MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 15, 2006

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large

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The meeting was called to order at 8:15 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 Byers MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON 2232-V05-22, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC, TO A DATE CERTAIN OF JUNE 22, 2006.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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APR 05-II-2F (Braddock District)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION ACCEPT THE WITHDRAWAL OF 69-2 ((2)) LOT K FROM APR 05-II-2F.

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

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FSA-B01-35-1-NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., 9537 Helenwood Drive

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION FIND THAT FSA B01-35-1 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* 15.2-2232, AS AMENDED.

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

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ZONING ORDINANCE AMENDMENT (YARD MODIFICATIONS)

In the absence of Commissioner Hart, Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECONSIDER ITS VOTE ON THE FIRST OF MR. HART'S FOUR MOTIONS OF JUNE 14, 2006 ON ZONING ORDINANCE AMENDMENT (YARD MODIFICATIONS) TO ALLOW CORRECTION OF AN INADVERTENT ERROR IN THE MOTION.

Commissioner Byers seconded the motion which carried by a vote of 7-0-2 with Commissioners Hopkins and Wilson abstaining; Commissioners Alcorn, Hall, and Hart absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENT FOR REDUCTION OF CERTAIN YARD REQUIREMENTS AND CLARIFICATION OF ACCESSORY STRUCTURE HEIGHT MEASUREMENT BE APPROVED, AS ADVERTISED WITH THE CHANGES OUTLINED BY MR. HART LAST NIGHT, AS SPECIFIED IN THE STAFF HANDOUT OF JUNE 1, 2006, AS FOLLOWS: IN THE THIRD LINE OF PARAGRAPH 4 OF PROPOSED SECTION 8-922, ADD THE WORD "FIRST" BEFORE "YARD REDUCTION," AND IN THE LAST LINE OF PARAGRAPH 4 OF PROPOSED SECTION 8-922, ADD THE PHRASE "AT THE TIME OF THE FIRST YARD REDUCTION" BETWEEN "STRUCTURE" AND "SHALL."

Commissioner Byers seconded the motion which carried by a vote of 7-0-2 with Commissioners Hopkins and Wilson abstaining; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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ZONING ORDINANCE AMENDMENT (EDITORIAL REVISIONS) (Decision Only)
(The public hearing on this application was held on May 25, 2006. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF THE PROPOSED ZONING ORDINANCE AMENDMENT ON EDITORIAL AND OTHER MINOR REVISIONS WITH THE EXCEPTION OF THE EDITORIAL REVISIONS WITH RESPECT TO THE TERM FARMERS' MARKETS.

Commissioners de la Fe and Byers seconded the motion which carried by a vote of 7-0-2 with Commissioners Lusk and Murphy abstaining; Commissioners Alcorn, Hall, and Hart absent from the meeting.

Commissioner Wilson FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO INVESTIGATE THE POSSIBILITY OF RELAXING THE STANDARDS FOR THE LOCATION OF BASKETBALL STANDARDS, INCLUDING THE HOOPS, RIMS, AND NETS.

Commissioner Lawrence seconded the motion which carried by a vote of 7-0-2 with Commissioners Lusk and Murphy abstaining; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PUBLIC FACILITIES MANUAL AND CHAPTER 118 AMENDMENTS (Notification for Perennial Streams)
2. RZ 2005-DR-015 - CHRISTOPHER MANAGEMENT, INC.
   FDP 2005-DR-015 - CHRISTOPHER MANAGEMENT, INC.
3. RZ 2006-LE-003 - PINEY RUN DEVELOPMENT, LLC
   SE 2005-LE-028 - PINEY RUN DEVELOPMENT, LLC
   RZ 2006-LE-002 - HILLTOP SAND AND GRAVEL COMPANY, INC.
   SE 2005-LE-027 - HILLTOP SAND AND GRAVEL COMPANY, INC.
4. RZ 2005-LE-032 - SHARON CHAPEL, LLC
   FDP 2005-LE-032 - SHARON CHAPEL, LLC
5. RZ 2003-MV-036 - ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST

This order was accepted without objection.

