

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 19, 1997**

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

ABSENT: John M. Palatiello, Hunter Mill District

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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, announced his intent to defer RZ-96-P-009 and FDP-96-P-009, Hunting Ridge Associates, L.L.C., until December 4, 1997.

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Chairman Murphy announced that Planning Commission meetings would not be held the week of November 24, 1997 in observance of the Thanksgiving holiday.

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Commissioner Downer announced that a Housing and Revitalization Committee meeting would be held December 3, 1997 at 7:15 p.m. in the Board Conference Room, for a briefing by the Office of Comprehensive Planning on outstanding Area Plans Review housing items.

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COMMISSION MATTERS

November 19, 1997

Commissioner Byers MOVED THAT THE PUBLIC HEARING ON 97-IV-3MV, AREA PLANS REVIEW, BE CHANGED TO SCHEDULE B, in order to give the applicant and the community an opportunity to confer on this matter.

Commissioner Hunter seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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Commissioner Byers, citing unresolved issues, MOVED THAT THE PUBLIC HEARING ON 97-IV-2MV, AREA PLANS REVIEW ITEM, BE DEFERRED INDEFINITELY.

Commissioner Hunter seconded the motion carried unanimously with Commissioner Palatiello absent from the meeting.

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Commissioner Koch, citing notification problems, MOVED THAT SE-97-Y-039, EBRAHIM A. BABAZADEH, BE DEFERRED UNTIL JANUARY 7, 1998.

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

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Commissioner Koch, citing unresolved issues, MOVED THAT RZ-88-Y-058, GERALD WALDMAN, BE DEFERRED UNTIL DECEMBER 10, 1997.

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

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FS-P97-60 - NEXTEL, 8028 Leesburg Pike

Commissioner Coan MOVED THAT WE CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING THAT FS-P97-60 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 Palatiello absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. AMENDMENTS TO CHAPTERS 101 (SUBDIVISION ORDINANCE), 117 (EXPEDITED LAND DEVELOPMENT REVIEW) AND 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
2. RZ-1997-MV-029 - ASPEN DEVELOPMENT, L.C.

This order was accepted without objection.

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AMENDMENTS TO CHAPTERS 101 (SUBDIVISION ORDINANCE), 117 (EXPEDITED LAND DEVELOPMENT REVIEW) AND 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA - Proposed amendments to update the references to the *Code of VA* due to the recodification of Title 15.1 of the *Code of VA* to Title 15.2. COUNTYWIDE. PUBLIC HEARING.

Commissioner Alcorn asked Chairman Murphy to ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing be closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTERS 101, 117, AND 118 OF THE CODE OF THE COUNTY OF FAIRFAX, AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 27, 1997.

AMENDMENTS TO CHAPTERS 101 (SUBDIVISION ORDINANCE), 117 (EXPEDITED LAND DEVELOPMENT REVIEW) AND 118 (CHESAPEAKE BAY PRESERVATION

November 19, 1997

ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA

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

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RZ-1997-MV-029 - ASPEN DEVELOPMENT, L.C. - Appl. to rezone from R-1 to R-3 to permit cluster residential development at a density of 2.54 du/ac on property located on the N. side of Silverbrook Rd., approx. 600 ft. E. of Rocky Gap Dr, on approx. 3.14 ac. Comp. Plan Rec: Res. 2-3 du/ac. Tax Map 98-3 ((1)) 6A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Michael Hummel, agent for Aspen Development, L. C., reaffirmed the affidavit dated October 30, 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 may be found in the date file. He noted that staff recommended approval.

In response to a question by Commissioner Byers, Kristen Abrahamson, Branch Chief, ZED, OCP, said that the Park Authority used a formula to determine monetary contributions for recreational facilities. She said however, that since this formula had not been formally adopted by the Board of Supervisors, it was used as a guide only. Mr. Davis added that while a contribution was desirable, it was not mandatory, and in this case the applicant chose not to do so.

Commissioner Byers noted that the applicant had proffered to plant two trees and four shrubs on each lot in an effort to meet the 20 percent tree cover requirement. He asked staff how the Department of Environmental Management would determine if this requirement had been met. In response, Ms. Abrahamson said that it would be determined by applying the Tree Cover Ordinance requirements.

Chairman Murphy, Commissioner Hall, and staff discussed the status of the proposed formula and the appropriateness of the Park Authority requesting a contribution in view of the fact that a formula had not been approved by the Board of Supervisors. Ms. Abrahamson said she thought the request was appropriate because it was in conformance with the Comprehensive Plan which called for a contribution to offset the impact of development.

Chairman Murphy summarized this discussion by saying that the basis for asking for a contribution was traditional and though desirable, was not required because the formula had not been ratified by the Board of Supervisors.

Commissioner Byers agreed that a contribution was desirable in this case, but questioned the amount of \$8805.00 for the nine proposed houses.

Mr. Hummel stated he thought this was a well designed project in the middle of the density range which did not require any waivers of the Zoning Ordinance. He noted that the Planning and Zoning Committee of the Mount Vernon Council had no opposition to this application, and that the Lorton Federation of Communities recommended approval. He told the Commission that because the community to the north, Green Ridge, was not formally organized, letters had been sent to each homeowner, whose property backed up to the proposed development, inviting them to contact the applicant with any questions they might have. In response to a request by the President of the Newington Heights Homeowners Association, Mr. Hummel said supplemental plantings on the rear of Lot 6 would be made, and that this would be added as a proffer prior to the Board hearing. Addressing the Park Authority contribution, Mr. Hummel said he thought approximately \$300.00 per lot would be acceptable. He then requested that the Commission recommend approval of this application.

In response to a question by Commissioner Downer, Mr. Hummel said the property owner was aware that the proffers were binding on the land in the event the proposed development did not come to fruition.

Commissioner Byers asked Mr. Hummel if the applicant would be willing to amend the proffers to include a Park Authority contribution in the amount of \$625.00 per house. Mr. Hummel replied in the affirmative. Commissioner Byers said in that case, he would defer decision on this matter to Thursday, November 20, 1997, in order to give the applicant time to prepare the revised proffers and present them to staff.

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

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Commissioner Byers MOVED THAT WE DEFER THE DECISION ONLY ON RZ-1997-MV-029 TO A DATE CERTAIN OF THURSDAY, NOVEMBER 20, 1997.

Commissioner Coan seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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The meeting was adjourned at 8:53 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. Gibson

Approved on: April 14, 1999

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