

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, DECEMBER 6, 2006**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers, 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 Lawrence MOVED THAT THE DECISION ON PCA/FDPA 2002-PR-008-2, THE CHRISTOPHER COMPANIES, BE FURTHER DEFERRED TO A DATE CERTAIN OF DECEMBER 7, 2006.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PUBLIC HEARING ON CSP 2003-PR-009, MERRIFIELD TOWN CENTER LP, BE DEFERRED TO A DATE CERTAIN OF JANUARY 18, 2007.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FS-L06-54 - CLEARWIRE, U.S., LLC, 3900 San Leandro Place

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-L06-54 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FSA-D02-24-1 - SPRINT-NEXTEL, GW Parkway and I-495

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FSA-D02-24-1 IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FS-M06-73 - CLEARWIRE, U.S., LLC, 6621 Columbia Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-M06-73 IS IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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FS-S06-82 - T-MOBILE NORTHEAST, LLC, 11704 Amkin Drive  
FS-B06-84 - MOBILE MEDIA NATIONAL, LLC, 7920 Woodruff Court  
2232A-V01-27-1 - SPRINT/NEXTEL, 7361 Lockport Place

Vice Chairman Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH CONSENT AGENDA ITEMS: FS-S06-82, T-MOBILE NORTHEAST, LLC; FS-B06-84,

MOBILE MEDIA NATIONAL, LLC; AND 2232A-V01-27-1, SPRINT/NEXTEL, WITHOUT OBJECTION.

The motion carried unanimously with Commissioner Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SEA 80-L/V-061 - FURNACE ASSOCIATES, INC.
2. CSP 2003-MA-030 - JEFFERSON AT EDSALL ROAD, LP
3. RZ 2006-SU-021/FDP 2006-SU-021 - NCL XXX, LLC
4. S06-III-UP1 - MIDDLETON FARMS

This order was accepted without objection.

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The first case was in the Mount Vernon District; therefore, Vice Chairman Byers relinquished the Chair to Secretary Harsel.

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SEA 80-L/V-061 - FURNACE ASSOCIATES, INC. - Appl. under Sects. 3-104, 9-201, and 9-301 of the Zoning Ordinance to amend SE 80-L-061 previously approved for a landfill to permit modifications to development conditions, increase in height of landfill, add land area, site modifications, and a quasi-public park. Located at 10201, 10209, 10215, 10219, and 10229 Furnace Rd. on approx. 250.15 ac. of land zoned R-1. Tax Map 113-1 ((1)) 5 pt., 7, and 8; 113-3 ((1)) 1, 2, and 4. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Francis McDermott, Esquire, with Hunton & Williams LLP, reaffirmed the affidavit dated November 27, 2006. There were no disclosures by Commission members.

Cathy Lewis, 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 questions from Commissioner Byers, Ms. Lewis stated that the subject application sought to increase the maximum height of the construction and demolition debris landfill on the property to 412 feet, which was also the maximum height permitted for the adjacent Fairfax County I-95 landfill. She said that the previously-approved Special Exception application for the

property had provided no landscaping on top of the landfill, which would cause it to be a barren hill.

Responding to a question from Commissioner Hart, Ms. Lewis pointed out that “provide” would be deleted from the last sentence of Development Condition Number 54.

In response to questions from Secretary Harsel, Ms. Lewis explained that the applicant would attempt to obtain the necessary easements to permit the offsite trail connections by sending registered letters to the property owners. She indicated that no response to the letter would represent a failed attempt.

Responding to a question from Commissioner Hall, Ms. Lewis stated that Condition Number 54 required that the applicant demonstrate to the Department of Public Works and Environmental Services (DPWES) that attempts to contact the property owners had been made but had failed. She said the applicant may submit documentation that an owner had declined, at which point DPWES may encourage further attempts or request a meeting with the owner.

Commissioner Hall recommended that the applicant be required to provide actual proof that the appropriate property owners had been contacted.

Commissioner Wilson pointed out that one of the proposed offsite connections was subject to the granting of an easement from the Lorton Valley Homeowners Association.

Responding to a question from Secretary Harsel, Ms. Lewis said she believed that the applicant would be able to obtain the necessary easements because one of the offsite connections was desired by the surrounding community and many of the other desired connections were on County-owned land.

