

**MINUTES OF
FAIRFAX COUNT PLANNING COMMISSION
WEDNESDAY, OCTOBER 27, 1999**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Alvin L. Thomas, Commissioner At-Large
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:20 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 introduced Linda Q. Smyth, the newly appointed Providence District Planning Commissioner, and her husband, Nigel Smyth. He noted that Commissioner Smyth had been previously sworn in by the Honorable John Frey, Clerk of the Fairfax County Circuit Court.

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Commissioner Alcorn, acting for the Providence District Commissioner, MOVED THAT THE DECISION ONLY ON RZ-1 999-PR-031, WALLACE AND LOUISE BOWMAN, BE FURTHER DEFERRED TO A DATE CERTAIN OF NOVEMBER 18, 1999, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Palatiello announced that the Policy and Procedures Committee would meet on Wednesday, November 17, 1999 at 7.30 p.m. in the Board Conference Room.

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Chairman Murphy reminded Commissioners that there would be a meeting with the newly appointed agency directors on November 3, 1999 at 7:00 p.m. in the Board Conference Room.

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SITE PLAN #5412-SP-03, MITRE CORPORATION AT WESTGATE

Commissioner Wilson, acting for the Providence District Commissioner, MOVED THAT THE PLANNING COMMISSION APPROVE SITE PLAN #5412-SP-03 FOR RZ-92-P-001, MITRE AT WESTGATE,

Commissioners Hall and Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Smyth abstaining.

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FS-S99-16 - NEXTEL COMMUNICATIONS, 5645 Revercomb Court

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION ON FS-S99-16, PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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RZ-1999-SU-038 - BATAL BUILDERS/FAIRLAKES GARDENS, LC (Decision Only)
(The public hearing on this application was held on October 13, 1999. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1999-SU-038, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 27, 1999.

Commissioner Byers seconded the motion which carried by a vote of 8-0-4 with Commissioners Downer, Murphy, Smyth and Wilson abstaining.

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ORDER OF THE AGENDA

Secretary Harsel set the following order of the agenda items:

1. RZ-1999-PR-045 - VIVIAN JOHNSON
2. RZ-1999-SU-041 - EMBASSY DEVELOPMENT CORPORATION
3. SE-98-H-060 - CHESAPEAKE HEALTHCARE CORPORATION
4. SEA-80-P-078-9 - INOVA HEALTH CARE SERVICES
5. RZ-1999-PR-017 - CENTEX HOMES

This order was accepted without objection.

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RZ-1999-PR-045 - VIVIAN JOHNSON - Appl. to rezone from R-4 to C-2 to permit office use w/an overall FAR of 0.22 on property located on the E. side of Annandale Rd., approx. 150 ft. S. of its intersection w/Brice St. on approx. 0.54 acres of land. Comp. Plan Rec: Residential at 2-3 du/ac w/an option for office. Tax Map 50-2({1})29. PROVIDENCE DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C., reaffirmed the affidavit dated March 5, 1999. There were no disclosures by Commission members.

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

Mr. Martin presented a history of the subject property and said it was necessary to rezone it to C-2 to allow the continued use of the residential structure as medical offices. He explained that a site specific amendment to the Comprehensive Plan had been adopted by the Board of Supervisors in 1998 recommending low intensity office use of the existing structure. He noted that proposed proffers committed to this use only with no expansion, and requested favorable consideration.

Chairman Murphy called for speakers from the audience.

Rev. Clyde Nelson, 2752 Annandale Road, Falls Church, Pastor of Galloway United Methodist Church, said his congregation and other community members were concerned that approval of the application could set a precedent for rezoning adjacent properties from residential to commercial. He also requested that Mr. Martin meet with church members and neighbors to address their concerns.

Commissioner Smyth noted that the subject application concerned the rezoning of the property from R-4 to C-2, and that a variance concerning a building in the back, which was too close to the lot line, would be heard by the Board of Zoning Appeals.

Commissioner Hall explained to Pastor Nelson that proposed proffers would prevent commercial encroachment upon surrounding residential properties.

Commissioner Byers said he shared the concern of the community about commercial encroachment.

In response to a question from Commissioner Smyth, Pastor Nelson acknowledged that the medical office located on the property performed a community service. She then commented that during the Area Plans Review (APR) process for 1997-98, the Task Force concluded that the best way to preserve the service that the medical office provided was to restrict the use of the property by proffers so that there would be no commercial encroachment.

