

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 30, 1997**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Judith W. Downer, Dranesville District
John W. Hunter, Commissioner At-Large

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The meeting was called to order at 8:28 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Coan, citing unresolved issues, MOVED THAT THE DECISION ONLY IN RZ-96-P-009 AND FDP-96-P-009, HUNTING RIDGE ASSOCIATES, L.L.C., BE FURTHER DEFERRED INDEFINITELY.

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

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Commissioner Coan, citing unresolved issues with the community and outdated proffers, MOVED THAT THE DECISION ONLY ON PCA-91-W-023, FDPA-91-W-023-3 AND FDPA91-W-023-1-1, BOARD OF SUPERVISORS, BE FURTHER DEFERRED TO A DATE CERTAIN OF SEPTEMBER 24, 1997.

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

Commissioner Coan further MOVED THAT THE BOARD OF SUPERVISORS BE REQUESTED TO DEFER ITS PUBLIC HEARING ON PCA-91-W-023, FDPA-91-W-023-3, AND FDPA-91-W023-1-1.

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

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Commissioner Coan, citing unresolved issues concerning citizen impact, MOVED THAT RZ-1997-PR-013, BATAL BUILDERS, BE FURTHER DEFERRED FOR DECISION ONLY TO SEPTEMBER 4, 1997.

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

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Commissioner Coan, citing unresolved issues, MOVED THAT THE DECISION ONLY ON CSI-84-P-035, JCJ, L.C., BE FURTHER DEFERRED TO A DATE CERTAIN OF SEPTEMBER 4, 1997.

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

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Commissioner Koch, stating that more time was needed to work out details, MOVED THAT THE DECISION ONLY ON SE-97-Y-006, PCA-78-C-024, AND PCA-81-C-005, CATHOLIC DIOCESE OF ARLINGTON, BE FURTHER DEFERRED INDEFINITELY,

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

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Chairman Murphy announced his intent to further defer the decision only on 456-S97-4, Fairfax County Park Authority, from July 31, 1997 to October 29, 1997.

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FS-Y96-48 - AT&T WIRELESS SERVICES, Dulles International Airport

Commissioner Koch MOVED THAT WE CONCUR WITH THE DIRECTOR OF OCP'S DETERMINATION THAT THIS TELECOMMUNICATIONS FACILITY PROPOSED AT AT&T WIRELESS SERVICE FOR VIRGINIA POWER TRANSMISSION POLE NUMBER 2043-84-EAST (FS-Y96-48) WHICH IS EAST OF ROUTE 28, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO SECTION 15.1-456 OF THE *CODE OF VIRGINIA*.

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

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FS-H97-35 - AT&T WIRELESS SERVICES, 11400 South Lakes Drive

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY AT&T WIRELESS SERVICE FOR SOUTH LAKES HIGH SCHOOL LOCATED AT 11400 SOUTH LAKES DRIVE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO SECTION 15.1-456 OF THE *CODE OF VIRGINIA*.

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

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FS-M97-38 - SOUTHWESTERN BELL MOBILE SYSTEMS INC. (CELLULAR ONE), 6631 Columbia Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING AND DETERMINE THAT THE CO-LOCATION FOR THE APPROVED MONOPOLE TO BE LOCATED AT MASON DISTRICT PARK, 6631 COLUMBIA PIKE, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO SECTION 15.1-456 OF THE *CODE OF VIRGINIA*, AS AMENDED.

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

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FS-S97-40 - AT&T WIRELESS SERVICES, 6001 Union Mill Road

Chairman Murphy MOVED THAT ITEM FS-S97-40, AT&T APPLICATION FOR 6001 UNION MILL ROAD, IS IN FACT A "FEATURE SHOWN" IN CONFORMANCE WITH SECTION 456 OF THE *CODE OF VIRGINIA*.

