

**MINUTES OF  
PLANNING COMMISSION MEETING  
JULY 12, 1995**

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

ABSENT: Robert v. L. Hartwell, Commissioner At-Large

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The meeting was called to order at 8:45 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Byers noted that the Policy and Procedures Committee had met this evening to discuss procedures for the 1997 Area Plans Review. He noted that revised procedures would be distributed to the Commission next week and that the Commission would be asked to vote on the final version to be sent to the Board of Supervisors prior to the August recess.

Commissioner Byers added that staff from the Office of Comprehensive Planning (OCP) had distributed this evening the first two of six Fairfax Plan Monitoring Year Reports. At Commissioner Byers' request, Mr. Fred Selden, OCP, provided an overview of staff's program for the 1995 Comprehensive Plan Monitoring Year.

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Commissioner Koch noted that applications RZ-95-Y-008 and FDP-95-Y-008, Fairfax Investments, had been scheduled for decision only this evening, but required further time to resolve outstanding issues. He therefore **MOVED TO FURTHER DEFER DECISION ONLY ON RZ-95-Y-008 AND FDP-95-Y-008 TO A DATE CERTAIN OF JULY 26, 1995.**

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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Commissioner Hall, at the request of the applicant, MOVED THAT THE PLANNING COMMISSION DEFER SE-95-M-023, CONSOLIDATED RESOURCES, INC., TO A DATE CERTAIN OF SEPTEMBER 27, 1995.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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In Commissioner Hanlon's temporary absence, Chairman Murphy MOVED THAT WE DEFER THE PUBLIC HEARING ON RZ-95-P-010 AND FDP-95-P-010, VAN METRE HOMES, INC., TO A DATE CERTAIN OF SEPTEMBER 13, 1995.

(NOTE: The decision only on this case had been deferred from June 14, 1995; however, due to advertising problems, a new public hearing was required.)

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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Chairman Murphy noted that an announcement would be made tomorrow night regarding the first meeting of the newly-constituted Airports Advisory Committee.

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Chairman Murphy reminded everyone that a Housing Committee meeting would be held on Wednesday, July 19, 1995 at 7:00 p.m. in the Board Conference Room. He noted that the meeting would be open to the public.

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RZ-93-H-032 – RICHARD N. DAVIS, TRUSTEE

FDP-93-H-032 – RICHARD N. DAVIS, TRUSTEE (Decisions Only)

(The public hearing on these applications was held on June 29, 1995. A complete verbatim transcript of the decisions made this evening is in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-93-H-032, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 12, 1995.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDP-93-H-032, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 12, 1995 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-93-H-032 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER AROUND THE PERIPHERY OF THE SITE IN FAVOR OF THAT SHOWN ON THE CDP/FDP AND AS FURTHER STIPULATED IN THE PROFFERS.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT MINIMUM LENGTH REQUIREMENT FOR PRIVATE STREETS.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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SEA-81-M-097-3 – MOBIL OIL CORPORATION (Decision Only)

(The public hearing on this application was held on June 28, 1995. A complete verbatim transcript of the decision made this evening is in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA-81-M-097-3, MOBIL OIL CORPORATION, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED JUNE 28, 1995, WITH REVISIONS TO THOSE CONDITIONS AS FOLLOWS:

FIRST, REPLACE THE WORDING OF CONDITION #12 TO READ:  
"AT SUCH TIME WHEN THE SHOPPING CENTER ADJACENT TO THE SPECIAL EXCEPTION IDENTIFIED AS TAX MAP 81-1((I))7D IS ENLARGED, INTENSIFIED OR REDEVELOPS, THE NON-CONFORMING SIGN PRESENT ON THE PROPERTY SUBJECT TO SEA-81-M-097-3 SHALL BE REMOVED OR BROUGHT INTO COMPLIANCE WITH ARTICLE 12 OF THE ZONING ORDINANCE."

SECOND, REVISE CONDITION #13 BY DELETING THE LAST PART OF THE LAST SENTENCE WHICH STATES: "...AND A PUBLIC ACCESS EASEMENT SHALL BE RECORDED OVER THE SAME."

