

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 27, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Peter F. Murphy, Jr., Springfield District
Ilryong Moon, Commissioner At Large
John B. Kelso, Lee District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Ronald W. Koch, Sully District
John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth, to allow more time for review, MOVED THAT THE DECISION ONLY ON 2232-P00-13, BELL ATLANTIC MOBILE, INC., BE FURTHER DEFERRED TO A DATE CERTAIN OF SEPTEMBER 7, 2000.

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

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FS-P00-80 - WINSTAR COMMUNICATIONS, 2751 Prosperity Avenue

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY WINSTAR COMMUNICATIONS, INC., FOR THE OFFICE BUILDING LOCATED AT 2751 PROSPERITY AVENUE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

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

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Commissioner Downer, at the request of the applicant, MOVED THAT (THE PUBLIC HEARING ON) SE-00-D-007, PROVIDENCE BAPTIST CHURCH TRUSTEES, BE DEFERRED INDEFINITELY.

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

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Commissioner Downer, to allow more time to investigate alternative locations, MOVED TO FURTHER DEFER THE DECISION ONLY ON 2232-D00-12, BELL ATLANTIC MOBILE, INC., TO A DATE CERTAIN OF SEPTEMBER 14, 2000.

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

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Commissioner Harsel noted that a special permit application for a child care center in the Braddock District, scheduled to be heard by the Board of Zoning Appeals, had land use implications. She therefore MOVED THAT SP-00-B-043, SWARNA PADMA DE SILVA, BE PULLED FOR AN ADMINISTRATIVE HEARING ON SEPTEMBER 13, 2000.

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

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SE-00-B-009 - FIRST WASHINGTON REALTY AND MCDONALD'S INC. (Decision Only)

(The public hearing on this application was held on June 28, 2000. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-B-009, SUBJECT TO THE

DEVELOPMENT CONDITIONS DATED JULY 26, 2000, AMENDED TO DELETE THE WORD "WEST" IN CONDITION NUMBER 20, WHERE IT MENTIONS "KINGS PARK WEST".

Commissioner Downer seconded the motion which carried by a vote of 6-0-3 with Commissioners Alcorn, Byers and Moon abstaining; Commissioner Smyth not present for the vote; Commissioners Koch and Palatiello absent from the meeting.

Commissioner Harsel MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE A MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENTS AND WAIVER OF THE BARRIER REQUIREMENT ALONG BURKE LAKE ROAD TO THAT SHOWN ON THE NEW SE PLAT DATED JULY 24, 2000.

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

Commissioner Harsel MOVED THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRAIL REQUIREMENT ALONG BURKE LAKE ROAD TO THAT SHOWN ON THE SE PLAT DATED JULY 24, 2000.

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

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for the agenda items:

1. FDPA-96-L-005 - SPRINGFIELD CAMPUS, LLC
2. PCA-1996-MV-037-3 - SOUTH STATION LLC
FDPA-1996-MV-037-2 - SOUTH STATION LLC

This order was accepted without objection.

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FDPA-96-L-005 - SPRINGFIELD CAMPUS, LLC - to amend the final development plan & development conditions for FDP-96-L-005 regarding a walkway/emergency access on property located at the W. terminus of Wesley Rd., 200 ft. W. of its intersection w/Ridgeway Dr. on approx. 0.09 ac. & zoned PDH-2. Tax Map 90-1((19))F. LEE DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, Hazel & Thomas, reaffirmed the affidavit dated July 24, 2000. There were no disclosures by Commission members.

Mr. Peter Braham, 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 application.

In response to questions from Commissioner Alcorn, Mr. Braham stated that some of the houses associated with the overall development had been built, but that some were still under construction. He added that the trail had been eliminated by the Board of Supervisors at the request of citizens in the area.

Commissioner Kelso noted that the Board had directed staff to initiate the process of coordinating the vacation of stub streets adjacent to the subject property and to begin the process of conveying the right-of-way. In response to questions from Commissioner Kelso, Mr. Braham explained that the vacation of the stub streets was not awaiting the Planning Commission's action on this FDPA.

Mr. Lawrence explained that this application was to seek approval of alternate pedestrian and emergency access for the subject property as requested by the Board of Supervisors.

Commissioner Kelso commented on the history of this application, noting that citizens representing the adjacent residential development at the time of the rezoning had opposed pedestrian and emergency access through their subdivision. He added that the current representatives did not oppose such connections, but that another newer subdivision nearby was opposed to the pedestrian walkway. Commissioner Kelso announced his intention to recommend deletion of Condition Number 2 regarding the walkway.

Mr. Lawrence noted that a correction was needed to Condition Number 1 to revise the date of the plan.

During Chairman Murphy's temporary absence from the auditorium, Vice Chairman Byers called for speakers, but received no response. He noted that no rebuttal was necessary.