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

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FS-P97-46 - AMERICAN PERSONAL COMMUNICATIONS, 2000 Corporate Ridge Drive

Commissioner Coan MOVED THAT WE CONCUR WITH THE RECOMMENDATION OF THE OFFICE OF COMPREHENSIVE PLANNING THAT FS-P97-46 IS A "FEATURE SHOWN" IN CONFORMANCE WITH SECTION 456 OF THE *CODE OF VIRGINIA*.

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

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97-CW-1TR - AREA PLANS REVIEW

Chairman Murphy MOVED THAT, IN THE SPRINGFIELD DISTRICT, AREA PLANS REVIEW ITEM 97-CW-1TR BE WITHDRAWN AT THE REQUEST OF THE NOMINATOR.

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

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97-III-3P - AREA PLANS REVIEW

Chairman Murphy further MOVED THAT IN THE SPRINGFIELD DISTRICT, AREA PLANS REVIEW ITEM 97-III-3P BE WITHDRAWN.

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

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#9398-SD-01 - RED FOX ESTATES

Chairman Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO APPROVE SITE PLAN #9398-SD-01.

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

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97-IV-20LP - AREA PLANS REVIEW ITEM

Commissioner Byers, at the request of the nominator and the Mount Vernon Area Plans Review Task Force, MOVED THAT THE PLANNING COMMISSION DEFER APR ITEM 97-IV-20LP, COLCHESTER LAND COMPANY, TO THE B SCHEDULE.

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

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Chairman Murphy recognized Boy Scout Troop 159 from Reston and welcomed them to the Commission Meeting and thanked them for coming.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. FDPA-82-P-069-9-5 - MOBIL OIL CORPORATION.
2. SE-97-Y-023 - COSTCO COMPANY, INC.
3. PCA-86-P-089-4 & FDPA-86-P-089 - FL PROMENADE, L.P.
PCA-86-W-001-7 & FDPA-86-W-001-5 - FL PROMENADE, L.P.
4. DPA-85-C-088-2 - TOWN CENTER TOWER, LLC.
5. PCA-95-P-01 2 - RONALD MERVIS
SE-97-P-034 - RONALD MERVIS

This order was accepted without objection.

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FDPA-82-P-069-9-5 - MOBIL OIL CORPORATION - Appl. to amend the ninth final development plan for RZ-82-P-069 to permit a service station w/a quick service food store & a car wash on property located S. of Fair Lakes Pkwy., E. of Fair Lakes Circle, & W. of Shoppes Lane on approx. 1.06 ac. zoned PDC & WS. Tax Map 55-2 ((1)) 10C. SULLY DISTRICT. PUBLIC HEARING.

Marie Travesky, with Travesky and Associates, agent for the applicant, reaffirmed the affidavit dated July 7, 1997. There were no disclosures by Commission members.

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 the application.

Commissioner Koch stated he was going to add a restriction which would prohibit the sale of alcoholic beverages. In response, Ms. Travesky said she would like it noted for the record her objection to similar applications which would allow the sale of alcoholic beverages.

Commissioners Byers and Harsel and Ms. Travesky discussed the issue of mixed usage by retail businesses, such as grocery stores and gasoline stations.

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 Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-9-5, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT, DATED NOVEMBER 6, 1996, WITH THE ADDITION OF A DEVELOPMENT CONDITION 7 WHICH STATES: "THE SALE OF ALCOHOLIC BEVERAGES SHALL BE PROHIBITED ON THIS SITE."

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

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SE-97-Y-023 - COSTCO COMPANY, INC. - Appl. under Sect. 04-0804 of the Zoning Ord. to permit a service station ancillary to an existing retail establishment on property located at 4725 West Ox Rd. on approx. 16.05 ac. zoned C-8 and WS. Tax Map 56-1 ((1)) 5C. SULLY DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the affidavit dated July 25, 1997. There were no disclosures by Commission members.