Commissioner Koch seconded the motion which carried by a vote of 7-1-1 with Commissioner Byers opposed; Commissioner Palatiello abstaining; Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CARRY FORWARD THE MODIFICATION OF TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE EASTERN PROPERTY BOUNDARY IN FAVOR OF THAT SHOWN ON THE PROPOSED SPECIAL EXCEPTION PLAT DATED JUNE 28, 1995.

Commissioner Koch seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Palatiello abstaining; Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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#8911-SP-01 – DULLES TOWN CENTER, PHASE I

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT APPROVE SITE PLAN 8911-SP-01, DULLES TOWN CENTER, PHASE I, IN ACCORDANCE WITH NORMAL PROCEDURES.

Commissioners Thomas and Byers seconded the motion which carried unanimously with Commissioner Harsel abstaining; Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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SE-95-H-013 – EXXON CORPORATION (Decision Only)

(The public hearing on this application was held on June 29, 1995. A complete verbatim transcript of the decision made this evening is in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-95-H-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 12, 1995.

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 7-2 with Commissioners Byers and Harsel opposed; Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE REQUEST FOR MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE SOUTHERN AND WESTERN PERIMETERS OF THE SITE BE APPROVED IN FAVOR OF THAT SHOWN ON THE SE PLAT AND AS FURTHER STIPULATED IN THE DEVELOPMENT CONDITIONS.

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Harsel abstaining; Commissioners Hanlon and Sell not present for the vote; Commissioner Hartwell absent from the meeting.

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#### ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. SE-95-Y-016 – Shops at Fair Lakes L. P.  
FDPA-82-P-069-9-4 – Victor Limited Partnership  
FDPA-82-P-069-7-5 – Victor Limited Partnership
2. RZ-94-H-065 – Van Metre at Woodland Park LP  
FDP-94-H-065 – Van Metre at Woodland Park  
LP PCA-80-C-028-2 – Van Metre at Woodland Park LP  
PCA-77-C-098-2 – Van Metre at Woodland Park LP
3. PCA-87-C-027 – Dakota Development Inc., Trustee
4. SE-95-H-012 – The Gulick Group
5. RZ-95-Y-015 – Centex Real Estate Corp.
6. RZ-94-S-053 – Park Street, Inc.
7. SE-95-M-021 – Exxon Corporation

This order was accepted without objection.

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SE-95-Y-016 – SHOPS AT FAIR LAKES LP – Appl. under Sec. 6-205 of the Zoning Ord. to permit a freestanding fast food restaurant w/a drive-through window on property located on the S. side of Fair Lakes Pkwy. approx. 250 ft. E. of Fair Lakes Circle on approx. 0.90 ac. of land zoned PDC & WS. Tax Map 55-2((1)) pt.10D. (Concurrent with FDPA-82-P-069-9-4 & FDPA-82-P-069-7-5.) SULLY DISTRICT.

SE-95-Y-016 – SHOPS AT FAIR LAKES L. P.  
FDPA-82-P-069-9-4 – VICTOR LIMITED PARTNERSHIP  
FDPA-82-P-069-7-5 – VICTOR LIMITED PARTNERSHIP

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FDPA-82-P-069-9-4 – VICTOR LIMITED PARTNERSHIP –  
Appl. to amend the 9th FDP for RZ-82-P-069 to permit a freestanding fast food restaurant with a drive-through window, shopping center, service station & car wash, drive-in bank & other principal & secondary uses on property located in the S.E. quadrant of the intersection of Fair Lakes Pkwy. & Fair Lakes Circle on approx. 9.71 ac. zoned PDC & WS. Tax Map 55-2 ((1)) 10A, 108, 10C & pt.10D. (Concurrent with SE-95-Y-016 & FDPA-82-P-069-7-5.) SULLY DISTRICT.