In response to questions from Commissioner Wilson, Commissioner Kelso said that the ownership of the stub street land to be vacated would be determined at the time of vacation. Mr. Braham added that the stub street was not located on the subject property and that the portion of the access on the subject property would remain in the ownership of the homeowners association.

There being no further comments or questions, Vice Chairman Byers closed the public hearing and recognized Commissioner Kelso for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-96-L-005, SUBJECT TO THE DRAFT DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT, MODIFIED BY DELETING CONDITION NUMBER 2 AND CHANGING THE DATE IN CONDITION NUMBER 1 FROM JULY 26, 1996 TO AUGUST 6, 1996.

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

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Chairman Murphy returned to the auditorium and called the next case.

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PCA-1996-MV-037-3 - SOUTH STATION LLC - Appl. to amend the proffers & conceptual development plan for RZ-1996-MV-037 to permit residential development at a density of 7.90 du/ac w/in Land Bay G on property located on the W. side of Lorton Station Blvd. (formerly Potomac Bend Blvd.), approx. 800 ft. N. of Lorton Rd. on approx. 14.40 ac. zoned PDH-5. Comp. Plan Rec: Mixed use. Tax Map 107-2((1))43 pt. & 107-4((1))17A1 pt. (Concurrent w/FDPA-1996-MV-037-2.) MOUNT VERNON DISTRICT.

FDPA-1996-MV-037-2 - SOUTH STATION LLC - Appl. to amend the final development plan for RZ-1996-MV-037 to permit residential development on property located on the W. side of Lorton Station Blvd. (formerly Potomac Bend Blvd.), approx. 800 ft. N. of Lorton Rd. on approx. 14.40 ac. zoned PDH-5. Tax Map 107-2((1))43 pt. & 107-4((1))17A1 pt. (Concurrent w/ PCA-1996-MV-037-3.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated June 13, 2000. There were no disclosures by Commission members.

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

Mr. Martin explained that the applicant planned to convert 328 multi-family units to 114 small lot single family detached units in response to market conditions. He added that the rear loaded units would be designed with alleys behind each row and that adequate visitor parking was proposed.

July 27, 2000

Commissioner Byers noted that the affidavit in the staff report had been notarized, but not signed. Ms. Godfrey stated that the affidavit had been reviewed by the County Attorney's Office. Commissioner Byers questioned whether this case could go forward without a valid signature on the affidavit, but there was no one present who could advise the Commission on this legal matter. Mr. Martin offered to sign the affidavit tonight. Commissioner Byers said he did not want to delay this hearing, therefore it was decided to proceed.

In response to questions from Commissioner Byers, Mr. Martin confirmed that the resource protection area (RPA) line and the limits of clearing and grading were identical. Commissioner Byers and Mr. Martin discussed the size of the back yards and how the homes could be constructed without disturbing the RPA.

Commissioner Byers asked Mr. Martin to state for the record that the applicant would not make any request for a minor engineering adjustment that would impact or intrude upon the RPA. Mr. Martin explained that Note 20 on the final development plan (FDP) addressed that issue and that the applicant would adhere to the limits of clearing and grading as shown on the FDP.

In response to questions from Commissioner Downer, Mr. Martin pointed out that the overall development contained 114 acres of open space, but conceded that the individual back yards were small.

In response to questions from Commissioner Byers regarding how individual homeowners would be prevented from encroaching on the RPA, Mr. Martin explained that the applicant had suggested signage to make homeowners aware of the RPA limitations, but that staff had recommended planting evergreen and thorny-type bushes along the rear property lines. He added that the homeowners association documents would clearly delineate the RPA areas and that surveys of individual lots would show property lines.

In response to questions from Commissioner Wilson, Mr. Martin said that the applicant had agreed to the plantings recommended by staff. He also explained why private streets were proposed and why public streets were not feasible.

Chairman Murphy called for speakers and began to recite the rules for public testimony, but the speaker, a frequent participant in Planning Commission public hearings, interrupted, saying it wasn't necessary.

Mr. Linwood Gorham, 6036 Chapman Road, Lorton, representing the Lorton Federation of Citizens Associations, noted that the Federation supported the applicant's proposal.

Chairman Murphy noted that no rebuttal was necessary. There being no final staff remarks, he closed the public hearing and recognized Commissioner Byers for action on these cases. (Verbatim excerpts are in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE PCA-1996-MV-037-3, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1 OF THE ADDENDUM TO THE STAFF REPORT.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-1996-MV-037-2, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 2 OF THE ADDENDUM OF THE STAFF REPORT, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA-1996-MV-037-3, AND SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1 OF THE ADDENDUM.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD REAFFIRM THE WAIVER TO PERMIT PRIVATE STREETS THAT EXCEED 600 FEET.

Commissioner Kelso seconded the motion which carried by a vote of 9-1 with Commissioner Wilson opposed; Commissioners Koch and Palatiello absent from the meeting.

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The meeting was adjourned at 9:45 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: Gloria L. Watkins

Approved on: April 26, 2001

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