Mr. McDermott noted that all proposed offsite trail connections were subject to the granting of easements from Fairfax County, with the exception of the connection to the property owned by the Lorton Valley Homeowners Association, which had not objected to the subject application. He said the adjacent Shirley Acres and Lorton Valley South communities also supported the application. He stated that the application sought to add capacity to the landfill to help collect the projected amount of debris and implement the Solid Waste Management Plan until 2025. Mr. McDermott explained that the proposal would provide the following facilities: a trail system connecting to the Lorton Valley South community, Countywide trails, and the future sports complex across Furnace Road; wildlife habitats; two pavilions; an open space area; an amphitheater; regional biking opportunities; parking; and a sculpture park. He indicated that the proposed trail system would be open to the public by 2010. He explained that once the Virginia Department of Environmental Quality (DEQ) released the applicant from liability for the site, the applicant would dedicate it to the Fairfax County Park Authority (FCPA) for a public park. Mr. McDermott stated that FCPA would determine the extent that the public would be permitted to use the site throughout the development phases, noting that a majority of the facilities would be available to the public prior to the final phase. He said the applicant had committed to provide sufficient and extensive tree and vegetative plantings to create a forested area to adequately

mitigate the visual impact of the landfill. He added that the number of landfill truck trips per day would not increase.

In response to questions from Commissioner Byers, Mr. McDermott said the public would be able to use the trail along the base of the site while the landfill was still open. He indicated that the applicant had developed a methane gas control plan, which had been approved by DEQ. He stated that the lowest point of the entrance on Furnace Road would be connected to the internal stormwater management and drainage systems to enable water to flow over the public right-of-way. Mr. McDermott noted that the space between the site entrance and the tire wash area would be paved to ensure that the tires of vehicles leaving the site would remain clean. He explained that a sign would be posted prohibiting tractor trailers from making right turns northbound on Furnace Road and the entrance would be widened to accommodate truck traffic, subject to site plan amendment approval.

Commissioner Wilson said the applicant had worked with the South County Federation for over a year to address all issues. She expressed concern that certain development conditions would give FCPA the ability to temporarily ban public access to trails or recreational facilities on the site. Mr. McDermott stated that in response to concerns expressed by FCPA regarding liability and maintenance, the applicant had committed to maintain the recreational facilities as long as the site was owned by the applicant. He noted that the applicant would further address this issue.

Responding to questions from Commissioner Wilson, Mr. McDermott indicated that the site would not be dedicated to FCPA until 2028; however, the applicant would agree to make the dedication sooner if requested. He said he believed FCPA intended to permit the public to use the site prior to the dedication with reliance upon the County Attorney for protection. He stated that all proposed amenities and trails would be constructed by 2018 and the applicant would address the situation if FCPA decided not to manage the park. Mr. McDermott pointed out that the level of methane gas was significantly lower at the subject landfill than at the County landfill. He explained that a methane gas release system would be installed with collection pipe and vents above breathing zones in the recreational areas to prevent the escape of methane gas.

In response to questions from Commissioner Hart, Mr. McDermott noted that waterless restroom facilities would function similarly to portable facilities and would be cleaned out periodically. He stated that an observational telescope might be used to enjoy the view of the Potomac River.

Responding to another question from Commissioner Hart, Ms. Lewis said she did not know whether waterless restroom facilities had ever been approved before, but indicated that Development Condition Number 55 required that the installation of these facilities be coordinated with and approved by the Health Department.

In response to a question from Commissioner Lawrence, Ms. Lewis noted that Condition Number 51 required the applicant to ensure that all park improvements and trails were constructed to FCPA standards.

Secretary Harsel called the first listed speaker and recited the rules for public testimony.

Neal McBride, 8201 Southrun Road, Springfield, representing the Newington Forest Community Association, expressed support for the proposal because it would provide high-quality, permanent recreational, cultural, and open space parkland amenities and environmental and landscaping enhancements; not warrant capital financing capabilities from FCPA or increased taxes; help facilitate the closure of the existing landfill; and implement a combined traffic safety and reduction plan to eliminate hazardous truck traffic accessing the site. He said the applicant had collaborated with the surrounding community to implement both onsite and offsite improvements for the benefit of the public. He noted that the closed landfill would be monitored closely for 10 years by County and State agencies and maintained by the applicant in an appropriately designed closure state until its dedication to FCPA. (A copy of his remarks is in the date file.)