FDPA-82-P-069-7-5 – VICTOR LIMITED PARTNERSHIP –  
Appl. to amend the 7th FDP for RZ-82-P-069 to permit office use, eating establishments, hotel use & other principal & secondary uses on property located in the S.W. quadrant of the intersection of Fair Lakes Pkwy. & Fairfax Co. Pkwy. on approx. 12.24 ac. zoned PDC & WS. Tax Maps 45-4((1))30C, 30D & 30E; 55-2((I))pt. 10D. (Concurrent with SE-95-Y-016 and FDPA-82-P-069-9-4.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Francis McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated June 9, 1995. There were no disclosures by Commission members.

Ms. Lorrie Kirst, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff report for these applications, a copy of which is in the date file. She noted that staff recommended denial because the applicant's proposals would result in strip commercial development along Fair Lakes Parkway and which would be contrary to the recommendations of the Fairfax Center Plan.

In response to a question from Commissioner Harsel, Ms. Kirst explained that the total square footage in Land Bay 7C would be 16,000 square feet less than previously approved.

Mr. McDermott presented the currently approved development plan for Land Bay 7B which depicted a 7,000 square foot attached fast food restaurant. He explained that free standing uses were not allowed in the PDC District at the time of approval, but a subsequent change in the Zoning Ordinance removed that restriction. He listed the benefits of changing the development plan to allow a free standing restaurant: 1) the tree save area along Fair Lakes Parkway would be increased; 2) the square footage of the restaurant would be reduced; and 3) the screening and berming would be increased. Mr. McDermott maintained that the proposed development would use the same colors and building materials as the rest of the Fair Lakes Shopping Center and would be an integral part of the retail center, refuting staff's claim that it would represent strip commercial. He pointed out that the new development would have no

direct access from Fair Lakes Parkway and would provide 30 percent open space when only 15 percent was required. He said that extensive pedestrian access would be provided.

In response to questions from Commissioner Koch, Mr. McDermott confirmed that the overall density would be decreased and the tree save area increased. He pointed out the access to the proposed drive-through window at the restaurant.

Mr. McDermott continued his presentation, explaining the changes proposed for Land Bay 7C. He noted that sufficient parking would be provided, including a four-story parking structure and substantial surface parking. He added that the proposed development, a mixture of office, hotel, and restaurant uses, would be compatible with the Fairfax Center Area recommendations. He said that the buildings would be internally oriented and would not be strip commercial development. Mr. McDermott said that the applicant concurred with staff's recommended conditions for all three applications.

In response to questions from Commissioner Koch, Mr. McDermott said that more than six million square feet of development had been approved for the entire Fair Lakes project, which had been in progress for more than eleven years. He confirmed that the applicant had proffered to install a traffic signal off site for the benefit of the entire area, not just Fair Lakes.

In response to questions from Commissioner Koch, Ms. Kirst acknowledged that the applicant's proposal was in conformance with the approved FDP. She added however that the approved FDP was essentially a "blob plan" which lacked details.

Chairman Murphy called for speakers, giving the rules for public testimony.

Mr. Raymond Murr, 12723 Melville Lane, Fairfax, speaking on behalf of the Greenbrier Civic Association, supported the staff's recommendation for denial. (A copy of his position statement is in the date file.)

In reply to an inquiry from Chairman Murphy, Mr. Murr stated that the Greenbrier Civic Association's Board of Directors had not formally voted to oppose the applications, but reiterated that he had announced his position of opposition at a recent meeting and had received no negative comments regarding that position.

In reply to a question from Commissioner Koch, Mr. Murr acknowledged that development at Fair Lakes to date could be considered high quality.

Ms. Kristen Abrahamson, Chief, Zoning Evaluation Branch, OCP, reiterated staff's opinion that the proposed development constituted strip commercial.

In rebuttal, Mr. McDermott reiterated the applicant's position that the proposed development did not constitute strip commercial. He noted that strip commercial uses generally had individual

SE-95-Y-016 – SHOPS AT FAIR LAKES L. P.  
FDPA-82-P-069-9-4 – VICTOR LIMITED PARTNERSHIP  
FDPA-82-P-069-7-5 – VICTOR LIMITED PARTNERSHIP

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entrances onto a major roadway, which was not the case on the subject property where access was limited to one centrally located point for both Land Bays 7B and 7C. He concurred with Commissioner Koch's assessment that the basic issue between staff and the applicant was a philosophical one concerning the definition of strip commercial.

