

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 30, 2003**

PRESENT: John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large

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The meeting was called to order at 8:22 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

Chairman Murphy announced that Mary Pascoe, Clerk to the Planning Commission, would be retiring on Friday, August 22, 2003. He noted that Ms. Pascoe had been a valuable asset to the Commission in her almost 16 years of service with the County and that a reception in her honor was planned on Wednesday, August 20, 2003.

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FS-V03-22 - Sprint PCS - 3200 Mount Vernon Highway

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION IN FS-V03-22 AND FIND IT IN ACCORDANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSIDER IT A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Commissioner Smyth distributed the proposed schedule for the North and South County Area Plans Review in 2004 and 2005. She noted that the Policy and Procedures Committee would make a recommendation on the schedule at its next meeting on Wednesday, September 10, 2003 at 7:30 p.m. in the Board Conference Room.

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FSA-P01-65-1 - Cingular Wireless - 1950 Old Gallows Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE EQUIPMENT CABINET MODIFICATIONS PROPOSED BY CINGULAR WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT 1950 OLD GALLOWS ROAD ARE IN ACCORDANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION UNDER FS-P01-65 ON DECEMBER 12, 2001, AND THAT THE MODIFICATIONS SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

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

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FS-M03-21 - Omnipoint Communications - 8914 Little River Turnpike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH "FEATURE SHOWN" DETERMINATION FS-M03-21 THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY OMNIPOINT COMMUNICATIONS AT 8914 LITTLE RIVER TURNPIKE IS IN ACCORDANCE WITH 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 unanimously with Commissioner Alcorn absent from the meeting.

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FS-L03-11 - Fairfax County Department of Information Technology - 2970 Southgate Drive

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-L03-11 IS A "FEATURE SHOWN."

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

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FS-Y03-10 - Fairfax County Department of Information Technology - 15717 Lee Highway

Commissioner Koch MOVED THAT WE CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY FAIRFAX COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY AS SET FORTH IN FS-Y03-10 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 unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

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Commissioner de la Fe, to allow more time for citizen review, MOVED THAT THE PLANNING COMMISSION FURTHER DEFER DECISION ONLY ON SE 2003-HM-004, SUNITA SINGH, TO A DATE CERTAIN OF OCTOBER 8, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

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2232-D02-19 - WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
SE 2002-DR-026 - WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

(Decisions Only) (The public hearing on these applications was held on July 17, 2002.

A complete verbatim transcript of the decisions made is in the date file.)

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED IN 2232-D02-19 SATISFIES THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN

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

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2002-DR-026, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JULY 30, 2003.

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

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING ALONG THE SOUTHERN PROPERTY LINE TO THE EXISTING AND PROPOSED VEGETATION AS SHOWN ON THE SE PLAT.

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

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE.

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

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PCA 83-D-050 - McLEAN BIBLE CHURCH TRUSTEES

SEA 78-D-098-3 - McLEAN BIBLE CHURCH TRUSTEES (Decisions Only)

(The public hearing on these applications was held on July 24, 2002. A complete verbatim transcript of the decision made is in the date file.)

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 83-D-050, SUBJECT TO PROFFERS DATED JULY 30, 2003.

Commissioners Hall and Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 78-D-98-3, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 30, 2003.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF TRANSITIONAL SCREENING AND WAIVER OF BARRIER REQUIREMENTS ALONG THE NORTH AND WEST IN FAVOR OF EXISTING VEGETATION AND PROPOSED LANDSCAPING.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF PARAGRAPH 5 OF SECTION 9-308 TO PERMIT THE MEDICAL CARE FACILITY TO BE LOCATED LESS THAN 100 FEET FROM PARCEL 10 WHICH IS ZONED R-1.

