

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 25, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
John B. Kelso, Lee District
Ronald W. Koch, Sully District

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The meeting was called to order at 8:22 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

In Commissioner DuBois' absence, Commissioner Murphy MOVED TO DEFER THE PUBLIC HEARING ON SEA 84-D-086-5, THE LANGLEY SCHOOL, TO A DATE CERTAIN OF OCTOBER 2, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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Commissioner Byers noted that the Commission had held a public hearing on Wednesday, September 24, 2003 on SE 2003-MV-015, Accotink Academy, and deferred decision to a date to be announced. He said he had received a phone call from the applicant's representative requesting an indefinite deferral and therefore MOVED THAT THE DECISION ON SE 2003-MV-015, ACCOTINK ACADEMY, BE DEFERRED INDEFINITELY.

Commissioners Alcorn and Wilson seconded the motion which carried by a vote of 6-0-1 with Commissioner Moon abstaining; Commissioner Murphy not present for the vote; Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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Commissioner Alcorn announced that the cancelled joint meeting between the Planning Commission's Environment Committee and members of the Transportation Advisory Commission and the Environmental Quality Advisory Council, would be rescheduled in the near future to discuss the nexus between transportation planning, land use planning and air quality.

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RZ 1999-PR-035 - BBV BUILDING COMPANIES, INC. (Decision Only)

(The public hearing on this application was held on July 30, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 1999-PR-035, SUBJECT TO THE PROFFERS NOW DATED SEPTEMBER 25, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE PFM TO PERMIT MORE THAN 20 PERCENT PIPESTEM LOTS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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Commissioner Smyth, due to an advertising problem, MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON PCA 84-P-035-4, FDPA 84-P-035-4, AND CSPA 84-P-035, JCJ, LC, TO A DATE CERTAIN OF OCTOBER 8, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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Chairman Murphy noted that another show in the Planning Commission's continuing Roundtable series had been taped this evening on the Park Authority's Needs Assessment Study. He announced that this latest show would most likely air in a couple of weeks, depending on completion of editing, on Thursday evening at 6:30 p.m. on cable Channel 16.

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Chairman Murphy reminded the Commission and the audience that the Fall for the Arts event would be held on the grounds of the Fairfax County Government Center this weekend, with the following hours:

Friday, September 26	4:00 p.m. to 7:00 p.m.
Saturday, September 27	10:00 a.m. to 6:00 p.m.
Sunday, September 28	10:00 a.m. to 5:00 p.m.

A short, 30-second promotional video was shown.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. PCA 198-DR-049 - HAMPSTEAD VILLAGE
FDPA 1998-DR-049 - HAMPSTEAD VILLAGE
2. CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) AND
PUBLIC FACILITIES MANUAL AMENDMENTS (Intensely Developed Areas)
3. ZONING AMENDMENT ORDINANCE (Civil Penalties)

This order was accepted without objection.

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Chairman Murphy noted that Commissioner DuBois, who was absent this evening, had asked him to handle this case for her. Therefore, he turned the Chair over to Vice Chairman Byers.

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PCA 1998-DR-049/FDPA 1998-DR-049 - HAMPSTEAD VILLAGE LLC - Appls. to amend the proffers and final development plan for RZ 1998-DR-049 previously approved for residential development to permit change in unit type within a portion of RZ 1998-DR-049 at an overall density of 6.05 dwelling units per acre (du/ac) including bonus density for the provision of Affordable Dwelling Units (ADUs). Located on the S. side of Farm Hill Dr., N. of Farm Meadow Ct. on approx. 26,400 sq. ft. of land zoned PDH-5. Comp. Plan Rec: 3-4 du/ac. Tax Map 30-1 ((30)) 35, 36, pt. E1 and D. DRANESVILLE DISTRICT. PUBLIC HEARING.

Erika Byrd, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated August 29, 2003.

Commissioner Alcorn, although the County Attorney had previously advised him that disclosure was not necessary, explained that Kathryn A. McLean, listed in the affidavit as Executive Vice President of West*Group, developers of Hampstead Village, was his sister-in-law. He added, however, that he had no business relationship with her.

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 and closed the public hearing. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 1998-DR-049.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Smyth not present for the vote; Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

Commissioner Murphy MOVED THE PLANNING COMMISSION APPROVE FDPA 1998-DR-049, SUBJECT TO THE BOARD'S APPROVAL OF THE PROFFERED CONDITION AMENDMENT.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Smyth not present for the vote; Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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Chairman Murphy resumed the Chair.

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CHAPTER 118 (CHESAPEAKE BAY PRESERVATION
ORDINANCE) AND PUBLIC FACILITIES MANUAL

AMENDMENTS - The proposed amendments will add performance criteria for encroachments in Resource Protection Areas in Intensely Developed Areas (IDAs), provide a new option for meeting the water quality control requirements of the Ordinance for IDAs and other redevelopment areas designated by the Board of Supervisors, and will create IDAs for the Tysons Corner Urban Center through an amendment of the Chesapeake Bay Preservation Areas map. PUBLIC HEARING.

John Friedman, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the language outlined in the staff report.

Commissioner Alcorn noted that the final Environment Committee meeting on these amendments had been cancelled because of Hurricane Isabel last week. He said that, depending on the testimony heard this evening, that meeting might need to be rescheduled.