There being no further comments or questions from Commission and no closing staff comments from Ms. Kirst or Ms. Abrahamson, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-7-5, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 12, 1995.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon, Harsel, and Palatiello not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Koch MOVED TO APPROVE FDPA-82-P-069-9-4, CONTINGENT UPON THE BOARD OF SUPERVISORS' APPROVAL OF SE-95-Y-016 AND SUBJECT TO THE JULY 12, 1995 PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Byers and Thomas seconded the motion which carried unanimously with Commissioners Hanlon, Harsel, and Palatiello not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Koch MOVED TO RECOMMEND APPROVAL OF SE-94-Y-016, SUBJECT TO THE JULY 12, 1995 PROPOSED DEVELOPMENT CONDITIONS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon, Harsel, and Palatiello not present for the vote; Commissioner Hartwell absent from the meeting.

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RZ-94-H-065 – VAN METRE AT WOODLAND PARK LP –  
Appl. to rezone approx. 46.91 ac. generally located S. of Sunrise Valley Dr., W. of Monroe St. & N. of Fox Mill Rd. from I-4 to PDH-12 to permit residential development at a density of 11.51 du/ac. & approval of the GDP. Comp. Plan Rec: 8-12 du/ad with an option for 16-20 du/ac. Tax Maps 16-3((1)) pt.14 & pt.25; 16-4((1))9, 9A & 9B. (Concurrent with FDP-94-H-065, PCA-80-C-028-2 & PCA-77-C-098-2.) HUNTER MILL DISTRICT.

RZ-94-H-065 – VAN METRE AT WOODLAND PARK LP  
FDP-94-H-065 – VAN METRE AT WOODLAND PARK LP  
PCA-80-C-028-2 – VAN METRE AT WOODLAND PARK LP  
PCA-77-C-098-2 – VAN METRE AT WOODLAND PARK LP

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FDP-94-H-065 – VAN METRE AT WOODLAND PARK LP –  
Appl. to approve the FDP for RZ-94-H-065 to permit residential development on property generally located S. of Sunrise Valley Dr., W. of Monroe St. & N. of Fox Mill Rd. on approx. 46.91 ac. zoned PDH-12. Tax Maps 16-3((1))pt.14 & pt.25; 16-4((1))9, 9A & 98. (Concurrent with RZ-94-H-065, PCA-80-C-028-2 & PCA-77-C-098-2.) HUNTER MILL DISTRICT.

PCA-80-C-028-2 – VAN METRE AT WOODLAND PARK LP –  
Appl. to amend the proffers for RZ-80-C.-028 to sever land area to permit the filing of a rezoning appl. for residential development at a density of 11.51 du/ac. generally located E. of Centreville Rd., S. of the Dulles Airport Access & Toll Rds., N. & S. of Sunrise Valley Dr. & W. of Monroe St. on approx. 123.16 ac. zoned C-8 & I-4. Comp. Plan Rec: Alternative uses & 8-12 du/ac. Tax Maps 16-3((1))13A, 13B, 14, 14C, pt.25, pt.29A, 29B & pt.29C. (Concurrent with RZ-94-H-065, FDP-94-H-065 & PCA-77-C-098-2). HUNTER MILL DISTRICT.

PCA-77-C-096-2 – VAN METRE AT WOODLAND PARK LP –  
Appl. to amend the proffers for RZ-77-C-098 to sever land area to permit the filing of a rezoning appl. for residential development at a density of 11.51 du/ac. generally located E. of Centreville Rd., S. of the Dulles Airport Access & Toll Rds. & at the N. termini of Wood Oak Dr. & Woodland Park Rd. on approx. 55.13 ac. zoned I-4. Comp. Plan Rec: Alternative uses, Tax Maps 16-3((1))pt.25, pt.29A, & pt.29C. (Concurrent with RZ-94-H-065, FDP-94-H-065 & PCA-80-C-028-2.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated June 26, 1995 for PCA-80-C-028-2 and PCA-77-C-098-2 and the affidavit dated June 6, 1995 for RZ-94-H-065 and FDP-94-H-065.