Brian Davis, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Byers asked why there was no information available on trip generation when Costco operated similar facilities elsewhere. Kristen Abrahamson, Senior Staff Coordinator, OCP, ZED, explained that there were no Institute of Transportation Engineers standards of which she was aware for member-only gas stations. She referred his question about the number of people who visited Price Club daily to the applicant.

In response to concerns raised by Commissioner Koch about the site being a pad site, Ms. Abramson replied that although it had characteristics of a pad site, they did not consider it as one because its use was not independent, but an accessory to the retail store.

Commissioner Harsel asked why, if the gas station was an accessory, its name was Price Fuel and not Costco. Ms. Abrahamson referred the question to the applicant.

Mr. Davis responded to questions from Commissioner Harsel regarding loss of parking spaces, fuel deliveries, and environmental issues.

Commissioner Koch commented about the potential impact the gas station might have on traffic flow in the parking lot.

In response to questions by Commissioner Coan, Ms. Abrahamson said they would clarify the condition regarding the hours of fuel deliveries and of the hours of the on-site employee.

Ms. Abrahamson explained that the difference between this case and the Mobil case heard earlier, was that the Mobil application was for primary use and this application was for an accessory use and the sale of gasoline would be restricted to members only in the Costco case. She further stated that this application was in accordance with the Zoning Ordinance; and that if a grocery store wanted to sell gas, an ordinance amendment would be necessary.

Addressing Mr. Kelso's concern that there was nothing which would prevent the gas station from becoming a 24-hour staffed facility, Ms. Abrahamson stated if the application was approved with the proposed development conditions and did operate in excess of the hours stated, the County

would prosecute. She agreed that the five parking spaces for employees were excessive and that the spaces would probably be utilized by Price Club customers.

In response to questions from Commissioner Hall, Ms. Abrahamson stated that the trip generation and parking needs were different in this case than those of a true pad facility because it was an accessory to a primary retail structure.

Commissioner Harsel expressed concerns about a person buying beer and fueling up and also wanted to know what would prevent a person from buying gas at 11:00 p.m. Ms. Abrahamson said it was no different than a person going to Giant and then to Shell. She said the fuel delivery system would be turned off when the facility was closed; if not, it would be treated as any other zoning enforcement action.

Ms. Strobel described the design of the proposed fueling facility, stating that sales would be limited to Costco members only. She said she did not consider it similar to a mini-mart because no chilled or single bottles of beer or wine would be sold and snacks would not be sold in individual packages. Addressing concerns about unfair competition to other service stations, she explained that there were no other service stations in the immediate vicinity and felt the impact would be dispersed throughout the County because the average Costco shopper visited the store four times a month from a ten mile radius. She said the application would not set a precedent because it was strictly a proposal for sale of gasoline to members.

Answering Commissioner Koch's questions, Ms. Strobel said that there would be three tanks with a capacity of 20,000 gallons each and that signs would be posted stating that the facility was for use by Costco members only.

Commissioner Palatiello inquired about the ownership and structure of Costco. He stated he had seen letters alluding to unfair competition and wanted to know if a tax exemption or operation as a cooperative was responsible for lower prices. Ms. Strobel replied that volume of sales was the reason for lower prices.

Ms. Strobel and Ms. Abrahamson addressed concerns expressed in letters from Virginia Gasoline Marketers Council and service station owners stating that approval of this application would jeopardize their operations and be in conflict with existing ordinances and policies. (Copies of the letters are in the date file.)

Ms. Strobel responded to questions by Commissioner Harsel regarding the average number of gallons used per month, payment methods, and parking.

In reply to a question from Commissioner Byers, Ms. Strobel stated that oil changes and windshield cleaning would not be available.

Chairman Murphy noted there were no listed speakers and called for speakers from the audience, reciting the rules for public testimony.

Ron Harold, address unknown, stated he had been in the service station business in Fairfax since 1966 and expressed his opposition to the application. He felt it circumvented the ordinance which restricted the sale of beer or wine and prepared food at a business establishment which sells gas, did not believe it was an accessory use, and that it would set a precedent.