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PUBLIC FACILITIES MANUAL AND CHAPTER 118 AMENDMENTS (NOTIFICATION FOR PERENNIAL STREAMS) - To amend Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia (County Code) and the Public Facilities Manual. The proposed amendments address issues related to: reclassification of streams from perennial to intermittent. Proposed changes to the Public Facilities Manual's technical requirements for reclassification of perennial streams will better define what observational data is necessary to support a reclassification and under what conditions such observations may be made. Proposed amendments to the Chesapeake Bay Preservation Ordinance include a requirement for notification of adjoining property owners, homeowner's and civic associations, the district Board Member, and Board Chairman that a study to reclassify a stream from perennial to intermittent has been submitted, a change in the definition of "water body with perennial flow" that includes relocation of parts of the existing definition elsewhere in the ordinance, and optional language requiring notification of the County and the above parties of a property owner's intent to submit a reclassification study. Copies of the aforementioned amendments to the Chesapeake Bay Preservation Ordinance and Public Facilities Manual are on file and may be inspected at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. For the convenience of the public, copies of the amendments will also be available for inspection at the County's Regional and Community Public Libraries. COUNTYWIDE. PUBLIC HEARING.

John Friedman, Code Analysis Division, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of the amendments but noted that staff was not making a recommendation on the optional language.

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

Eileen Watson, 7221 Pinewood Street, Falls Church, representing the Northern Virginia Building Industry Association (NVBIA), expressed concerns about the proposed amendments because it would make it extremely difficult for a stream classified as perennial to be reclassified as intermittent. She said that NVBIA opposed the notification requirements because stream classifications should be based on science and not become part of a political process. Regarding the PFM Amendments, Ms. Watson said that NVBIA did not think it should be necessary to take any measurement more than 100 feet from the property boundary; therefore, she requested that 150 feet be changed to "at least 100 feet." She said in cases where there were visible pools of water within a channel that did not appear to be moving, dye tracing techniques should be used to show if water was flowing from pool to pool. She said it was the position of NVBIA that if a channel was not flowing in all portions of the stream, including riffles, it was not perennial. Ms. Watson pointed out that since dye could creep through minute rock crevices, the test should have a time frame and a channel length.

In response to a question from Commissioner Wilson, Mr. Friedman said that the dye test was optional and would be used to determine if water was flowing when it was not readily observed.

Deborah M. Reyher, 8628 Redwood Drive, Vienna, Friends of Accotink, Inc. and the Oakdale Park Civic Association stated that she would submit for the record, via the Planning Commission website, seven letters from eminent scientists that had been prepared in connection with the Wedderburn application last year. (Copies of the letters are in the date file.) She explained that the letters indicated that what happens in the hyporehic zone was critically important not only for the life of the stream but for its cleansing capacity as well as the health of the Chesapeake Bay. Ms. Reyher said evidence clearly indicated that in addition to the lack of oxygen in the Bay due to phosphorus and nitrogen, pharmaceuticals were also getting into the ground water which could harm the microscopic organisms that were very important for cleansing the nutrients coming into the streams. She noted that only minute amounts of moving water were needed to sustain these organisms which might not be visible by the human eye. She said a scientific determination using available technology should be made and not reversed on the basis of one of the 26 criteria, visually moving water. She suggested that paragraph 6-1704.4 of the PFM amendments be revised to state that dye tracing techniques "shall" be utilized instead of "may" to determine if there was a minute flow of water through sediments that could sustain biological life. She noted that the future of the Chesapeake Bay was at stake. Ms. Reyher said she had drawn two conclusions with respect to the proposed amendments: (1) notice requirements were not sufficient and should be as broad as possible because stream classification had far reaching effects; and (2) declassification of a stream should not be an administrative matter and done without a public hearing.