Commissioner Wilson seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE CONSTRUCTION ALONG ROUTE 7

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Alcorn absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. SEA 95-S-038 - CATHOLIC DIOCESE OF ARLINGTON
2. CSP 1999-PR-060 - ROCKS TYSONS LLC
3. RZ 2002-PR-036 - RALPH AND NANCY SHIRLEY
4. RZ 2002-SP-006 - ZIA U. HASSAN
FDP 2002-SP-006 - ZIA U. HASSAN
5. RZ 1999-PR-035 - BBV BUILDING COMPANIES

This order was accepted without objection.

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The first public hearing was in the Springfield District, therefore Vice Chairman Byers assumed the Chair.

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SEA 95-S-038 - MOST REV. PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE/CHURCH OF THE NATIVITY SCHOOL - Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE 95-S-038 previously approved for a church with a private school of general education to permit a nursery school/child care center. Located at 6400 Nativity La. on approx. 10.19 ac. of land zoned R-1. Tax Map 88-1 ((1))10 SPRINGFIELD DISTRICT. PUBLIC HEARING.

Maria Kelly, Principal of the Nativity School, reaffirmed the affidavit dated March 10, 2003. There were no disclosures by Commission members.

Commissioner Murphy asked Vice Chairman Byers to ascertain if there were any speakers in the audience for this application. There were none, therefore Vice Chairman Byers waived the presentations by staff and the applicant, closed the public hearing, and recognized Commissioner Murphy for action. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 95-S-038, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 22, 2003.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT MOVE TO REAFFIRM THE MODIFICATIONS TO THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE SOUTHERN, AND A PORTION OF THE WESTERN, LOT LINES AS CONDITIONED, AND ALSO A REAFFIRMATION OF WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN, WESTERN, AND NORTHERN LOT LINES AS CONDITIONED.

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

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CSP 1999-PR-060 - ROCKS TYSONS LLC - Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan for mixed use development as approved by RZ 1999-PR-060. Located on the S. side of Leesburg Pike, approx. 200 ft. W. of Gallows Rd. on approx. 3.95 ac. of land zoned PDC, HC and SC. Tax Map 39-2((1))7; 39-2((15))9, 11 & 30. PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, reaffirmed the affidavit dated June 19, 2003. There were no disclosures by Commission members.

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.

Mr. Lawrence said the requested signs were needed for tenant identification in this previously approved mixed use development. He noted that the application was in conformance with the P District regulations of the Comprehensive Plan. Referring to the development conditions, he asked that Condition 5 be amended to allow five burgundy awnings and that Condition 15 restricting the size of the Best Buy sign on the north face of the building be deleted.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary.

Commissioner Smyth commented that the Best Buy store was located in a building that did not look like a typical store, but more like an office building. She understood staff's desire for a smaller sign on the north face, but under the circumstances, felt that the applicant's request was justified.

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

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE CSP 1999-PR-060, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 29, 2003, WITH THE FOLLOWING CHANGES:

THE FOURTH SENTENCE OF CONDITION 5 TO READ:
"BERTUCCI'S SHALL HAVE FIVE BURGUNDY AWNINGS
WITH GOLD LETTERING AND ONE GOLD AWNING WITH
BURGUNDY LETTERING."

DELETE CONDITION 15 AND RENUMBER ACCORDINGLY.

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

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Chairman Murphy resumed the Chair.

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RZ 2002-PR-036 - RALPH W. AND NANCY T. SHIRLEY - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.71 dwelling units per acre (du/ac). Located at the W. terminus of Tobin Rd., approx. 580 ft. W. of its intersection with Monarch La. on approx. 32,215 sq. ft. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 59-1 ((1)) 7. PROVIDENCE DISTRICT. PUBLIC HEARING.

Sara Kroll, a planner with Land Design Consultants, reaffirmed the affidavit dated May 2, 2003. There were no disclosures by Commission members.

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 applications.