Chairman Murphy disclosed for the record that the law firm of Walsh, Colucci, Stackhouse, Emrich and Lubeley, attorneys for the applicant in these cases, had been retained by his firm in connection with a land use case in Arlington County.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of these applications.

RZ-94-H-065 – VAN METRE AT WOODLAND PARK LP  
FDP-94-H-065 – VAN METRE AT WOODLAND PARK LP  
PCA-80-C-028-2 – VAN METRE AT WOODLAND PARK LP  
PCA-77-C-098-2 – VAN METRE AT WOODLAND PARK LP

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Mr. Walsh noted that the subject applications were an implementation of a previous Comprehensive Plan amendment to add an option for residential use. He stated that all outstanding issues had been resolved.

Mr. Walsh responded to questions from Commissioner Downer regarding recreation facilities, soccer and baseball fields in particular, and trails.

Chairman Murphy called for speakers.

Mr. Patrick Macauley, 2344 Fox Mill Road, Herndon, spoke on behalf of the Greg-Roy Homeowners Association. He said that the Association had worked closely with the applicant and now supported the applications.

Mr. Walsh made no rebuttal statement and Ms. Murray had no closing staff comments, therefore Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on these cases. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-80-C-028-2, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE IN APPENDIX 1A OF THE STAFF REPORT.

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 8-0-1 with Commissioner Downer abstaining; Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-77-C-098-2, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE IN APPENDIX 1B OF THE STAFF REPORT.

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 8-0-1 with Commissioner Downer abstaining; Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-94-H-065, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 5, 1995.

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 8-0-1 with Commissioner Downer abstaining; Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

RZ-94-H-065 – VAN METRE AT WOODLAND PARK LP  
FDP-94-H-065 – VAN METRE AT WOODLAND PARK LP  
PCA-80-C-028-2 – VAN METRE AT WOODLAND PARK LP  
PCA-77-C-098-2 – VAN METRE AT WOODLAND PARK LP

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDP-94-H-065, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JULY 12, 1995 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-94-H-065.

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 8-0-1 with Commissioner Downer abstaining; Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REQUESTED WAIVER OF THE 600-FOOT MINIMUM LENGTH OF PRIVATE STREET REQUIREMENT.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE SOUTHERN AND EASTERN PERIMETER OF THE SITE IN FAVOR OF THAT SHOWN ON THE CDP/FDP AND AS FURTHER STIPULATED IN THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE 200-SQUARE FOOT PRIVACY YARD REQUIREMENT FOR THE MEWS-STYLE TOWNHOUSE UNITS.

Commissioners Hunter and Thomas seconded the motion which carried unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

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The Commission went into recess at 10:30 p.m. and reconvened in the Board Auditorium at 10:45 p.m.

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PCA-87-C-027 – DAKOTA DEVELOPMENT INC., TRUSTEE –  
Appl. to amend the proffers for RZ-87-C-027 to permit cluster residential development at a density of 2.51 du/ac. on property located on the S. side of Fox Mill Rd., approx. 100 ft. W. of its intersection with Mill Heights Dr. on approx. 8.12 ac. zoned R-3. Comp. Plan Rec: 2-3 du/ac. Tax Map 25-2((1))14A. HUNTER MILL DISTRICT. PUBLIC HEARING.

H. Kendrick Sanders, Esquire, with Gilliam, Sanders, and Brown reaffirmed the affidavit dated June 20, 1995. There were no disclosures by Commission members.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of this application.

Ms. Murray responded to questions from Commissioner Palatiello regarding the location of the pipeline easement on the subject property.

Mr. Sanders explained that this application was necessary because of a newly discovered wetlands area on the subject property. He added that the development plan had been revised to keep the wetlands in open space, resulting in a reduced density.