Scott Brown, address unknown, stated he had two service stations in Fairfax County, one in Springfield and one in Centreville, and that he was opposed to the application. He addressed the issues of hours of operation, use of the facility by non-members, the number of gallons sold, the number of cars utilizing the facility and related traffic.

Mr. Brown responded to questions from Commissioners Koch and Kelso regarding the issues he raised.

Richard Saslaw, address unknown, an Amoco and Mobil dealer, stated that he believed if the laws were applied evenly and consistently across the board, this application would be denied.

Chairman Murphy, Commissioners Palatiello and Byers and Mr. Saslaw discussed the relationship between the capacity of the in ground tanks and monthly gasoline sales, ownership and land use issues with respect to this application.

In response to questions from Commissioner Hall, Ms. Abrahamson reiterated that this application was unique. She added that staff based its recommendation solely on land use issues and how the proposed use would be operated, not ownership.

Myron Boncarosky, 4503 Jensen Place, Fairfax, stated he operated six service stations in Northern Virginia and felt the competition resulting from approval of this application would be detrimental to business.

Diane Oswald, residing at 4782 Thornbury Drive, expressed four concerns: traffic, noise, location, and hours of operation.

Carol Kalinowski, representing Dix-Cen-Gato Civic Association, said a survey revealed the majority of residents were opposed to this application because of traffic congestion and environmental issues.

Commissioner Alcorn and Ms. Abrahamson discussed environmental issues.

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

Ms. Strobel stated that there were a number of issues raised which needed further analysis, and she wanted to review letters submitted during the public hearing which she had not seen. She said for those reasons, she would welcome a deferral of this matter. She clarified the policy that gasoline sales were to be to members only at all locations across the country.

Commissioner Coan and Ms. Strobel discussed the use of credit cards for the purchase of gasoline and Ms. Strobel said she would clarify that condition. She agreed to confer with staff about hours of operation and fuel deliveries coinciding with those hours.

There being no further comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action in this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT WE DEFER FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, APPLICATION SE-97-Y-023, COSTCO COMPANY INCORPORATED, UNTIL SEPTEMBER 4, 1997.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Downer and Hunter absent from the meeting.

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The Commission went into recess at 10:40 p.m. and reconvened in the Board Auditorium at 10:55 p.m.

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PCA-86-P-089-4 & FDPA-86-P-089 - FL PROMENADE, L.P. - Appl. to amend the proffers & final development plan for RZ-86-P-089 to modify stormwater management & other site modifications for previously approved mixed use development w/an overall FAR of 0.43 on property located N. of 1-66 & in the S.W. quadrant of the intersection of Fair Lakes Pkwy. & West Ox Rd. on approx. 3.29 ac. zoned PDC & WS. Comp. Plan Rec: Fairfax Center Area/Mixed Use. Tax Map 55-2 ((1)) 15 pt. (Concurrent w/PCA-86-W-001-7 & FDPA-86-W-001-5.) SULLY DISTRICT.

PCA-86-W-001-7 & FDPA-86-W-001-5 - FL PROMENADE, L.P. - Appls. to amend the proffers & final development plan for RZ-86-W-001 to modify stormwater management & other site modifications for previously approved mixed use development w/an overall FAR of 0.43 on property located N. of 1-66 & in the S.W. quadrant of the intersection of Fair Lakes Pkwy. & West Ox Rd. on approx. 30.78 ac. zoned PDC & WS. Comp. Plan Rec: Fairfax Center Area/Mixed Use. Tax Map 55-2 ((1)) 15 pt. (Concurrent with PCA-86-P-089-4 & FDPA-86-P-089.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the affidavit dated July 15, 1997. There were no disclosures by Commission members.

Susan Johnson, 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 the applications.

