

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 12, 2001**

PRESENT: 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
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Ilyong Moon, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2001-PR-004, LARRY & CAROL BOEHLI, BE FURTHER DEFERRED TO A DATE CERTAIN OF JULY 18, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2000-PR-052, DECOROUS INCORPORATED, BE FURTHER DEFERRED TO A DATE CERTAIN OF SEPTEMBER 6, 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Palatiello, Wilson and Hall seconded the motion which carried unanimously with Commissioners Alcorn, Byers and Moon absent from the meeting.

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Commissioner Smyth MOVED THAT THE PUBLIC HEARING ON SEA-86-P-104-3, SPACENET REAL ESTATE HOLDINGS, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 4, 2001.

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

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Commissioner Kelso MOVED THAT THE PUBLIC HEARING ON RZ-2000-LE-023, TAVARES CONCRETE CO., INC., BE DEFERRED TO A DATE CERTAIN OF OCTOBER 28, 2001.

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

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Commissioner Palatiello MOVED THAT THE PUBLIC HEARING ON CSP-86-C-121-2, WESTERRA RESTON L.L.C., BE DEFERRED TO A DATE CERTAIN OF SEPTEMBER 20, 2001.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Smyth not present for the vote; Commissioners Alcorn, Byers and Moon absent from the meeting.

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Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON S01-III-BR1, OUT-OF-TURN PLAN AMENDMENT, BE DEFERRED TO A DATE CERTAIN OF SEPTEMBER 12, 2001.

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

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FS-P01-30 - AT&T WIRELESS, PCS, L.L.C., 7701 Shreve Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY AT&T WIRELESS PCS, L.L.C., FOR THE DOMINION VIRGINIA POWER IDYLWOOD SUBSTATION, LOCATED AT 7701 SHREVE ROAD, IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE

CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2232 OF THE CODE OF VIRGINIA.

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

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FS-P01-19 - VERIZON WIRELESS, 2311 Pimmit Drive

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION NOT CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY VERIZON WIRELESS FOR THE BUILDING LOCATED AT 2311 PIMMIT DRIVE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD NOT BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Kelso seconded the motion carried unanimously with Commissioners Alcorn, Byers and Moon absent from the meeting.

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PCA-87-C-060-8 - BATMAN/MCNAIR ASSOCIATES, LP. (Decision Only)

(The public hearing on this application was held on May 23, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA-87-C-060-8, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 12, 2001 AND THAT EITHER A NEW BOND OR LETTER OF CREDIT IS POSTED, A RIDER TO EXISTING BOND IS PROVIDED FROM THE HOLDER OF THE SURETY, OR THAT A PERSONAL CONTRACT IS EXECUTED BETWEEN BAHMAN BATMANGHELIDJ AND THE COUNTY ASSURING THE SATISFACTION OF THE HOUSING TRUST FUND OBLIGATION.

Commissioner DuBois seconded the motion which carried unanimously with Commissioner Smyth not present for the vote; Commissioners Alcorn, Byers and Moon absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda items:

1. RZ-1999-PR-029/FDP-1999-PR-029 - COSCAN WASHINGTON, INC.
2. RZ-2000-MD-062 - TAVARES CONCRETE COMPANY INC.
3. PCA-C-696-3 - DSV DULLES FOX MILL L.P.

This order was accepted without objection.

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RZ/FDP-1999-PR-029 - COSCAN WASHINGTON, INC. - Appls. to rezone from R-3 to PDH-8 to permit residential development at a density of 4.63 du/ac and approval of the conceptual and final development plans on property generally located in the S.E. quadrant of the intersection of Gallows Rd. and Cottage St. and N. of I-66 on approx. 10.14 acres. Comp. Plan Rec: 5-8 du/ac. Tax Map 49-2((1)) 11, 11A; 49-2((3))5-8 & 10-19. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated June 27, 2001. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the applications for PDH-8, but approval for PDH-5.

Ms. Strobel noted that the applicant, Brookfield Washington, Inc., had been formerly known as Coscan Washington, Inc. She stated that the original request to rezone the subject property from the R-3 District to the R-8 District had received a recommendation of denial by staff and noted that a revised plan had been submitted at PDH-5 with a density of 4.34 dwelling units. She said the proposed development would consist of 20 patio homes with a tree save area, pedestrian trails and passive recreation facilities. She noted that proffers included a maintenance fund for private streets, a tree preservation plan and contributions to Stenwood Elementary School and the Housing Trust Fund. She explained that 40 percent of the property was located within 200 feet of the existing right-of-way for I-66 and noted that transportation proffers provided for the installation of a Virginia Department of Transportation (VDOT) sound wall and the dedication of approximately four acres to Fairfax County for future dedication to VDOT for the widening of I-66, subject to a life estate to be held by Mr Phillip Cowett, owner of parcels 11 and 12.

Ms. Strobel explained that Mr. Cowett, who was elderly and in poor health, wished to remain on his property for the rest of his life. She said the applicant had worked closely with the family and the County Attorney's Office to establish this life estate without compromising the integrity of the development or the planned dedication. In conclusion, she noted that the proposal now had the approval of staff and requested favorable consideration.

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

Mr. Eugene Barnes, 2251 Gallows Road, Dunn Loring, Chairman, Stenhouse Citizens Task Force, requested that the zoning of the subject property remain at R-3. He recognized citizens in the audience who supported this position.