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

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-87-C-027, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Downer, Hanlon, and Harsel not present for the vote; Commissioner Hartwell absent from the meeting.

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SE-95-H-012 – THE GULICK GROUP – Appl. under Sec. 9-615 of the Zoning Ord. to permit a cluster subdivision on property located on the S. side of Leesburg Pike approx. 200 ft. E. of Reston Pkwy. & at the N. terminus of Bright Pond Lane

on approx. 42.69 ac. zoned R-1. Tax Map 11-2((0)30, 30A, 308 & 30C. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. Gregory Riegle, a planner with McGuire, Woods, Battle and Boothe, reaffirmed the affidavit dated June 20, 1995. There were no disclosures by Commission members.

Ms. Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of this application.

Mr. Riegle commented on the qualifications of the applicant and noted the high environmental and design standards implemented in the proposed development. He added that the Reston Community Association supported the application and spoke about the transportation improvements to be provided.

In reply to an inquiry from Commissioner Palatiello, Mr. Riegle explained the revisions made to the proffers to accommodate the desires of an adjoining property owner. He noted that the changes basically increased the screening.

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

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-95-H-012, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 10, 1995, WITH CONDITION #7 MODIFIED TO READ IN THE FIRST SENTENCE AS FOLLOWS: "PRIOR TO FINAL BOND RELEASE, FUNDS SUFFICIENT TO PROVIDE FOR THE CONSTRUCTION, PARENTHESSES, EXCLUSIVE OF FINAL DESIGN, PERMITTING, AND OTHER NON-CONSTRUCTION COSTS, CLOSE PARENS, OF THE INTERPARCEL CONNECTION TO THE APPLICANTS PROPERTY LINE SHALL BE ESCROWED WITH DEM UNTIL SUCH TIME AS PARCEL 46 DEVELOPS AND THE INTERPARCEL CONNECTION IS REQUIRED."

Commissioners Hunter and Thomas seconded the motion which carried by a vote of 8-0-1 with Commissioner Harsel abstaining; Commissioners Downer and Hanlon not present for the vote; Commissioner Hartwell absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE SERVICE ROAD REQUIREMENT ALONG ROUTE 7.

Commissioner Hunter seconded the motion which carried by a vote of 8-0-1 with Commissioner Harsel abstaining; Commissioners Downer and Hanlon not present for the vote; Commissioner Hartwell absent from the meeting.

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RZ-95-Y-015 – CENTEX REAL ESTATE CORP. – Appl. to rezone on approx. 4.54 ac. located on the S. side of Lee Hwy., approx. 300 ft. W. of Stone Rd. from R-1 & WS to R-8 & WS to permit residential development at a density of 7.9 du/ac. & a waiver of the minimum district size requirement. Comp. Plan Rec: 5-8 du/ac. Tax Map 54-3((3))2. SULLY DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated June 6, 1995.

Chairman Murphy disclosed that the law firm of Walsh, Colucci, Stackhouse, Emrich and Lubeley, attorneys for the applicant in these cases, had been retained by his firm in connection with a land use case in Arlington County.

Ms. Julie Schilling, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of this application because the density requested prevented provision of adequate setbacks and internal open space.

In response to a question from Commissioner Koch, Ms. Schilling noted that the applicant had been required to provide at least 75 feet along Lee Highway, with an additional 25 feet if an interchange was needed. She added that she did not know what was required of adjoining properties at the time of their rezonings.

Mr. Martin stated that this application represented infill development and that the subject property was surrounded by PDH-8 and R-8 zoning. He pointed out that the applicant had originally wanted PDH-8 zoning, but amended the application to R-8 at staff's request and that the setback restrictions were more stringent in the R-8 District. Mr. Martin said that the applicant had worked hard to justify the high end of the density range and was currently requesting 35 townhouse units at a density of 7.7 dwelling units per acre. He spoke about the transportation improvements to be provided and pointed out that the West Fairfax Citizens Association supported the application.