Mike Rolband, 6285 Clifton Road, Clifton, President of Wetlands Solutions, representing the National Association of Industrial and Office Properties (NAIOP), requested that the decision on the amendments be deferred to allow field testing of the proposed methodology because technical issues needed to be worked out before the amendments were implemented. He said in section 118-1-6 (6), the term "year of normal precipitation" should be defined and consistent with the PFM regarding the use of a drought monitor indicator to determine a period of normal participation. He noted that PFM Section 6-1704.4B stated that no-flow observations would not be accepted when the U. S. Drought Monitor Classification was abnormally dry or drier at any time during a period of 20 days prior to the date of the first set of observations and 20 days after the second set. Concerning Section 118-1-7(b), Mr. Rolband pointed out that the proposed change in the definition of a water body, although it was not a significant issue, would be different from the rest of the State. He said the staff report's assertion that the definition of lakes and ponds which formed the source of a perennial stream had been based on Chesapeake Bay Local Assistance Division (CBLAD) guidance was in error. He explained that although this definition would protect more water bodies, Fairfax County would be the only jurisdiction in the State which used that definition. Mr. Rolband said the proposed notification requirements were a politically charged issue and although it might make sense to notify everyone affected, a process that should based on science and engineering would become a public relations exercise. He said the decision of perenniality should be a factual one made by qualified County staff.

Mr. Rolband responded to questions from Commissioner Wilson about the definition of "year of normal precipitation" and said he would submit his comments in writing. (Mr. Rolband's written comments are in the date file.)

Frank Crandall, 900 Turkey Run Road, McLean, EQAC representative, noted that the engineering and development community would like to have stream classification unregulated whereas the environmental community would like to have it regulated. He explained that EQAC had spent more than two years examining this subject in great detail. He said there were very sound scientific reasons for going below the surface, explaining that he had seen gravel beds that only had water flowing on the surface in a major rain storm. He also said he had conducted dye tests on them and had been able to prove that the water flowed continuously under the gravel bed in deeper layers. Mr. Crandall said EQAC had met numerous times with the Planning Commission's Environment Committee and said this issue had also been reviewed by the Engineering Standards Review Committee twice and although it would not make everyone happy, it would address the County's needs. Mr. Crandall said it would close a few loopholes and prevent streams from being labeled perennial when they were not.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER ITS DECISION ONLY ON THE PROPOSED COUNTY CODE AMENDMENT AND PROPOSED PFM AMENDMENTS ON THE CHESAPEAKE BAY PRESERVATION ORDINANCE AND THE PUBLIC FACILITIES MANUAL FOR RECLASSIFICATION OF PERENNIAL STREAMS TO A DATE CERTAIN OF JULY 13, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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

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> RZ 2005-DR-015/FDP 2005-DR-015 - CHRISTOPHER MANAGEMENT, INC. - Appls. to rezone from R-1 to PDH-3 to permit residential development at a density of 2.43 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the W. side of Dranesville Rd., approx. 115 ft. S. of Ridgegate Dr. on approx. 13.14 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 10-2 ((5)) A, 1, 3-7. DRANESVILLE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire Woods, LLP, reaffirmed the affidavit dated April 18, 2006. There were no disclosures by Commission members.

Kristin Abrahamson, Department of Planning and Zoning, Zoning Evaluation Division, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Abrahamson responded to questions from Commissioner Hopkins about the size of the lots and the footprint of the houses; allowable extensions into the front and rear yards; escalation of monetary construction amounts addressed in Proffer Number 42; and the tree bond.

In response to a question from Commissioner Byers, Ms. Abrahamson said the R-10 zoning noted on the tax map contained in the staff report referred to the Town of Herndon's zoning classification which was not equivalent to that of the County of Fairfax.

Ms. Abrahamson responded to a question from Commissioner de la Fe about access to the property from Dranesville Road.