Ms. Strobel described the subject property stating that it consisted of 34 acres, approved for commercial development, but currently vacant. She noted that the applicant was proposing to construct and utilize a regional stormwater management pond in accordance with an agreement executed with the Board Supervisors. Ms. Strobel stated the applicant had redesigned the pond into a two-phase system which would contain stormwater for Land Bay A, the property owned by the applicant, and other properties in the drainage shed. She clarified that although the applicant would provide rough grading for athletic fields which have been approved for interim use, installation of the temporary fields would be done by the Chantilly Youth League.

There being no questions from the Commission, Chairman Murphy called the one listed speaker.

Mohamed Zaki, unknown address, stated he represented Met Life Insurance Company, owner of the adjacent property and Daniel Realty Corporation, property manager. He stated Met Life had some concerns about the proposed stormwater management and dry ponds because Met Life's property was located down stream from the proposed ponds. He said that Met Life wanted assurance that no damage would occur to the existing cooling system because of erosion, sedimentation, construction activity, or change in surface water elevation. He was especially concerned about construction during summer months because of the need to provide air conditioning to the two buildings. Mr. Zaki noted that preliminary drawings showed no buffer or landscaping, and requested that this be provided. He summarized by saying that Met Life would like to be involved in, and informed of, all stages of design and development of this application to ensure no harm is done to its property.

Commissioner Koch noted that this application was going before the Board on August 4th and asked Mr. Zaki if he felt the applicant was addressing Met Life's concerns and making them a partner in the process. Mr. Zaki replied in the affirmative.

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

Ms. Strobel reiterated that the applicant had been and would continue to work with Met Life, stating that all plans would be reviewed with Met Life representatives and with Fairfax County staff.

In response to Commissioner Alcorn's request, Ms. Strobel pointed out on a map where the EQC would be disturbed for temporary clearing and grading and explained how it would be restored.

Ms. Strobel and Ms. Abrahamson showed Commissioner Coan the map location of the Met Life property and showed Commissioner Koch the location of Hazel Peterson's building located near the same pond.

There being no further comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION PCA-86-W-001-7 BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 11, 1997, AND FDPA-86-W001-5 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS REVISED JULY 24, 1997.

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

Commissioner Koch FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION PCA-86-P-089-4 BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 11, 1997 AND FDPA-86-P089 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS REVISED JULY 24, 1997.

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

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DPA-85-C-088-2 - TOWN CENTER TOWER, LLC - Appl. to amend the development plan for RZ-85-C-088 to permit an increase in building height for residential use w/an overall density of 47.40 du/ac on property located on the E. side of Reston Pkwy. approx. 240 ft. S. of its intersection with Temporary Rd., approx. 240 ft. S. of Temporary Rd. on approx, 2.53 ac. zoned PRC. Comp. Plan Rec: Reston Master Plan - Town Center Uses. Tax Map 17-2 ((1)) 11F pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

Antonio Calabrese, Esquire, with McGuire, Woods, Battle & Boothe, reaffirmed the affidavit dated July 8, 1997. There were no disclosures by Commission members.

Leslie Johnson, 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 the application.

Commissioner Palatiello and Ms. Johnson discussed the elevation of proposed and existing buildings, tree preservation, and the lack of any known ordinances which prohibited gated communities or dictated fence height.