Ms. Kroll explained that the Shirleys were requesting permission to rezone their property to build two homes, one for themselves and one for their son and his family. She noted that the request was in accord with the recommendations of the Comprehensive Plan and commented on surrounding land uses and densities. She said both homes would access Tobin Road via individual 30-foot driveways and that dedication for a future cul-de-sac would be provided. She listed the following proffer commitments:

- construction and building materials in conformance with the elevations submitted;
- a monetary escrow for trail construction if needed;
- a tree preservation plan; and
- a contribution for low and moderate income housing.

Ms. Kroll said a meeting with residents in the area had taken place on June 3, 2003 and the applicant's proposal had been revised to address issues raised at that meeting, including cessation of Mr. Shirley's lawn mower repair activities, provision of stormwater management measures, and relocation of one of the driveways to save an existing holly tree. Ms. Kroll noted that both Mr. Shirley and his son were race car owners and would be storing and repairing one vehicle each on their property. To address concerns raised about noise, she pointed to Proffer 7b which mandated the use of mufflers and required adherence to the Noise Ordinance.

In response to a question from Commissioner Hall about the type of race car, Mr. Shirley said he owned a 1974 Chevrolet Nova dragster.

Ms. Kroll responded to questions from Commissioner Wilson about the dedication for a possible cul-de-sac and from Commissioner Koch about the concerns expressed at the neighborhood meeting.

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

Mr. Jerry Varnon, 3383 Reedy Drive, Annandale, said he was a neighbor of Mr. Shirley's, had known him for 27 years, and fully supported his proposal to subdivide his land.

Mr. Norman Johnson, 3368 Taleen Court, Annandale, supported the request for rezoning, but objected to the noise caused by Mr. Shirley's race car.

Mr. Johnson responded to questions from Commissioners Koch, Murphy, Smyth, Byers, Hall, and Wilson regarding his concerns about the noise problem. Various suggestions for muffling the noise were offered, including soundproofing the garage and limiting the days and hours during which repairs could be made.

Ms. Andrea Shore, 3365 Taleen Court, Annandale, representing the Prosperity Heights Homeowners Association (PHHA), read a letter indicating its support of the rezoning and objection to the race car noise. The letter also requested that the boundaries of PHHA's common areas be respected. (A copy of the letter is in the date file.)

Ms. Shore responded to questions from Commissioners Smyth, Murphy, Hall, and Koch regarding the noise issue.

Ms. Godfrey responded to questions from Commissioner Harsel regarding the County's procedures for Noise Ordinance enforcement and policies and regulations regarding home businesses, such as lawn mower repair. Commissioner Wilson commented that the police were often called about noise problems, but noted that the addition of Proffer 7b in this case would shift the responsibility for enforcement to the County's Zoning Enforcement Office.

Elizabeth McTigue, 3363 Taleen Court, Annandale, commented on the noise issue. She did not express either support or opposition to the rezoning application.

Keith Jones, 3366 Taleen Court, Annandale, agreed with the previous speakers who complained about the noise problem.

Christine Farmer, 3387 Reedy Drive, Annandale, supported the application. She said the noise was not as bad as portrayed by previous speakers and that it was generally confined to Saturdays and Sundays. She said the Shirleys were good neighbors.

Wendy Johnson, 3368 Taleen Court, Annandale, had no objection to the rezoning, but commented on the problems related to the race car and the lawn mower repair activities.

Ms. Johnson responded to questions from Commissioners Smyth, Wilson, de la Fe, and Hall regarding her concerns.

There were no further speakers and Chairman Murphy called upon Ms. Kroll for a rebuttal statement.

Ms. Kroll explained that the Shirleys had been made aware of the PHHA's property boundaries which had not been clearly delineated before and that no further encroachment would occur. She added that the lawn mower repair activities would cease and all unrepaired mowers and mower parts would be removed from the property. Ms. Kroll said Proffer 7b addressed the noise issue.

In response to questions from Commissioners Hall and Smyth, Ms. Kroll said the applicant was certainly willing to continue working with staff and the neighbors to reach a compromise on the noise issue, but noted that the Shirleys also had property rights.