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

Mr. Martin stated that the sole purpose of the application was to allow a continuation of a community serving use that had existed for 60 years, and noted that the APR nomination had been site specific for the purpose of avoiding encroachment. He expressed his willingness to meet with the community to address their concerns.

Commissioner Byers expressed concern that the Comprehensive Plan could be amended in the future to expand commercial uses. Chairman Murphy commented that if this were to be the case, it would be subject to the public hearing process.

There being no further comments or questions from the Commission and no closing staff remarks, Chairman Murphy 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 TO DEFER THE DECISION ONLY ON RZ-1999-PR-045, VIVIAN JOHNSON, WITH THE RECORD REMAINING OPEN, UNTIL NOVEMBER 17, 1999.

Commissioner Byers seconded the motion which carried unanimously.

RZ-1999-SU-041 - EMBASSY DEVELOPMENT CORPORATION -
Appl. to rezone from R-1 and WS to R-3 and WS to permit residential development at density of 2.5 du/ac on property located on the W. side of West Ox Rd., approx. 600 ft. N.W. of its intersection w/Tilton Valley Dr., and at the terminus of Washington Brice Rd. on approx. 4

ac. Comp. Plan Rec: 1-2 du/ac w/an option for 2-3 du/ac. Tax Map 45-2((1)}21, 22 & 23. SULLY DISTRICT. PUBLIC HEARING.

Robert Burgess, 3631 Embassy Lane, Fairfax, agent for the applicant, reaffirmed the affidavit dated July 14, 1999. There were no disclosures by Commission members.

Leslie Johnson, 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. Burgess stated that he concurred with the recommendation of staff and requested a favorable recommendation.

Chairman Murphy called for speakers from the audience.

Dr. Clifton Mays, address unknown, representing the West Ox Road Civic Association, said that although increasing the density of the subject property would be financially beneficial to residents along Ox Road, he was opposed to it because it would increase traffic.

When asked by Commissioner Koch how an increase in density would be financially beneficial, Dr. Mays replied that property values would increase.

Lalene Tilson, 3312 West Ox Road, Herndon, said she was opposed to an increase in density because it would set a precedent for increasing density of other property in an area where schools and roads were already overcrowded.

Chairman Murphy and Commissioner Byers explained to Ms. Tilson that the Comprehensive Plan language for this area called for 2-3 dwelling units per acre and that the Plan had been developed by area citizens.

Ms. Johnson responded to questions from Commissioners Downer and Alcorn about the Plan recommendation for substantial consolidation of property in the area.

Commissioner Koch commented that if an application met the criteria set forth in the Comprehensive Plan and the Zoning Ordinance, the Planning Commission would most likely recommend approval.

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

In response to a question from Commissioner Wilson, Mr. Burgess said that he did not know if putting sidewalks on both sides of the street would affect the lot yield. Commissioner Wilson requested that he research this matter and get back to her. Commissioners Koch and Wilson further discussed this issue.

Ms. Johnson responded to questions from Commissioners Byers, Alcorn, and Harsel regarding sidewalks on cul-de-sacs and the possible need for the applicant to seek a waiver of Public Facility Manual requirements.

Mr. Alcorn commented that this issue would probably not have come up if there had been more consolidation. He said he could not support the applicant's proposal based on the current density requested.

Chairman Murphy explained that sidewalks were generally not built on temporary cul-de-sacs because it would hamper interparcel access and could lead residents to believe that cul-de-sacs were permanent. Angela Rodeheaver, Department of Transportation, concurred.

Ms. Johnson responded to questions from Commissioner Koch regarding the number of homes allowed on a cul-de-sac and from Commissioner Wilson about actions taken prior to the passage of the Americans with Disabilities Act.

There were no further speakers or comments or questions from the Commission, and no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ-1999-SU-041, EMBASSY DEVELOPMENT CORPORATION, TO A DATE CERTAIN OF NOVEMBER 10, 1999, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously.

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SE-98-H-060 - CHESAPEAKE HEALTHCARE CORP. - Appl. under Sect. 3-104 of the Zoning Ordinance to permit a medical care facility on property located at 1121 Reston Ave. on approx. 5.06 acres zoned R-1. Tax Map 11-2((1))34 pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

Elizabeth Baker, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated August 30, 1999. There were no disclosures by Commission members.