Mr. Calabrese noted that everyone involved with this application had endorsed the height increase. He believed the proposed development fulfilled the desire of the Reston Land Corporation, now Westerra, to have residential development within the Town Center district. He said that 30 percent open space would be provided. Mr. Calabrese noted that the application had the unanimous endorsement of the Reston Planning and Zoning Committee with four caveats: (1) establishment of a pedestrian crossing across Reston Parkway from the Town Center; (2) retention of the existing trail along the back of the site; (3) reduction of perimeter fencing to no more than 50 percent of the site; and (4) removal of proposed vehicular control gates. Addressing these caveats, Mr. Calabrese stated that (1) a development condition had been drafted which obligated them to connect to any such crossing if implemented; (2) the applicant proposed to implement a new trail system which would tie into the Reston master trail system and construct a trail across the northern border of the property from Old Reston Avenue to Reston Parkway; (3) the applicant agreed to reduce the perimeter of the fence to 65 percent of the property, but not remove vehicle control gates, which were considered an essential element of the community; and (4) the applicant felt putting a five foot fence around the property was not a zoning issue and the decision was based upon marketing and economic considerations. Concluding his remarks, Mr. Calabrese said the proposed development would provide open space and housing diversity needed by an aging population. He pointed out that this was simply a request for an increase in height from 10 to 14 stories and that the applicant was committed to the revised development conditions mentioned earlier, and was willing to work with Prison Fellowship to accommodate their concerns as a neighbor.

Chairman Murphy, Commissioner Palatiello, and Mr. Calabrese discussed the location and design of the proposed gates.

Commissioner Palatiello stated that there was a Board policy in support of a pedestrian crossing and asked Mr. Calabrese if the pedestrian crossing was warranted by the Virginia Department of Transportation (VDOT), would the applicant be willing to construct it. Mr. Calabrese replied that he was not aware of the Board policy and would like to see it, but that if it was a proffer commitment, Westerra would have to abide by it.

When questioned by Commissioner Palatiello, Mr. Calabrese agreed that the applicant was willing to relocate the trail along the northern edge of their property and to construct the trail so there would be direct pedestrian access from Old Reston Avenue.

Mr. Calabrese told Chairman Murphy that residents would enter by using a card; visitors by car would come to the northern entrance where a guard would be located and pedestrians could walk in.

In reply to Commissioner Hall's question, Mr. Calabrese explained that the device chosen to prevent vehicles from entering would be functional and attractive and would also be subject to the Town Center Design Review Board's approval.

Mr. Calabrese pointed out on a map for Commissioner Alcorn the three access points; two along Reston Parkway and one along Old Reston Avenue, and the location of the guardhouse. They also discussed the distance between the front of the high rise building and Market Street and how the residents would cross the street.

Chairman Murphy then called the first name on the speakers list and recited the rules for public testimony.

Arthur Hill, member of the Planning and Zoning Committee of Reston, referred to the Committee's letter to Commissioner Palatiello dated July 22, 1997, which stated its support of a fourteen-story tower. He stated this support was subject to five conditions, not four, as Mr. Calabrese had indicated. However, he stated that he had not seen another proposed plan by the applicant which was incorporated in their letter of July 25. Therefore, he requested that the Planning Commission defer action on this case until complete plans in final form had been presented to the Planning and Zoning Committee for its review. (Copies of the letters are in the date file.)

Chairman Murphy and Mr. Hill discussed the concept of an "open community" as it related to Reston development.

Commissioner Hall raised the issue of parking at Reston Town Center.

Commissioner Palatiello referred to a letter from Mr. Calabrese to Ms. Johnson dated July 29, 1997 addressing the trail issue, a copy of which is in the date file. He and Mr. Hill discussed a possible basis on which the Commission could or should deny this application.

Tom Muir, 2364 Tumbletree Way, Reston, stated he was a scientist/biologist employed by the U.S. Geographical Survey. He commented on the environmental values associated with the site. He referred to an article he had written which was published in The Washington Post on June 29, 1997, a copy of which is in the date file. He said he had done an essay on the site and left slides for the Commission's purview.

Commissioner Alcorn discussed with Mr. Muir, staff and the applicant tree preservation and open space of the site.

Commissioner Palatiello pointed out factual errors in Mr. Muir's article in *The Washington Post* which he said were repeated in his presentation. He stated that this was an amendment only; that the development proposed in this application was in accordance with the Reston Town Center plan which had been endorsed by the community.