Mr. Timothy Reed, 8205 Bucknell Drive, Vienna, representing the Dunn Loring Wood Civic Association, expressed opposition to the proposed development because it was not in accord with the Comprehensive Plan.

Mr. G. Ray Worley, 2357 Gallows Road, Dunn Loring, President, Dunn Loring Improvement Assn. Inc., said that the Association was concerned about the nature and character of the sound wall and the quality of building materials to be used on the homes. He also recommended that the park contribution be earmarked specifically for Dunn Loring parks. (A copy of his remarks is in the date file.)

Mr. Worley responded to questions from Commissioner Smyth about the tree save plan.

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

Ms. Strobel said that she believed the proposed development was in accordance with the Comprehensive Plan recommendation of 5-8 dwelling units per acre and was compatible with surrounding development. She added that the sound wall had been very carefully designed. Addressing the concern raised about building materials, she explained that vinyl or aluminum siding would not be used on the front or sides of the proposed units. She noted that Proffer Number 19 required that any funds not expended for on-site recreational facilities be contributed to the Park Authority for use by Dunn Loring parks.

In response to a question from Commissioner Smyth, Ms. Strobel said the applicant would specify the type of building materials to be used.

Mr. Paul Jennin, Planning and Development Services, Inc., responded to questions from Commissioner Smyth about the proposed construction easement, and Ms. Strobel responded to questions from her about the life estate.

Responding to a question from Commissioner Wilson, Ms. Barbara Byron, ZED, DPZ, explained that staff was recommending denial of the PDH-8 zoning and recommending approval of PDH-5, but that the application had not been amended.

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

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Commissioner Smyth MOVED THAT WE DEFER THE DECISION ONLY FOR RZ/FDP-1999-PR-029 TO A DATE CERTAIN OF JULY 26, 2001.

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

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RZ-2000-MD-062 - TAVARES CONCRETE COMPANY INC. - Appl. to rezone from I-4 to I-5 to permit industrial development w/an overall FAR of 0.25 on property located on the W. side of Cinder Bed Rd., approx. 2,600 ft. N. of its intersection w/Newington Rd. on approx. 11.37 acres. Comp. Plan Rec: Industrial. Tax Map 99-2((1))10. MT. VERNON AND LEE DISTRICTS. PUBLIC HEARING.

Mr. David Houston, Esquire, with Shaw Pittman, LLP, reaffirmed the affidavit dated July 5, 2001. There were no disclosures by Commission members.

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

(Chairman Murphy relinquished the Chair to Secretary Harsel.)

Mr. Houston stated the applicant was requesting that the subject property be rezoned from the I-4 District to the I-5 District because they desired to relocate their headquarters but had a requirement for outdoor storage which was not permitted in an I-4 District. He noted that the applicant had agreed to reduce the gross floor area from 120,000 square feet to 74,291 square feet. He explained that outdoor storage would be contained within a fenced area with screening around it and that both the buildings and outdoor storage area would be set back from Cinder Bed Road. He said the access arrangement that was part of the I-4 zoning was no longer available; therefore, it would be necessary to access the property from Cinder Bed Road. He noted that approval to cross the floodplain had been requested from the Department of Public Works and Environmental Services to construct the access to the property.

In response to a question from Commissioner Harsel, Mr. Houston said Tavares Concrete owned two parcels on the other side of Cinder Bed Road which were subject to a rezoning application which had been deferred to October 2001. He added that if the subject application were approved, the applicant would relocate the uses from those parcels to the subject parcel.

Commissioner Kelso said the proposed development would allow access from Cinder Bed Road for all surrounding parcels, minimizing the impact on the floodplain area. He also said that the Lee District Land Use Committee and the Island Creek community had expressed no objections to the application.

(Chairman Murphy resumed the Chair.)

Chairman Murphy 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 Kelso for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-MD-062, BY TAVARES CONCRETE COMPANY, INC., SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 26, 2001 AND ATTACHED TO THE STAFF REPORT.

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

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE AND THOSE PORTIONS OF THE NORTHERN AND SOUTHERN PROPERTY LINE WHICH ABUT RESIDENTIALLY ZONED PROPERTY BE WAIVED.

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

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PCA-C-696-3 - DSV DULLES FOX MILL L.P. - Appl. to amend the proffers for RZ-C-696 to permit mixed use development w/an overall FAR of 0.99 on property located on the S. side of Fox Mill Rd., approx. 1,100 ft. E. of Horse Pen Rd. on approx. 63.12 acres zoned PDC. Comp. Plan Rec: Mixed use. Tax Map 15-4((5))2-5, 7 & 8; 16-1((25))1 & 6. HUNTER MILL DISTRICT. PUBLIC HEARING.

Ms. Elizabeth Baker, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated July 6, 2001. There were no disclosures by Commission members.

Commissioner Palatiello asked that Chairman Murphy ascertain if there were any speakers present for this application. Chairman Murphy called for speakers, but received no response.

Therefore, Commissioner Palatiello requested that presentations by the applicant and staff be waived and the public hearing closed. Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA-C-696-3, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 12, 2001.

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

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE LOADING SPACE REQUIREMENT IN FAVOR OF THAT IN EXHIBIT 1 OF THE PROFFERS.

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

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The meeting was adjourned at 9:35 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Linda B. Rodeffer

Approved on: February 13, 2003

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