There were no further comments or questions from the Commission and Ms. Godfrey had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ 2002-PR-036 TO A DATE CERTAIN OF SEPTEMBER 11, 2003, WITH THE RECORD OPEN FOR WRITTEN TESTIMONY.

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

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Vice Chairman Byers assumed the Chair for the hearing of this case in the Springfield District.

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RZ 2002-SP-006/FDP 2002-SP-006 - ZIA U. HASSAN - Appls. to rezone from R-1 and WS to PDH-2 and WS to permit residential development at a density of 0.9 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located N. of the E. terminus of Moore Rd., approx. 150 ft. E. of its intersection with Willow Valley Rd. on approx. 4.79 ac. of land. Comp. Plan Rec: Fairfax Center Area: 1.0 du/ac at base level. Tax Map 55-3 ((1)) 38. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich and Terpak, reaffirmed the affidavit dated July 3, 2003. There were no disclosures by Commission members.

Bill Mayland, 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 denial of the application because it did not comply with either the P District or Fairfax Center requirements.

Ms. Strobel said the applicant proposed three homes on 4.79 acres, resulting in a density of .9 dwelling units per acre. She explained that this property had not been consolidated with surrounding parcels at the time they were rezoned and was now being subjected to regulations that prevented its rezoning at a similar level. She maintained that the applicant's proposal was more beneficial than by-right use with no proffered commitments. She said the utility easements on the property should not be a determining factor and the residential development criteria was being applied in a discriminatory way with unfair result for the applicant. Ms. Strobel said the applicant had made a number of revisions to his plan, reduced density and added proffers in an effort to gain a favorable staff recommendation, all to no avail. She concluded that the applicant's proposal was the best alternative available and included restrictions to ensure its compatibility with surrounding properties. She added that the Springfield Land Use Committee supported the application and submitted two letters of support from Mohammad Christy, 5402 Willow Forest Court, Clifton and Shahid and Sabiha Malik, 5404 Willow Valley Road, Clifton, copies of which are in the date file.

Commissioner Murphy acknowledged that this was a difficult piece of property, but disagreed that the applicant should be given the benefits accorded to the property owners who joined the consolidation efforts that took place previously that the subject property owner voluntarily chose not to join. He maintained that the Fairfax Center Area Checklist, the residential development criteria, and the P District regulations could not be disregarded simply by saying: "It could be worse."

Ms. Strobel commented that the applicant had intended to provide the extension as requested by staff, but reworked the plan at the request of citizens.

Commissioner Harsel asked Ms. Strobel if she thought the applicant should be given the same privileges granted to those who consolidated earlier when he chose not to join the consolidation at that time. Ms. Strobel replied in the negative, but suggested that Mr. Hassan should be treated fairly.

In response to questions from Commissioner de la Fe, Ms. Strobel acknowledged that the applicant had not been successful in obtaining a variance from the Board of Zoning Appeals, but clarified that it was a close vote.

In response to a question from Vice Chairman Byers, Ms. Strobel said the gas line itself was actually off the subject property, but that the electric easement was on the property and that the nearest home would be 75 feet from that.

Vice Chairman Byers called the first listed speaker.

Mr. Mark Simmons, 5466 Rockpointe Drive, Clifton, spoke in opposition to the rezoning, particularly the extension of Rockpointe Drive. He commented on the utility easements and said the property should be developed in accord with its current zoning. (A letter from Mr. Simmons is in the date file.)

In response to questions from Commissioner Moon, Mr. Simmons explained the route cut-through traffic would follow if Rockpointe Drive was extended. He added that he would not object to three houses on the subject property.

William Richards, 13111 Willow Edge Court, Clifton, representing the Clifton Farms Homeowners Association, also opposed the application and any extension of Rockpointe Drive. He questioned the advisability of construction in the rocky soil on the subject property, which he said would require blasting, thereby endangering the nearby underground gas line.