James W. Todd said he was employed by Hazel Peterson Companies, which had developed residential housing at the Town Center. He recommended approval of the application, stating that the proposal was a market response and violated no principle ever expressed in Reston.

Thomas D'Allesandro, address unknown, President of Westerra Virginia Communities, representing the landowner in this application, said he was in favor of the application because he felt the height increase would create a greater profile of residential use in the Town Center mix of uses. He also addressed parking issues and gated communities.

In response to a question by Commissioner Alcorn about pedestrian access, Mr. D'Allesandro said Renaissance was prepared to grant an easement over the northern boundary from Reston Parkway to Reston Avenue. When asked about access at other points, Mr. D'Allesandro said easements through centers of communities have not worked well in the past and while it was not being designed to prohibit pedestrian movement, no other assurances could be given.

Commissioner Coan expressed his concerns about a gated community.

Thomas Rogers, address unknown, said he was a proponent of the application. As a commercial real estate broker, he believed if corporations had the benefit of housing near the work place with a controlled environment, low maintenance, and other amenities within walking distance, they would maintain a competitive edge in attracting and retaining employees.

Commissioner Alcorn asked Mr. Rogers if, in his opinion, making it easier to walk across Reston Avenue to buildings such as the Anderson Building, would increase the market value of such properties. Mr. Rogers said that yes, he believed it would.

Marie Travesky, with Travesky and Associates, representing Prison Fellowship, the property owner east and immediately behind the proposed development, said they did not oppose the application. She expressed concerns about the loss of trees on Prison Fellowship property, which was the historic Whiele/Bowman property.

Claude Rhea, 1225 Rowland Drive, Herndon, and senior officer of Prison Fellowship, said he believed eradication of towering century-old oaks was a serious shortcoming to the proposed plan and urged the applicant to preserve the existing pathway in Stratford's backyard and dedicate it for community use and enjoyment. He felt greater density should result in more green space and he expressed his opposition to a gated community.

Joseph Stowers, 11418 Waterview Cluster, Reston, professional transportation planner, read a letter from Bob Simon, the creator of Reston, dated July 30, 1997 about gated communities. He

recommended denial of the application unless the developer was willing to agree to pedestrian improvements as outlined in his letter to Commissioner Palatiello dated July 30, 1997. (Copies of the letters are in the date file.)

After discussion about the lack of a sidewalk on Old Reston Avenue by Mr. Stowers and Commissioners Palatiello and Coan, Ms. Johnson said that, although Old Reston Avenue had been designated a scenic byway, the concern was valid and she would look into it further.

Roger Lowen, 11816 Triple Crown Road, Reston, spoke in opposition to a gated community.

John Lovis, Vice President of the Reston Association, stated he was opposed to the application because of the gated aspect. He did not feel it was in keeping with the philosophy of Reston.

In response to a question by Commissioner Byers, Ms. Johnson said there was nothing to preclude a landowner or developer from walling off an entire area, as long as height restrictions were met.

Stephen Cerny, 2011 Approach Lane, Reston, expressed his view that in order to maintain permanent pedestrian circulation, an easement was needed.

There being no further speakers, Chairman Murphy called upon Mr. Calabrese for a rebuttal statement.

Mr. Calabrese stated that although he respected one's right to choose not to move into a gated community, it did not affect the rights of developers to respond to the market and to provide housing diversity in Reston. He added that the Reston Parkway crossing was up to VDOT.

Addressing Commissioner Coan's question, Mr. Calabrese said that if it was the desire of the Commission and the Department of Environmental Management to have a sidewalk on both sides of Old Reston Avenue, the applicant would provide it, although he felt Mr. Rhea might object to it on the west side. He also said that the present trail would not remain because it was located in the middle of woods which had been designated for 450 housing units in compliance with the Comprehensive Plan. In summary, Mr. Calabrese said that the issue before the Commission was for an increase in height of the building from 10 to 14 stories which had community support and was consistent with the goals articulated for the Town Center. He respectfully requested approval.