In response to questions from Commissioner de la Fe, Mr. Friedman confirmed that the Planning Commission could recommend that the proposed boundaries of the intensely developed area (IDA) at Tysons Corner be redrawn.

In response to questions from Commissioner Harsel, Mr. Friedman said he did not know if Tysons Corner and the Route 28 Corridor were the most concentrated IDAs in the County. He added that a residential area could be considered within the scope of an IDA and that the applicant would be responsible for providing staff with a water quality impact assessment when applying for an IDA. He said that the elements required in a water quality impact assessment were outlined in the Chesapeake Bay Preservation Ordinance (CBPO).

In response to questions from Commissioner Harsel, Noel Kaplan, Planning Division, Department of Planning and Zoning, confirmed that the term "Comprehensive Plan" in paragraph (c)(ii) of Section 118-303 would include the Policy Plan and the Area Plans.

In response to questions from Commissioner Smyth, Mr. Friedman said staff did not consider IDAs when last reviewing the CBPO. He added that this matter was before the Commission tonight at the request of the Board of Supervisors and that if these provisions were not approved, each land use case would be considered individually to determine if an exception to the Ordinance was valid.

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

Cliff Fairweather, 12829 Chestnut Street, Clifton, representing the Audubon Naturalist Society, spoke in opposition. He said the establishment of IDAs would weaken the CBPO and that designating an IDA in Tysons Corner would encourage developers in other areas to also seek such designations which would further degrade Fairfax County watersheds. He recommended that IDAs not be allowed and that each land use case be reviewed on its own merits.

Russell Wanek, 13968 Lightburn Lane, Centreville, expressed his support of the County's previous changes to the CBPO, but opposed this current proposal for IDAs. He said that establishing an IDA would allow increases in phosphorus levels and degrade water quality.

Frank Crandell, 900 Turkey Run Road, McLean, representing both the McLean Citizens Association and the Environmental Quality Advisory Council, opposed this proposal for IDAs.

He explained that the current process included three tiers of review: 1) staff review for minor encroachments; 2) exception review committee for consideration of more serious encroachments; and 3) Planning Commission and Board of Supervisors public hearings of land use applications, such as special exceptions or rezonings, for major encroachments. He said this system was more than adequate and that allowing IDA designations would weaken the process.

Thomas Fleury, 1600 Anderson Road, representing West*Group, a major developer in Tysons Corner, began his testimony, but was interrupted and, in response to a question from Commissioner Alcorn, he confirmed that Commissioner Alcorn had no business dealings with West*Group.

Mr. Fleury continued his presentation, explaining that, after numerous discussions with West*Group's engineers and various citizen and environmental groups, West*Group had reached the conclusion that an IDA designation was not needed in Tysons Corner after all. He said therefore that he would not object if the Commission chose not to forward this proposal to the Board of Supervisors.

In response to questions from Commissioner Wilson, Mr. Fleury said if the Commission should choose to forward the proposal to the Board, he would suggest changes to limit the IDA in Tysons to the projected rail stations rather than the entire Tysons area. He offered to provide his specific recommendations in writing, but Commissioner Alcorn announced his intent to defer decision on the proposed amendments indefinitely. He added that if, and when, the subject was brought up again, Mr. Fleury could submit his recommendations at that time.

In response to questions from Commissioner Smyth, Mr. Fleury confirmed that West*Group would not object to making no changes at all to the CBPO at this time.

Michael Rolband, 6285 Clifton Road, Clifton, explained that the National Association of Industrial and Office Properties (NAIOP) Board meeting last week had been cancelled due to the inclement weather and he that could therefore not provide an official position from that group, but was speaking on his own behalf only. He noted that he had participated extensively in the discussions mentioned by Mr. Fleury and agreed with Mr. Fleury's position that no changes to the CBPO were needed at this time.

There were no further speakers, no comments or questions from the Commission or closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION MOVE TO DEFER THE PROPOSED AMENDMENTS TO CHAPTER 118, CHESAPEAKE BAY

PRESERVATION ORDINANCE, RELATING TO INTENSELY DEVELOPED AREAS, INDEFINITELY.

Commissioner Byers seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

Commissioner Alcorn MOVED THAT THE BOARD DEFER THEIR PUBLIC HEARING ON THE SAME TOPIC INDEFINITELY AS WELL.

Commissioners Byers and Smyth seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Civil Penalties) - To amend Chapter 112 as follows: Incorporates increased civil penalties for violations of the Zoning Ordinance as provided for under a recent amendment to the *Code of Virginia* and makes an editorial revision concerning civil penalties for prohibited signs. PUBLIC HEARING.

Donna Pesto, Zoning Administration 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 language outlined in the staff report.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Wilson for action on this amendment. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT ON CIVIL PENALTIES FOR ZONING VIOLATIONS AS SET FORTH IN THE STAFF REPORT DATED AUGUST 4, 2003.

Commissioners Byers and de la Fe seconded the motion which carried unanimously with Commissioners DuBois, Hall, Kelso and Koch absent from the meeting.

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The meeting was adjourned at 9:35 p.m.

CLOSING

September 25, 2003

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 19, 2006

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