00 ac. Comp. Plan Rec: 3-4

du/ac. Tax Map 39-4((1))109. PROVIDENCE DISTRICT.
PUBLIC HEARING.

Sarah Hall, Esquire, with Blankingship and Keith, reaffirmed the affidavit dated January 5, 2001. There were no disclosures by Commission members.

Mr. Charles Burnham, 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 Alternative A and denial of Alternative B, as explained in the staff report.

Ms. Hall stated the proposed density of three dwelling units per acre was in conformance with the recommendations of the Comprehensive Plan. She noted that the two proffered general development plans were essentially the same with extensive tree save areas and a rain garden and a small dry pond located at the northern edge of the property. She said contributions had been proffered to schools, parks and the Housing Trust Fund. She explained that the only difference between the two plans was the recommendation for Arden Street which currently dead-ended into Railroad Street. She said that Alternative A showed Arden Street ending in a cul-de-sac and Alternative B showed it being extended through to Railroad Street. She noted that either alternative was acceptable to the applicant, but that neighbors were opposed to Alternative B, .

Vice Chairman Byers called the first listed speaker and reviewed the rules for testimony before the Commission.

Mr. Charles Dalluge, 2308 Arden Street, Dunn Loring, said that the people of the community strongly opposed the connection of Arden Street due to safety and traffic concerns. He submitted a petition signed by citizens who held this view. (A copy of the petition is in the date file.)

In response to a question from Commissioner Smyth, Mr. Mark Canale, Department of Transportation, said that the Comprehensive Plan showed Morgan Lane as being extended and Sandburg Street as being connected to Railroad Street.

Mr. John Day, 2301 Sandburg Street, Dunn Loring, President, Kings Glen Homeowners Association, expressed objection to the connection of Arden Street, citing safety and traffic concerns.

Mr. Tim Reed, 8205 Bucknell Drive, Vienna, representing the Dunn Loring Woods Civic Association, also expressed objection to the connection of Arden Street saying it would not improve the traffic problem which existed in the area.

Mr. Reed responded to questions from Commissioner Smyth and Vice Chairman Byers about his position.

In response to a question from Vice Chairman Byers, Commissioner Smyth said that the Fire and Rescue Department did not support an emergency vehicle access only at Arden Street.

Mr. James Walters, 2249 Journet Drive, Dunn Loring, representing the Regal Oaks Homeowners Association, said the Association supported the rezoning, but did not support an Arden Street connection.

Mr. G. Ray Worley, President, Dunn Loring Improvement Association, Inc., P. O. Box 115, Dunn Loring, said the Association had unanimously voted to oppose the requirement to extend Arden Street to Railroad Street. (A copy of his remarks is in the date file.)

Ms. Kathleen Dixon, 2300 Arden Street, Dunn Loring, said she opposed the connection of Arden Street for reasons stated by previous speakers and also because it could exacerbate an existing water drainage problem in the area. She said she preferred Alternative A.

Commissioner Smyth commented that both options required an extensive amount of paving.

Mr. Philip Wrist, 2305 Yvonne Way, Dunn Loring, President, Chatham Square Homeowners Association, expressed support for Alternative A.

In response to a question from Vice Chairman Byers, Mr. Canale said it would be difficult to enforce prohibiting all traffic except for public safety vehicles from an Arden Street access. He added that the Department of Transportation could not support the application if Arden Street was not connected to Railroad Street.

Mr. Brian Murphy, 2306 Arden Street, Dunn Loring, expressed opposition to the connection of Arden Street because it would encourage cut-through traffic and create unsafe conditions for the neighborhood.

Mr. Richard Houtary, 8020 Railroad Street, Dunn Loring, spoke against the Arden Street connection. (A copy of his remarks is in the date file.)

Mr. Eldon Reed, 2253 Arden Street, Dunn Loring, stated his opposition to the connection of Arden Street, citing safety and traffic concerns.

Ms. Roberta Pontzer, 2250 Journet Drive, Dunn Loring, expressed her objection to the connection of Arden Street due to safety and traffic concerns.