Commissioner Coan expressed his reservations about having "the market" determine the need for a gated community, comparing it with discriminatory practices.

Commissioner Byers and Mr. Calabrese once again discussed the issue of a gated community.

In response to a question by Commissioner Harsel about the height of the fence, Ms. Johnson stated that because it was not in a front yard, she did not believe there would be a restriction.

When questioned by Commissioner Hall, Mr. Calabrese said if approval was denied for a 14-story building, the applicant would proceed with a 10-story building with a gate and a fence.

Commissioner Koch stated his belief that anyone who wanted to live in a gated community had every right to do so in accordance with American principles.

Commissioner Alcorn told Mr. Calabrese he hoped they would review the plans in order to improve the development and integrate better with the surrounding community.

There being no further comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action in this case. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER DPA-85-C-088-2 TO A DATE CERTAIN OF THURSDAY, SEPTEMBER 4, 1997.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Downer and Hunter absent from the meeting.

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PCA-95-P-012 - RONALD MERVIS - Appl. to amend the proffers for RZ-95-P-012 to permit office & retail use w/overall FAR of 0.28 & a reaffirmation of previously granted waiver of minimum lot size on property located on the W. side of Dogwood Lane approx. 150 ft. N. of Rte. 7 on approx. 18,234 sq. ft. of land zoned C-5, HC, & SC. Comp. Plan Rec: Retail & Other. Tax Map 39-2 ((4)) 1. (Concurrent w/SE-97-P-034.) PROVIDENCE DISTRICT.

SE-97-P-034 - RONALD MERVIS - Appl. under Sects. 4-504 & 9-515 of the Zoning Ord. to permit office use at a greater percentage of the max. FAR than that permitted by right in the C-5 District on property located on the W. side of Dogwood Lane, approx. 150 ft. N. of Rte. 7 on approx. 18,234 sq. ft. of land zoned C-5, HC, and SC. Tax Map 39-2 ((4)) 1. (Concurrent w/PCA-95-P-01 2.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

H. Kendrick Sanders, Esquire, with Gilliam, Sanders & Brown, reaffirmed the affidavit dated July 14, 1997. There were no disclosures by Commission members.

Kristen Abrahamson, 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 the applications.

Mr. Sanders explained that Mervis Diamond Importers wanted to move its corporate headquarters and a retail outlet into this site at Tysons Corner. He stated that since a 4,000-square foot building on the site had already been approved, the only issue was trees. Mr. Sanders said the applicant would incorporate into their proffers preservation of a couple of specific trees and transplanting other trees on the site, if appropriate.

Commissioner Coan and Mr. Sanders then discussed parking spaces and tree preservation and replacement. Commissioner Coan read the revised proffers and Mr. Sanders said the applicant was in agreement with them.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. Abrahamson had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Coan for action on this matter. (A verbatim excerpt is in the date file.)

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Commissioner Coan MOVED THAT WE RECOMMEND APPROVAL OF PCA-95-P-012, SUBJECT TO THE EXECUTION OF THE PROFFERS CONTAINED IN THE STAFF REPORT AS AMENDED HERE TONIGHT BY THE APPLICANT'S ATTORNEY.

Commissioners Alcorn and Hall seconded the motion which carried unanimously with Commissioners Downer and Hunter absent from the meeting.

Commissioner Coan MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PREVIOUSLY-GRANTED WAIVER OF MINIMUM LOT SIZE BE REAFFIRMED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Downer and Hunter absent from the meeting.

Commissioner Coan MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE-97-P-034 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT.

Commissioners Alcorn and Hall seconded the motion which carried unanimously with Commissioners Downer and Hunter absent from the meeting.

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ADJOURNMENT

July 30, 1997

The meeting was adjourned at 2:02 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: Linda B. Rodeffer

Approved on: December 16, 1998

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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