Leslie Johnson, 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.

In response to a question from Commissioner Palatiello, Ms. Johnson said that institutional uses were allowed in residential areas if their design complemented the character of the area and provided an effective transition. She added that special exception approval allowed the Planning Commission and the Board of Supervisors to review such uses and impose conditions which would mitigate any impacts on the residential character of the area. Responding to another question from Commissioner Palatiello, Ms. Johnson said that the width of the tree save area along the frontage of the property on Reston Avenue ranged between 50-60 feet.

Ms. Baker stated that the applicant proposed to develop a specialized assisted living facility which would provide assistance with daily activities for individuals in the early and middle stages of Alzheimer's disease and related dementia. She said the innovative design would provide the residents with a comfortable home-like setting and enable them to maximize their independent functioning. She noted that the buffer had been increased along Reston Avenue so that the residential character would be maintained and that the proposed development was in conformance with the recommendations of the Comprehensive Plan and had been approved by the Health Care Advisory Board. Ms. Baker proposed alternative language for Development Condition No. 6 which would allow for access via a private connection from Reston Avenue prior to final site plan approval. She also requested that the second bullet of Condition No. 11, relating to landscaping along the northern property line, be deleted because it was in conflict with the engineering requirement that a swale be located on that part of the property.

In response to a question from Commissioner Palatiello, Ms. Johnson said that staff would need more time to consider the alternative language to Development Condition No. 6 proposed by Ms. Baker.

At Commissioner Palatiello's request, Ms. Baker described the proposed fence and trail system.

In response to a question from Commissioner Byers, Ms. Baker said that the applicant would be requesting a variance for an eight foot fence from the Board of Zoning Appeals, but in the event it was not granted, a seven foot fence would be built on a one foot berm for security purposes.

Responding to a question from Commissioner Hall, Ms. Baker said that there was no indication that noise from a proposed fire station to the north of the subject property would have an adverse affect on the residents of the proposed facility.

At Commissioner Palatiello's request, Ms. Baker reviewed citizen input to the subject application as a result of community meetings.

Commissioner Wilson stated that she was concerned because the Health Care Advisory Board's memorandum did not fully address the issues of community, medical and institutional need, as well as financial accessibility for clients, as required by the Zoning Ordinance.

Addressing Commissioner Wilson's concern, Ms. Baker said the applicant had provided detailed information on all aspects of the proposed development to the Health Care Advisory Board.

Ms. Johnson responded to questions from Commissioners Byers and Wilson about the dissemination of information to the Health Care Advisory Board for these types of facilities in general.

Chairman Murphy called for speakers from the audience.

Roberta Allis, 1112 Round Pebble Lane, Reston, expressed opposition to the proposed development because it was not compatible with the area and could have an adverse affect on property values. She was specifically concerned about the proposed eight foot fence around the facility.

Commissioner Palatiello pointed out that the proposed facility did not abut Ms. Allis' property. Commissioner Hall commented that facilities of this type were needed in the County.

In response to a question from Ms. Allis, Chairman Murphy explained that Development Condition No. 2 ensured that only the use indicated on the Special Exception plat would be allowed. Ms. Johnson added that any change to the approved development would be subject to the public hearing process.

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

Addressing Ms. Allis' concerns, Ms. Baker noted that the applicant proposed to maintain a large treed area between the back lots of Round Pebble Lane and the proposed facility. She said the need for such a facility existed due to the projected increase in the age of local residents as well as for the parents of local residents. She said she did not believe the facility would have a negative impact on the community.

Addressing the concern raised by Commissioner Wilson, Chairman Murphy suggested that either the Health Care Advisory Board was not being given the requisite information by the applicant, or was not returning information to the Commission in a format which enabled them to determine if the application met the requirements of the Zoning Ordinance. Ms. Johnson added that perhaps staff and the Advisory Board could meet to discuss what information the Planning Commission needed in order to make a recommendation. Commissioner Alcorn agreed that such a meeting would be beneficial.

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

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON SE-98-H-060 TO A DATE CERTAIN OF NOVEMBER 10, 1999, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously.