Mr. Riegle explained that the defining feature of the site was the large environmental system composed of both a resource protection area (RPA) and an environmental quality corridor (EQC) which had been developed with houses, landscaped yards, swimming pools, and basketball courts. He noted that the applicant had committed to a significant restoration of the RPA and would remove existing structures and re-vegetate and re-landscape the property. He described surrounding development and noted that the density had been reduced due to concerns about access to the development which had been designed in accordance with Virginia Department of Transportation standards.

Mr. Riegle responded to a question from Commissioner Harsel about the distance between the proposed houses and said that firewalls would be installed in the houses that were between 15 and 16 feet apart.

Commissioner Lusk commented that although in the past he had been a strong supporter of P-District zoning with large houses on small lots, he had recently changed his mind due to a fire at the home of his next-door neighbor. He noted that both houses had an eight foot sideyard. He said the fire caused the siding to melt off his house and holes had to be knocked in the walls to make sure that there were no embers or fires in the roof. As a result of this experience, Commissioner Lusk said that he was now a proponent of 16 foot minimum sideyards and if the setback was less than 16 feet, he would recommend that the sides of the houses be constructed of brick or other inflammable materials for applications in the Lee District.

Commissioner Hopkins requested that Proffer Number 8 be revised to prohibit the use of vinyl siding.

Responding to a question from Commissioner Hopkins, Mr. Riegle said the applicant would be agreeable to an alternative to the extension of a median along Bennett Road, if recommended by Virginia Department of Transportation and was consistent with the intent of Proffer Numbers 12 and 14.

At Commissioner Hopkins' request, Mr. Riegle said Proffer Number 18 would be revised to replace the words "seek approval" with "obtain" a Water Quality Impact Assessment for all permitted disturbances within the RPA prior to final subdivision plan approval.

In response to questions from Commissioner Lawrence, Mr. Riegle said that there were several structural and nonstructural disturbances inside the RPA which would be removed; sheet 5 of the CDP/FDP would be revised to indicate that the sanitary sewer line inside the RPA was "existing" not "proposed;" and the spelling of "Baptist" would be corrected.

In response to a question from Commissioner Harsel, Mr. Riegle said an area at the north end of the property, located outside the environmentally sensitive area, would be used for a small recreational facility, although no specific plans for it had been made. He also pointed out that the applicant had proffered to a contribution of $50,000 to upgrade recreational facilities of a nearby school which could be used by the residents of the proposed development.

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

Bob Shoemaker, 12532 Philmont Drive, Herndon, President of the Herndon Chase Homeowners Association (HOA), said the proposed homes would be incompatible with his community and would exacerbate existing traffic problems in the area. He disagreed with the projected number of car trips generated by the new development. He said he was opposed to Proffer Number 9 requiring a six-foot privacy fence along the rear of the property because the community preferred an open view of the woods. He requested that the new development share the cost to maintain the regional stormwater pond. Mr. Shoemaker requested that density be calculated only on about 6.5 acres with 18-20 homes with the remaining acreage designated as unbuildable.

Chairman Murphy explained to Mr. Shoemaker that density had to be calculated on the entire parcel.

Responding to a question from Commissioner de la Fe, Mr. Shoemaker said although the County was responsible for maintaining the stormwater pond, the HOA planted flowers and mowed the grass at its own expense to enhance the appearance of the area.

Chairman Murphy called the following speaker, Judith Downer, a former Dranesville District Planning Commissioner.

Judith Downer, 496 Madison Street, Herndon, expressed concerns about the appropriateness of P-District zoning; the impact of the proposed development on traffic conditions on Dranesville Road in the vicinity of Herndon High School; tree preservation; buffering; and the preservation of the Chestnut Grove Cemetery. She requested that a decision on the applications be deferred so these issues could be resolved. She also requested that the final site plan be reviewed by the Planning Commission before approval. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Hopkins, Ms. Downer said the proposed lots and setbacks were inconsistent with existing development and that R-3 or R-3 cluster zoning would be more appropriate than P-District zoning.