Anne Mader, 10702 Zion Drive, representing the Mid-Atlantic Off-Road Enthusiasts (MORE), spoke in favor of the proposed trails because they would connect to the Laurel Hill area. She explained that MORE would collaborate with the applicant and FCPA during the site plan phase to design trails that would support multiple users with minimal impact to natural resources, reduce trail erosion, increase sustainability, and encourage public access to natural settings and points of interest close to home.

Responding to a question from Commissioner Wilson, Ms. Mader said that MORE would work with equestrian groups and hiking associations to construct trails that would facilitate concurrent use by hikers, bikers, and equestrians.

John Ariail, 9601 Ox Road, Lorton, Chairman of the Lorton Arts Foundation, indicated his support of the application because the entrance on Furnace Road would be designed to discourage traffic from the site onto Lorton Road and the proposed landscaping and trails would help attract visitors to the Workhouse Arts Center.

Melvin Garcia, 8431 Whitehaven Court, Lorton, also supported the application because it would complement the Workhouse Arts Center and the County Equestrian Center, benefit the community, and preserve wildlife in the area. He inquired as to whether there would be a more sanitary alternative to waterless restroom facilities, such as a public sewage connection. He also asked if security would be provided and if so, by whom, and what species and sizes of vegetation and trees would be planted on the site.

Jerry Haley, 11282 Chinn House Road, Fairfax Station, added his support of the proposal because it would present a creative, visionary opportunity to reforest the property and remove the landfill; provide an amphitheater, a statue garden, hiking trails, and other valuable amenities; and help support the Cold War Museum, the Lorton Arts Foundation, and the Lorton Community Action Committee.

Stacey Holst, 8306 Newby Bridge Drive, Lorton, said she supported the proposal because it would offer public access to recreational activities, bike and equestrian trails, and an amphitheater; enhance the character of the surrounding community; and increase property values in the area. She suggested that the proposed connection from Furnace Road be opened prior to

the connection from the Lorton Valley South community to help mitigate the traffic impact on the community.

There being no more speakers, Secretary Harsel called for a rebuttal statement from Mr. McDermott.

Responding to Mr. Garcia's question about the proposed landscaping, Mr. McDermott stated that adequately-sized evergreens and deciduous trees and shrubbery would be planted on benches, which were the flat areas between the slopes on the closed landfill. He then commended Ms. Lewis for her work on the application.

In response to questions from Secretary Harsel, Mr. McDermott said he believed that the waterless restroom facilities would be the best option since it would be impossible to provide a public sewer connection for the facilities on the overlook area. He explained that the applicant planned to connect the northwest portion of the site to the public sewer system, which would require an easement from the Lorton Valley Homeowners Association. He noted that the applicant would provide security for the landfill during its hours of operation and FCPA would provide security for the recreational facilities through the Fairfax County Police Department. Mr. McDermott stated that the applicant would control the timing of the construction of the trail connections. He said the Lorton Valley Homeowners Association could place conditions on the establishment of its easement.

Commissioner Wilson pointed out that since the Lorton Valley South community was connected only to the Shirley Acres and Lorton Valley North communities, only neighborhood residents would use the trail connection. Mr. McDermott indicated that the applicant could not regulate parking in the neighborhood by nonresidents who would access the trail connection if there were public streets adjacent to the connection.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 80-L/V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 6, 2006, WITH THE CHANGE TO CONDITION NUMBER 54 THAT THE WORD "PROVIDE" BE DELETED FROM THE LAST SENTENCE.