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The Commission went into recess at 10:35 p.m. and was reconvened in the Board Auditorium at 10:54 p.m. by Vice Chairman Byers.

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SEA-80-P-078-9 - INOVA HEALTH CARE SERVICES - Appl.
under Sect. 3-1204 of the Zoning Ordinance to amend SE-80-P-078
for a medical care facility to permit additional parking and site
modifications on property located at 3300 Gallows Rd., on approx.
59.10 ac. zoned R-12. Tax Map 49-3((1))136C; 59-2((1))1 A pt., 1 B
pt., 1 C pt., 1 D, & 1 E. PROVIDENCE DISTRICT. PUBLIC
HEARING.

Susan Yantis, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C., reaffirmed the affidavit dated October 13, 1999. 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.

Ms. Yantis stated that the purpose of the application was to allow two additional parking garages to be built in phases on the main portion of the hospital campus. She noted that the increase was necessary due to a significant increase in the number of employees, the relocation of the Surgery Center to the main campus, and the opening of the Physician Conference Center. She noted that additional parking was essential in satisfying the current and future parking demands of the hospital. Ms. Yantis said the applicant was in agreement with Development Conditions dated October 27, 1999, and requested favorable consideration.

Ms. Yantis responded to a question from Commissioner Wilson about the need for interim parking.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Staff had no closing comments; 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 RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA-80-P-078-9, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 27, 1999.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Murphy and Palatiello not present for the vote.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE WAIVERS AND MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO THAT SHOWN ON THE SEA PLAT AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 27, 1999.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Murphy and Palatiello not present for the vote.

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RZ-1999-PR-017 - CENTEX HOMES - Appl. to rezone from R-8, R-1, and HC to R-8 and HC to permit residential development at a density of 8.30 du/ac including bonus density for the provision of ADUs on property located on the S. side of Lee Hwy., approx. 200 ft. W. of its intersection w/Cedar Ln. on approx. 16.48 ac. Comp. Plan Rec: 2-3 du/ac w/option for 5-8 du/ac. Tax Map 48-4((1)35; 49-3((33))A, 1-101. PROVIDENCE DISTRICT. PUBLIC HEARING.

Susan Yantis, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated October 20, 1999. 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.

Ms. Yantis stated that rezoning of the subject property in July 1997 had allowed for the development of 104 single family attached units at a density of 8.35 dwelling units per acre. She said that since that time the applicant had been able to consolidate parcel 35 as recommended by the Comprehensive Plan, and now wanted to include it in the overall development, resulting in 41 additional single family attached units. She explained that the proposed development plan would extend frontage improvements already made along Route 29. She reviewed the proffers from the previous rezoning and noted a proffer had been added for a tree preservation plan which would maximize the tree save area. Ms. Yantis requested a recommendation of approval.

Vice Chairman Byers called for speakers from the audience.

Joanne Murphy, address unknown, expressed concern that the proposed development would exacerbate an existing drainage problem near her property.

Ms. Murphy responded to questions from Vice Chairman Byers about her concern.

There being no further speakers, Vice Chairman Byers called upon Ms. Yantis for a rebuttal statement.

Addressing the concern raised by Ms. Murphy, Ms. Yantis said that Centex Homes, who had built Ms. Murphy's development, appreciated her bringing this problem to their attention and would investigate the matter. She also pointed out that the bond for Ms. Murphy's development had not yet been released and the drainage problem could be addressed through that avenue also. Ms. Yantis explained that in accordance with the PFM requirements, the amount of impervious surface could not be increased and noted that drainage would be addressed at the time of the site plan review process.

There being no further comments or questions from the Commission and no closing staff remarks, 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 RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-1999-PR-017, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 26, 1999.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Murphy not present for the vote.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF TRANSITIONAL SCREENING AND WAIVER OF BARRIER REQUIREMENTS TO THAT SHOWN ON THE GDP.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Murphy not present for the vote.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Koch seconded the motion which carried by a vote of 10-1 with Commissioner Wilson opposed; Commissioner Murphy not present for the vote.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE SERVICE DRIVE REQUIREMENT.

Commissioner Koch seconded the motion which carried by a vote of 10-1 with Commissioner Wilson opposed; Commissioner Murphy not present for the vote.

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The meeting was adjourned at 11:16 p.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: September 14, 2000



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