In response to a question from Commissioner Koch, Mr. Martin confirmed that the applicant had agreed to every proffer suggested by staff.

In response to a question from Commissioner Koch, Mr. Martin said he was not sure of the density in the adjacent Lee Overlook subdivision, but that the density of Stonepointe on the other

side of the subject property was 7.9 dwelling units per acre.

Chairman Murphy called the first listed speaker.

The following individuals spoke in opposition to the application. Their major objection was the density proposed. Another issue raised was the interparcel connection planned between the subject property and Stonepointe, to which the residents of Stonepointe objected since they had not been told about the connection when they bought their properties.

- Mr. John Prior, 6342 Pendleton Place, Centreville, representing the Stonepointe HOA
- Mr. David Register, 14709 Bonnet Terrace, Centreville
- Mr. Stephen Zimmerli, 6334 Shirey Lane, Centreville
- Ms. Patty Reardon, 6314 Shirey Lane, Centreville
- Mr. Andre Jones, 6310 Shirey Lane, Centreville
- Mr. Steve Haines, 14705 Bonnet Terrace, Centreville

A copy of Mr. Prior's statement is in the date file. He also responded to questions from Commissioners Murphy and Harsel regarding the interparcel connection.

After Ms. Reardon spoke and before Mr. Jones came to the podium, Commissioner Koch announced his intention to defer the decision on this application.

There being no further speakers and no questions from the Commission, Chairman Murphy called upon Mr. Martin for a rebuttal statement.

Mr. Martin assured the Commission that he would continue to work with the citizens in the area. He sympathized with the residents of Stonepointe who were misinformed by their developer concerning the interparcel connection, but said that the issue was not germane to the subject application. He pointed out that the connection was on the Comprehensive Plan, that the right-of-way had been dedicated and funds escrowed to pay for construction, so there was little chance it could be changed. Mr. Martin expressed surprise that the citizens had mentioned density as an issue, since no mention had been made of it at earlier meetings. He said that the density proposed for the subject property was compatible with surrounding development and maintained that no benefit would be gained by reducing density. He noted that design possibilities were limited due to the fact that this was an infill development.

Ms. Shilling had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED TO DEFER THE DECISION ONLY ON THIS APPLICATION UNTIL JULY 26, 1995, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hartwell absent from the meeting.

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Prior to the hearing of the next case in the Springfield District, Chairman Murphy turned the gavel over to Vice Chairman Hanlon.

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RZ-94-S-053 – PARK STREET, INC. – Appl. to rezone approx. 6.14 ac. located in the S.W. quadrant of the intersection of Sydenstricker Rd. & Mainsail Dr. from R-1 & R-3 to R-3 to permit cluster residential development at a density of 2.61 du/ac. & waiver of the minimum district size requirement. Comp. Plan Rec: 2-3 du/ac. Tax Map 88-2((1))22; ((26))A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Commissioner Murphy noted that he had met earlier with citizens in the area of the subject property and, citing outstanding issues, announced his intention to defer decision on this application.

Robert Lawrence, Esquire, with Hazel and Thomas, reaffirmed the affidavit dated July 10, 1995. There were no disclosures by Commission members.

Ms. Julie Schilling, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of this application.

Mr. Lawrence noted that this was an infill development and that the applicant had satisfied the residential density criteria for the upper limit of the range recommended in the Comprehensive Plan. He added that the property would be developed in a cluster subdivision with a lot design consistent with surrounding development. Mr. Lawrence stated that adequate open space and buffering would be provided.

Vice Chairman Hanlon called for speakers for this application. He noted that the rules cited earlier by Chairman Murphy still applied.

Mr. Ralph Worthington, 9336 Mainsail Drive, Burke, spoke for the Indian Oaks Homeowners Association (IOHOA). He did not oppose the application, but was concerned about the preservation of trees near the entrance.

Mr. Tom Pierpoint, 9333 Mainsail Drive, Burke, said that he wished to inform the Commission of a matter that was not really pertinent to the application, but should be stated for the record. He said that the land for the interparcel access to the new subdivision had been deeded from

IOHOA to the subject property owners in what he considered a fast procedural move.