Claudia Skruggs, 5503 Willow Valley Road, Clifton, expressed her concerns about excavation in the area of the gas pipeline, extension of Rockpointe Drive, and stormwater runoff.

There were no more speakers and Vice Chairman Byers called upon Ms. Strobel for rebuttal.

Ms. Strobel said Mr. Hassan relied upon the Comprehensive Plan which recommended one to two dwelling units per acre and the fact that several lots immediately north of the subject property, also encumbered by the utility easements, had been developed at a similar density. Regarding the extension of Rockpointe Drive, she said the applicant was willing to do whatever the Commission and the Board of Supervisors deemed appropriate. She noted that construction and excavation would be addressed during the site plan process and that tree save and other measures to diminish stormwater runoff would only occur if the property was rezoned.

In response to questions from Commissioner Hall, Ms. Strobel did not believe that Rockpointe Drive would necessarily be extended if the subject property was developed by right.

In response to questions from Commissioner Hall, Mr. Mayland said he could not explain how or why the properties to the north developed as they did because development took place in 1985.

Ms. Strobel commented that the difference between two houses by right and three houses by rezoning was negligible and pointed out that by-right development would be without proffers.

In response to questions from Commissioner Harsel, Ms. Strobel said the proposed houses would have driveway access from the front, not the side.

Mr. Mayland reiterated that money was escrowed during the rezoning of Clifton Farms specifically for the extension of Rockpointe Drive and that staff would strongly oppose any development that did not include that extension.

In response to questions from Vice Chairman Byers, Mr. Mayland explained that right-of-way and road alignment difficulties led to money being escrowed for future construction of the Rockpointe Drive extension rather than construction during development of Clifton Farms.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY RZ 2002-SP-006.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Wilson not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DENY FDP 2002-SP-006 AS SUBMITTED.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Hall abstaining; Commissioner Wilson not present for the vote; Commissioner Alcorn absent from the meeting.

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Chairman Murphy resumed the Chair.

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(The Commission went into recess at 11:15 p.m. and reconvened in the Board Auditorium at 11:35 p.m.)

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RZ 1999-PR-035 - BBV BUILDING COMPANIES, INC. - Appl. to rezone from R-1 to R-2 to permit a cluster residential development at a density of 1.82 dwelling units per acre (du/ac). Located in the S.W. quadrant of the intersection of Gallows Rd. and Idylwood Rd. on approx. 7.70 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 39-4 ((1)) 26. PROVIDENCE DISTRICT. PUBLIC HEARING.

Francis McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated July 15, 2003. There were no disclosures by Commission members.

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. McDermott commented on the history of this application, noting that it had been filed in 1999, and was affected by a Plan Amendment approved in 2002 that substantially lowered the recommended density on the subject property. He maintained that the applicant's proposal for cluster development of 14 homes, resulting in a density of 1.82 dwelling units per acre (du/ac), was appropriate for the site. He said the lot sizes would be compatible with surrounding R-3 and R-4 neighborhoods and listed the following amenities to be provided:

- a noise attenuation wall along Gallows Road;
- design elements compatible with existing homes;
- 18-foot driveways with 2-car garages;
- a 36-foot public street connecting to Westchester Drive;
- on-street parking;
- a tree save and supplemental plantings in the northeast and southwest;
- dedication of right-of-way for future expansion of Gallows Road;
- trails along Gallows Road and Idylwood Road; and
- on-site stormwater management.

Mr. McDermott responded to questions from Commissioner Koch about the tree save areas, fencing, and the proposed cul-de-sac.

Chairman Murphy called the first listed speaker and reminded the audience that the rules cited earlier were still in effect.

Barbara Hildreth, 8300 Stonewall Drive, Vienna, representing the Stonewall Manor Community Association, spoke about the differences between development in the past and development today. (A copy of Ms. Hildreth's statement is in the date file.)

In response to a question from Chairman Murphy, Ms. Hildreth did not state a clear position, pro or con, on this application.