Responding to a question from Commissioner Harsel, Ms. Abrahamson said that the applicant could have applied for a cluster zoning which would have allowed for smaller lots and preservation of open space.

Lynn Schumaker, 833 Van Buren Street, Herndon, spoke in opposition to the application because it would have a negative impact on traffic conditions in the area. She challenged the trip generation projection and said that access to and from Dranesville Road with only a right turn in and a right turn out of the development would necessitate u-turns which would present a safety hazard.

Gene Fournier, 1562 Dranesville Road, Herndon, owner of one of the parcels subject to the proposed development, spoke in support of the application. He said the proposed density was in conformance with the Comprehensive Plan and pointed out that applicant was known for building quality upscale projects and working with surrounding communities to promote good will and address their concerns.

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

Mr. Riegle clarified the trip generation projections, noting that the number of u-turns had been based on peak hour traffic. He said that a 20 foot landscaped buffer would be provided between the cemetery and the proposed development and that the proposed density was compatible with that of the surrounding areas and in conformance with applicable development criteria.

There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on the applications. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT DECISION ONLY FOR RZ/FDP 2005-DR-015 BE DEFERRED TO A DATE CERTAIN OF JULY 13, 2006, WITH THE RECORD LEFT OPEN FOR WRITTEN COMMENTS.

Commissioners Byers and Lawrence seconded the motion carried unanimously with Commissioner Wilson not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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The Commission recessed at 10:21 p.m. and reconvened at 10:37 p.m.

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RZ 2006-LE-003 - PINEY RUN DEVELOPMENT, LLC - Appl. to rezone from R-1 to R-1 to permit an independent living facility pursuant to SE 2005-LE-028 at a density of 10.47 dwelling units per acre (du/ac). Located on the N. side of Telegraph Rd. approx. 800 ft. W. of its intersection with Old Telegraph Rd. on approx. 35.91 ac. of land. Comp. Plan Rec: 2-3 du/ac and 3-4 du/ac. Tax Map 100-1 ((1)) 23A pt., 24, and 25. (Concurrent with SE 2005-LE-028 and in association with RZ 2006-LE-002, SE 2005-LE-027.) Also under consideration will be the applicant's request for exception # 007239-WRPA-003-1 under Section 118-6-9 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax for construction within the Resource Protection Area. LEE DISTRICT.

SE 2005-LE-028 - PINEY RUN DEVELOPMENT, LLC - Appl. under Sect. 3-104 of the Zoning Ordinance to permit an independent living facility with up to 376 units at a density of 10.47 du/ac and golf course. Located at 7836 and 7908 Telegraph Rd. on approx. 35.91 ac. of land zoned R-1. Tax Map 100-1 ((1)) 23A pt., 24, and 25. (Concurrent with RZ 2006-LE-003 and in association with RZ 2006-LE-002 and SE 2005-LE-027.) Also under consideration will be the applicant's request for Exception # 007239-WRPA-003-1 under Section 118-6-9 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax for construction within the Resource Protection Area. LEE DISTRICT.

RZ 2006-LE-002 - HILLTOP SAND AND GRAVEL COMPANY, INC. - Appl. to rezone from R-1 and C-6 to R-1 to permit a portion of the previously approved golf course on the property to continue and to add practice facilities. Located on the N. side of Telegraph Rd., approx. 800 ft. W. of its intersection with Old Telegraph Rd. on approx. 6.88 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map 100-1 ((1)) 23A pt. (Concurrent with SE 2005-LE-027 and in association with RZ 2006-LE-003 and SE 2005-LE-028.) LEE DISTRICT.