Mr. Ronald Phillips, 9302 Mainsail Drive, Burke, did not object to the application, but expressed concern that drainage problems in the area be adequately addressed.

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

Mr. Lawrence said that the applicant would continue to work with the citizens to resolve the issues regarding trees and drainage.

There were no comments or questions, no closing staff comments; therefore Vice Chairman Hanlon called upon Commissioner Murphy for action on this case. (Verbatim excerpts are in the date file.) (NOTE: Vice Chairman Hanlon inadvertently failed to close the public hearing)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON RZ-94-S-053 TO A DATE CERTAIN OF SEPTEMBER 13, 1995 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Palatiello not present for the vote; Commissioner Hartwell absent from the meeting.

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At the conclusion of this case, Chairman Murphy resumed the Chair.

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SE-95-M-021 – EXXON CORPORATION – Appl. under Sec. 4-504, 9-612, & 9-620 of the Zoning Ord. to permit a service station, a waiver of the open space requirement, & a waiver of certain sign regulations on property located at 6550 Edsall Rd. on approx. 25,957 sq. ft. of land zoned C-5. Tax Map 71-4((7)) 17 & 19. MASON DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated March 30, 1995,

Chairman Murphy disclosed for the record that the law firm of Walsh, Colucci, Stackhouse, Emrich and Lubeley, attorneys for the applicant in these cases, had been retained by his firm in connection with a land use case in Arlington County.

Ms. Julie Schilling, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of this application, but denial of the requested waiver of sign regulations because the applicant had not provided sufficient justification.

Mr. Martin said that Exxon proposed to add a canopy over an existing pump island and wanted to add a Firestone sign at the bottom of the existing Exxon and price signs which would bring the total sign area up to 116 square feet. He added that citizen concerns had been addressed by relocating a telephone booth, closing a curb cut to an adjacent vacant lot, providing shrubs near Mitchell Street, agreeing to clear debris in the area, removing vegetation from the rear of the building, and removing an existing trailer. He said that the applicant concurred with staff's proposed development conditions with the exception of Condition #6 which prohibited the Firestone sign. He noted that neither Clearfield/Indian Springs Civic Association (C/ISCA) nor the Mason District Task Force had any objection to the sign. Mr. Martin pointed out that Condition #9 limited the hours of operation, and while Exxon would prefer 24 hour operation such as was enjoyed by nearby Crown, Mobil and Amoco stations, it would comply with Condition #9 if the Commission felt it was necessary. He submitted a letter of support from Kathleen Schildbach, President of the C/ISCA, a copy of which is in the date file.

In response to a question from Commissioner Hall, Ms. Schilling stated that the applicant had not presented any of the usual justifications for additional signage, such as typography, unusual lot configuration, lack of visibility, etc. She noted that the applicant's statement of justification, Appendix 4 of the staff report, stated that the increase in sign area was minor and would have no deleterious effect on existing or planned development of adjacent properties and that it was consistent with the purpose and intent of Article 12 of the Zoning Ordinance.

Mr. Martin explained that Exxon wanted the Firestone sign to notify the public that Firestone tires were available at the station.

Following a discussion of the applicant's need for the additional sign, Commissioner Hall announced her intention to defer decision on this case until the matter could be resolved.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. Schilling had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Hall for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Hall RECOMMENDED THAT WE DEFER DECISION UNTIL JULY 26, 1995, AND KEEP THE RECORD OPEN FOR (WRITTEN) COMMENTS.

Commissioners Byers and Hanlon seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioner Hartwell absent from the meeting.

SIGNATURES

July 12, 1995

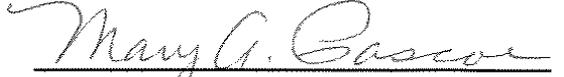
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The meeting was adjourned at 12:36 a.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

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: Gloria L. Watkins

Approved on: February 19, 1997

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Mary Pascoe, Clerk to the  
Fairfax County Planning Commission