In response to a question from Vice Chairman Byers, Mr. Canale said the proposed development would not be in conformance with the Comprehensive Plan if the applicant dedicated the land for the connection but did not construct it.

Mr. Ray Worley read a statement on behalf of Mr. John Eltzroth, 8100 Revatom Court, Dunn Loring, expressing his objection to the connection of Arden Street.

Mr. Peter Dorey, 2311 Yvonne Way, Dunn Loring, Vice President, Chatham Square Homeowners Association, pointed out that the entire community was opposed to the connection

of Arden Street . He said the Boehlys would not be living in the neighborhood, therefore, would not have to suffer the consequences which would be caused by the extension of Arden Street.

There were no further speakers, therefore, Vice Chairman Byers called upon Ms. Hall for a rebuttal statement. Ms. Hall declined. There were no questions or comments from the Commission and no closing staff remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Smyth for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER FOR DECISION ONLY RZ-2001-PR-004 TO A DATE CERTAIN OF JUNE 21, 2001 WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

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

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SEA-98-D-023 - SUNRISE/INOVA MCLEAN ASSISTED LIVING LLC - Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE-98-D-023 previously approved for housing for the elderly to permit bldg. and site modifications on property located on the E. side of Springhill Rd., N. of the Dulles Airport Access and Toll Rds. on approx. 7.72 ac. zoned R-1. Tax Map 29-1((20))A (formerly 55.) DRANESVILLE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire, Woods, reaffirmed the affidavit dated November 29, 2000. There were no disclosures by Commission members.

Ms. Cathy Belgin, 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.

Mr. Riegle said the applicant was requesting a change in the footprint and architecture of a previously approved Special Exception application to reflect a different operator. He explained that the number of units, building height, amount of open space, tree save areas and setbacks were identical to what had been approved two years ago, and that the previously approved conditions would also remain the same. He noted that the proposed development had been closely coordinated with the community and had the support of the Lewinsville Coalition and the McLean Citizens Association.

Commissioner Alcorn noted that the Health Care Advisory Board also supported the application.

In response to a question from Commissioner Harsel, Mr. Riegle said the relationship between Sunrise and Inova was a strategic alliance, not an equity partnership. Responding to another question from Commissioner Harsel, he said that the development included six affordable dwelling units.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was 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 DuBois for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner DuBois MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-98-D-023, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 1 OF THE STAFF REPORT ADDENDUM.

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-1 with Commissioner Harsel abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner DuBois FURTHER MOVED TO RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

WAIVER OF ADDITIONAL STANDARD NUMBER 6 REQUIRING SPONSORSHIP BY A NON-PROFIT OR LIMITED DISTRIBUTION ENTITY;

MODIFICATION OF ADDITIONAL STANDARD NUMBER 2 TO PERMIT THE ACCESSORY CARE UNITS TO BE OCCUPIED BY PERSONS OTHER THAN RESIDENTS OF THE ELDERLY HOUSING UNITS FOR A PERIOD OF THREE YEARS FROM THE ISSUANCE OF THE RESIDENTIAL USE PERMIT OR NON-RUP, WHICHEVER IS DEEMED TO BE APPROPRIATE;

WAIVER OF THE BARRIER REQUIREMENT AND MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ON ALL PERIPHERIES IN FAVOR OF THE LANDSCAPING SHOWN ON THE SEA PLAT;

AND MODIFICATION OF THE LOADING REQUIREMENT IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Harsel abstaining; Commissioners Hall and Murphy absent from the meeting.

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RZ-1999-PR-062/FDP-1999-PR-062 - SHAHMAN FORADI OF ALD GROUP, INC. - Appls. to rezone from R-1 and HC to PDH-3 and HC to permit residential development at a density of 1.49 du/ac and approval of the conceptual and final development plans on property located on the S. side of Chain Bridge Rd., approx. 500 ft. W. of its intersection w/Horse Shoe Dr. on approx. 2.02 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 39-1((1))1A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed Smith, reaffirmed the affidavit dated April 11, 2001. There were no disclosures by Commission members.