SE 2005-LE-027 - HILLTOP SAND AND GRAVEL COMPANY, INC. - Appl. under Sect. 3-104 of the Zoning Ordinance to reduce the land area associated with the golf course previously approved pursuant to SP 97-L-037 to 80.8 ac. and changes in the layout and uses. Located at 7836, 7928, and 7950 Telegraph Rd. on approx. 106.19 ac. of land zoned R-1 and NR. Tax Map 100-1 ((1)) 9 pt., 17, and 23A. (Concurrent with RZ 2006-LE-002 and in association with RZ 2006-LE-003 and SE 2005-LE-028.) LEE DISTRICT. JOINT PUBLIC HEARINGS.

Lynne Strobel, Esquire, with Walsh, Colucci, reaffirmed the affidavits dated April 27, 2006. There were no disclosures by Commission members.

Peter Braham presented the staff reports, copies of which are in the date file. He noted that staff recommended denial of RZ 2006-LE-003 and SE 2005-LE-028, Piney Run Development, LLC, for an independent living facility, due to the inappropriate location of one of the surface parking lots along the western boundary which staff felt should be left as open space. He said staff recommended approval of RZ 2006-LE-002 and SE 2005-LE-027, Hilltop Sand and Gravel Company, Inc., to reduce the land area associated with the golf course and to change the layout and uses of the property.

Ms. Strobel stated that the applications filed on behalf of Piney Run Development, LLC, requested approval of an independent living facility. She said the proposed facility would offer an array of amenities including walking trails, a swimming pool, concierge service and a community center and would help sustain the golf course. Ms. Strobel noted that approximately 25 acres would be preserved in coordination with the Northern Virginia Conservation Trust and the Audubon Society of Northern Virginia. She said improvements would be made to the intersection of Telegraph and Hayfield Roads, transportation demand management strategies would be implemented, and a sewer connection would be provided to the Piney Run subdivision. She said the applicant disagreed with staff about the parking lot on the western boundary noting that the cost of providing structured parking would make the project economically infeasible. Ms. Strobel said the proposal had the support of the surrounding residential communities and the Lee District Land Use Committee.

Chairman Murphy called the first listed speaker.

Glenn Ovrevik, 7912 Telegraph Road, Kingstowne, President, Telegraph Road Citizen Association, expressed general support for the applications with revisions to the proffers addressing concerns about interparcel access to the adjacent Lutz property, the use of the outlet road by residents of the independent living facility; and a public access easement for sidewalks and trails to allow access to the park facilities in Kingstowne by all members of the public.

Jim Wagoner, past President of the Audubon Society of Northern Virginia, expressed support for the subject applications and said it was an opportunity to establish an exemplary nature preserve.

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

Ms. Strobel said proffers addressed Mr. Ovrevik concerns about interparcel access, the use of the access road by the residents of the independent living facility, and the use of the trails.

In response to a question from Commissioner de la Fe, Ms. Strobel said the meadows and some of the structures on the property would remain.

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 Lusk for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR RZ 2006-LE-002, SE 2005-LE-027, SE 2005-LE-028, AND RZ 2006-LE-003 TO A DATE CERTAIN OF JUNE 22, 2006, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND OTHER CORRESPONDENCE.

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

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RZ 2005-LE-032/FDP 2005-LE-032 - SHARON CHAPEL, LLC - Appls. to rezone from R-2 to PDH-3 to permit residential development at a density of 2.0 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located in the N.W. quadrant of the intersection of Sharon Chapel Rd. and Telegraph Rd. on approx. 6.19 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 82-4 ((1)) 34. LEE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire Woods, LLP, reaffirmed the affidavit dated March 28, 2006. There were no disclosures by Commission members.

Gregory Chase, 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. Riegle explained that challenges associated with the development of the subject property included the topography, marine clay soil, and the existence of an historic house. He pointed out that PDH-3 zoning was more appropriate due to these challenges than by-right R-2 conventional zoning. Mr. Riegle noted that the applications had the support of the Lee District Land Use Committee.