Julie Tutwiler, 8217 Westchester Drive, Vienna, a resident of Dunn Loring Gardens, said Dunn Loring Gardens was an oasis in the Tysons Corner area and objected to the size and number of homes proposed. She opposed a wood chip trail because it would be unusable for children on bicycles, parents with strollers or persons in wheelchairs and maintenance costs were higher. She questioned the method of mail delivery and trash pickup for the proposed homes served by pipestem driveways and suggested that the applicant reduce the number of homes and build a full public street instead of pipestem driveways.

Ray Worley, 2537 Gallows Road, Dunn Loring, spoke in support of the application. He said that compatible did not mean identical and maintained that the proposed new homes would be compatible with Dunn Loring Gardens. (A copy of Mr. Worley's statement is in the date file.)

Doug Chapin, 8217 Labbe Lane, Vienna, representing the Stenwood Elementary School PTA, spoke in support of the application. He requested, however, that Proffer 20 regarding the applicant's contribution to school construction be amended so that the money could be used for more pressing needs, such as a mobile computer lab. (A copy of Mr. Chapin's statement is in the date file.)

John Eltzroth, 8100 Revatom Court, Dunn Loring, representing the Dunn Loring Improvement Association, opposed the proposal for a private road for the pipestem lots, encouraged tree save, and suggested that the proffered contributions for schools and parks be allocated to nearby neighborhood facilities, i.e. Stenwood Elementary School and Dunn Loring Greens.

Mr. Worley explained that the next listed speaker, Sandy Corbin, 2346 Gallows Road, Dunn Loring, had to leave the meeting and had asked him to present her testimony. He noted that Ms. Corbin's family had owned the subject property since 1919 and had been quite surprised by the 2002 downplanning, especially since there was no corresponding drop in property taxes. He said the Corbin's supported the applicant's proposal.

Tim Reed, 8205 Bucknell Drive, Vienna, representing the Dunn Loring Woods Citizens Association, spoke about the time spent on this application by Commissioner Smyth, County staff and concerned citizens. He maintained that most of the issues being discussed tonight could have been and should have been addressed by the applicant before this public hearing. He listed the following concerns:

- the location of tree save areas;
- the adequacy of stormwater management facilities;
- the number of homes proposed; and
- the location and type of trail to be provided.

Rebecca Cate, 8119 Westchester Drive, Vienna, representing the Dunn Loring Gardens Civic Association (DLGCA), said she and other members of her community had not had a chance to review the latest version of the applicant's proposal and would therefore comment on the plan submitted two weeks ago. She noted that DLGCA had been actively involved in the revisions to County Ordinances, the Public Facilities Manual and the residential development criteria in the Comprehensive Plan. She added that the spirit and intent of all these amendments were lost in the plans and proffers in this case. Ms. Cate specifically mentioned tree preservation and replanting plans, utility easements, open space percentage, lot sizes, street widths, and public facilities contributions.

In response to questions from Commissioner Smyth, Ms. Cate said she supported Mr. Chapin's request for funding at Stenwood Elementary, but noted that Kilmer Intermediate School also needed funding for various projects. Commissioner Smyth said the total contribution would be divided proportionately among the three schools in the local pyramid.

Scott Cadle, 8236 Westchester Drive, Vienna, said Dunn Loring Gardens was an oasis that should be protected. He noted that a many details needed to be worked out and suggested that

reducing the unit count by one would allow a wider road and avoid the problems associated with pipestem driveways.

Helen Webb, 8308 Westchester Drive, Vienna, spoke in opposition. She said the proposed construction access directly off of Gallows Road should be the permanent access, thereby eliminating the need to channel traffic through Dunn Loring Gardens. She added that a reduction in density would also improve the application.

Mike Cavin, 8119 Westchester Drive, Vienna, agreed with Ms. Webb's comments. He suggested additional tree save.