Ms. Cathy Belgin, 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 denial of the application because it was not in conformance with the Comprehensive Plan which called for consolidation of the property with those parcels adjacent to the east and provision of coordinated vehicular access and circulation with access to Horse Shoe Drive rather than to Chain Bridge Road. She said there were also outstanding issues including design concerns resulting from the unknown location of a stormwater management facility, if required, and the location of berms and walls or other noise mitigation fences throughout the development.

Mr. Lawrence stated that the requested density was below the densities of adjacent property. He said proffers addressed drainage concerns raised by citizens and provided noise attenuation measures. He noted that the applicant had also proffered to contribute to the Fairfax County Park Authority and the Housing Trust Fund. Addressing the issue of consolidation, he said that Appendix 4, a memorandum from the Chief of the Environment and Development Review Branch, stated that although there was not substantial consolidation, the proffer providing for interparcel access satisfactorily addressed this issue. Mr. Lawrence pointed out that the real reason staff was recommending denial of the application was because they believed there should not be direct access to Chain Bridge Road. He said, however, that this position did not recognize the fact that direct access would occur with any development under the existing zoning and that if the application were denied, there would be no coordinated access to Horse Shoe Drive when adjacent properties developed. He said he believed that the applicant's proposal was more consistent with planning goals for the area and would prevent piecemeal development. He requested a favorable recommendation.

In response to a question from Commissioner Smyth, Mr. Lawrence said that the density of the proposed development had been reduced because the developer had been unable to consolidate adjacent properties, as recommended in the Comprehensive Plan.

Mr. George Nesterczuk, 2013 Westwood Forest Drive, Vienna, representing Westwood Forest II Homeowners Association, stated that the Association had two concerns; the first, an existing water run-off problem, and the second, preservation of green areas. He said if these two concerns were addressed satisfactorily, the Association would support the proposed development. (A copy of his remarks is in the date file.)

Joseph Blaszkow, Esquire, 1010 Massachusetts Avenue, NW, Washington, DC, representing Mr. Davar Veiseh and Ms. Susan Taheri, owners of the adjoining property to the east of the subject property, said his clients were concerned about an increase in traffic and the noise it would generate.

In response to a question from Commissioner Palatiello, Ms. Belgin said that one house could be built by-right and two if a variance was granted, which would be accessed by Chain Bridge Road.

In response to a question from Commissioner Harsel, Mr. Blaszkow said his clients' property was approximately one acre. Responding to a question from Commissioner Harsel, Ms. Belgin said the property was undeveloped at the present time and that there were no existing curb cuts.

Responding to another question from Commissioner Harsel, Ms. Belgin said the existing green space was located in the floodplain.

There were no further speakers. Therefore, Vice Chairman Byers called upon Mr. Lawrence for a rebuttal statement.

Mr. Lawrence said that the property in the floodplain, if proffered, would be common open space, and if developed by-right would be in somebody's yard. He said the the cul-de-sac was added at the request of staff in the event a public road was built when the other properties were redeveloped. Addressing the concern raised about noise, he said a noise wall along the Route 123 property line had been proffered. He reiterated staff's position in Appendix 4 of the staff report that although there was not substantial consolidation, the proffer providing for interparcel access satisfactorily addressed this issue. He pointed out that development with proffers would be more in keeping with the goals for this area than by-right development.

Ms. Belgin responded to questions from Commissioner Palatiello about the status of other parcels in the area and the possibility of future consolidation.

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

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF RZ-1999-PR-062.

RZ-1999-PR-062/FDP-1999-PR-062 - SHAHMAN FORADI OF ALD GROUP May 31, 2001

Commissioner Harsel seconded the motion which carried by a vote of 8-0-2 with Commissioners Byers and Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DENY FDP-1999-PR-062.

Commissioner Harsel seconded the motion which carried by a vote of 8-0-2 with Commissioners Byers and Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

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The meeting was adjourned at 2:13 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: July 25, 2002

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