Mr. Riegle responded to questions from Commissioner Byers about the 10 foot retaining wall at the entrance to the development, maintenance of the private street, and the stormwater management plan. Responding to another question from Commissioner Byers, Mr. Riegle said that the applicant had proffered to a minimum of 16 foot sideyards. Mr. Chase noted that the sideyard width had been proffered to after the publication of the staff report.

Chairman Murphy called for speakers but received no response. He noted that rebuttal was not necessary.

The Commission had no further comments or questions and staff had no further closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY RZ 2005-LE-032 TO REZONE THE SITE TO THE PDH-3 DISTRICT.

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

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REVISED REQUEST FOR RZ 2005-LE-032, TO REZONE THE SITE TO THE PDH-2 DISTRICT, SUBJECT TO PROFFERS NOW DATED JUNE 14, 2006.

Commissioner Lawrence seconded the motion which carried by a vote of 7-1 with Commissioner Byers opposed; Commissioner Wilson not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

Commissioner Lusk FURTHER MOVED THE PLANNING COMMISSION APPROVE FDP 2005-LE-032 DATED JUNE 14, 2006, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE REZONING AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Lawrence seconded the motion which carried by a vote of 7-1 with Commissioner Byers opposed; Commissioner Wilson not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF A 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Lawrence seconded the motion which carried by a vote of 6-1-1 with Commissioner Byers opposed; Commissioner Harsel abstaining; Commissioner Wilson not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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RZ 2003-MV-036 - ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST - Appl. to rezone from R-1 to I-4 or I-5 to permit industrial development with an overall Floor Area Ratio (FAR) up to 0.50. Located on the S. side of Newington Rd. at its intersection with

Loisdale Rd. and at the N. terminus of Terminal Rd. on approx. 6.39 ac. of land. Comp. Plan Rec: Industrial. Tax Map 99-1 ((1)) 5E. MOUNT VERNON DISTRICT. PUBLIC HEARING

Robert Flinn, Esquire, with Flinn and Beagan, reaffirmed the affidavit dated April 20, 2006. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that this application had first come before the Planning Commission in 2004, at which time the applicant requested that the site be rezoned from R-1 to I-6 for the development of contractor shops and offices. She explained that the GDP had shown a large amount of outdoor storage. She said staff had recommended approval of the application and that the Planning Commission had also recommended approval of the application with modification. She said one of the things that had not changed was the large amount of outdoor storage. She said based on that, the Board of Supervisors had denied the application and was sued in the Fairfax County Circuit Court. She said the Board had prevailed in the lawsuit and the applicant had filed a Motion for Reconsideration. She said the Court found that R-1 District zoning was unreasonable for the property and gave the County three options: I-4 unproffered zoning; I-5 zoning with proffers; or I-6 zoning with proffers. Ms. Lewis said that because applicant had not submitted proffers as was expected, I-5 and I-6 zoning could not be considered; therefore staff recommended denial of rezoning the site to the I-5 district unproffered and recommended approval of I-4 District zoning without proffers.

Mr. Flinn stated that the staff presentation was accurate.

Chairman Murphy called for speakers. The following persons spoke in support of rezoning the property to the I-4 District:

1. Matt Szramoski, 8309 Accotink Road, Lorton, President of the Newington Civic Association;
2. John Griffin, 8119 Higham Street, Lorton;
3. Levelle Dupell, 6700 Bulkley Street, Lorton;
4. Cynthia Smith, 6713 Catskill Road, Lorton.

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

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS REZONE TAX MAP PARCEL 99-1 ((1)) 5E FROM THE R-1 DISTRICT TO THE I-4 DISTRICT.

Commissioner Lusk seconded the motion which carried by a vote of 4-0-4 with Commissioners de la Fe, Hopkins, Koch, and Lawrence abstaining; Commissioner Wilson not present for the vote; Commissioners Alcorn, Hall, and Hart absent from the meeting.

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The meeting was adjourned at 11:55 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: Linda B. Rodeffer

Approved on: April 10, 2008

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