Emory Tate, 2827 Charles Dunn Drive, Vienna, representing the Providence Park Homeowners Association, maintained that the application did not meet the three top objectives of the residential development criteria: fitting into the fabric of the neighborhood; respecting the environment; and addressing transportation impacts. (A copy of Mr. Tate's statement is in the date file.)

Karen Hunt, 2431 Villanova Drive, Vienna, a resident of Stonewall Manor, spoke in opposition. Her main objections were the number of pipestems, the private road and additional noise in the neighborhood.

Laura Miller, 8232 Westchester Drive, Vienna, also opposed the application. She commented on traffic problems in the area and said a community should be defined by the people who live in it.

Flint Webb, 8308 Westchester Drive, Vienna, agreed that more work was needed on this application. He specifically suggested that a bus shelter be constructed along Idylwood Road, the cul-de-sac be redesigned, and at least one lot be deleted to save trees and allow widening of the pipestem driveways.

Lee Manning, 8300 Westchester Drive, Vienna, reiterated the points raised by Mr. Reed, specifically that most of the concerns raised tonight could have been addressed by the applicant earlier in the process. He suggested that the path of the trail be reconsidered, the pipestem driveways be converted to a public road, and that the proffer language in general be tightened.

Bill Borak, 8115 Westchester Drive, Vienna, endorsed the comments of the previous speakers in opposition to this application. He also concurred that more work was needed.

Brian McCormick, 7928 Tire Swing Road, Dunn Loring, spoke in support of the application, but agreed that some fine-tuning of the details was in order. He said Batal Builders had a good reputation in the area and he expected they would work with citizens to reach an agreeable compromise on the outstanding issues. He also agreed that the park and school contributions should be used to benefit the immediate facilities.

Victor Montez, architect, planner, and trustee of Dunn Loring Greens, address unknown, pointed out on the map a perfect place for the developer to provide an access point to the park for the

new residents. He questioned the need for buffering between two similar residential uses, suggesting that additional buffering along Gallows Road would be more appropriate. He said that any trees that needed to be cut down for construction could be replaced with new plantings in a better location, thereby reducing the overall loss. He agreed that the money from the applicant's park contribution should be used for the local park.

Eugene Barnes, 2251 Gallows Road, Dunn Loring, reiterated several points raised by previous speakers, i.e., saving trees, tightening proffer language, keeping park and school contributions in the immediate neighborhood. Unless these issues were adequately addressed, Mr. Barnes said the application should be denied.

In response to a question from Commissioner DuBois, Mr. Barnes indicated the location of Dunn Loring Greens on the map. He noted that the park was managed by trustees.

There were no further speakers and Chairman Murphy called upon Mr. McDermott for rebuttal.

Mr. McDermott noted that the applicant was willing to install traffic calming devices on Westchester Drive, if approved by the Virginia Department of Transportation (VDOT), to enhance the safety of that street which would be the access for the new homes. He explained that VDOT would not allow permanent access from Gallows Road. He reviewed the proposed landscaping and replanting plan, pointing out that the final decision on the location of utility lines would be made by engineers in the Department of Public Works and Environmental Services (DPWES) during the site plan approval process. As to the issue of community, he expressed the opinion that the community in which the subject property was located was all of Dunn Loring, not just Dunn Loring Gardens. He reiterated that the proposed homes would be compatible with existing zoning in the Dunn Loring community.

Commissioner de la Fe pointed out that the Park Authority's website included a recently published Trail Management Guide that provided a tremendous amount of information about construction and maintenance of trails. He urged all parties involved to consider that information in determining the composition of the proposed trails.

There were no further comments or questions from the Commission and Ms. Godfrey had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON RZ 1999-PR-035 TO A DATE CERTAIN OF SEPTEMBER 11, 2003, WITH THE WRITTEN RECORD TO REMAIN OPEN.

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

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The meeting was adjourned at 2:00 a.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: Gloria L. Watkins

Approved on: July 13, 2005

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