Commissioners Wilson and Alcorn seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE PARAGRAPH 9 OF SECTION 9-205,

WHICH PROHIBITS ANY IMPROVEMENTS FROM BEING CONSTRUCTED IN OR UPON ANY LANDFILL FOR A PERIOD OF 20 YEARS AFTER THE TERMINATION OF THE LANDFILL OPERATION, IN ORDER TO PERMIT THE PROPOSED IMPROVEMENTS, AS SHOWN ON THE SEA PLAT TO BE CONSTRUCTED PRIOR TO THE CLOSURE OF THE LANDFILL.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE COMPREHENSIVE PLAN TRAIL REQUIREMENT ALONG FURNACE ROAD IN LIEU OF THE PROPOSED TRAILS, AS SHOWN ON THE SEA PLAT.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THOSE PORTIONS OF THE PROPERTY LINES WHERE THE SITE ABUTS SINGLE-FAMILY DETACHED DWELLINGS, TO THAT SHOWN ON THE SEA PLAT.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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At the conclusion of this case, Vice Chairman Byers resumed the Chair.

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CSP 2003-MA-030 - JEFFERSON AT EDSALL ROAD, LP - Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan. Located at 5550 Bloomfield Dr. (Sullivan Place) on approx. 11.95 ac. of land zoned PRM. Tax Map 81-1 ((1)) 7H pt. MASON DISTRICT. PUBLIC HEARING.

Elizabeth Baker, land use coordinator with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, noted that a Comprehensive Sign Plan application did not require an affidavit.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2003-MA-030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 21, 2006.

Commissioners Wilson and Alcorn seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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RZ 2006-SU-021/FDP 2006-SU-021 - NCL XXX, LLC - Appls. to rezone from R-1 and WS to PDH-5 and WS to permit residential development at a density of 3.74 dwelling units per acre (du/ac), a waiver of minimum district size and approval of the conceptual and final development plans. Located on the E. side of Louise Ave. approx. 450 ft. S. of its intersection with Lowe St. on approx. 23,291 sq. ft. of land. Comp. Plan Rec: 4-5 du/ac. Tax Map 34-4 ((3)) 5. SULLY DISTRICT. PUBLIC HEARING.

Frank Stearns, Esquire, with Venable LLP, reaffirmed the affidavit dated July 11, 2006. There were no disclosures by Commission members.

Commissioner Koch asked that Vice Chairman Byers 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 closed. No objections were expressed; therefore, Vice Chairman Byers 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 RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2006-SU-021, SUBJECT TO THE PROFFERS DATED DECEMBER 6, 2006.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2006-SU-021, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2006-SU-021.

Commissioners Hall and Wilson seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE.

Commissioners Wilson and Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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S06-III-UP1 - MIDDLETON FARMS - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 75 ac. generally located W of Route 28, S of the intersection of Frying Pan Rd and Sunrise Valley Dr (Tax Map 24-2 ((1)) 1-4, 10). The area is planned for office up to .35 FAR with conditions. The Amendment will consider an option for office, residential (including senior housing), hotel, and support retail uses up to .40 FAR. Recommendations relating to the transportation network may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Lindsay Mason, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the Out-of-Turn Plan Amendment.

In response to a question from Commissioner Hart, Commissioner Koch pointed out that his recommendation dated December 6, 2006 had removed the language that specified the median income requirement for workforce housing occupants and the particular types of recreational facilities that should be provided because these conditions were too explicit to include in the Comprehensive Plan.

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

Thomas Gilmore, 2746 Copper Creek Road, Herndon, representing the Copper Creek Homeowners Association, expressed opposition to the high density residential component of the proposed amendment due to a negative effect on the quality of life of the adjacent residents, isolation from nearby retail uses, incompatibility with the surrounding properties, increased traffic in the area, proximity to Dulles Airport and Route 28, and worsened overcrowding in the

area schools. He noted that the Hunter Mill Land Use Committee had opposed the amendment. (A copy of his remarks is in the date file.)

Commissioner Koch commented that Mr. Gilmore and his neighbors had to drive to retail services, so his neighborhood was also isolated in the same sense that the proposed residential buildings would be.

Responding to a question from Commissioner Koch, Mr. Gilmore said offices would be more desirable in the area than apartments because they would produce less noise and traffic and not cause an impact on the schools.

In response to a question from Commissioner de la Fe, Ms. Mason indicated that the existing R-1 zoning on the subject property would permit by-right development of up to 40 single-family homes.

Responding to a question from Commissioner Hart, Ms. Mason explained that school capacity projections had indicated that enrollment would decline steadily over the next several years at the middle school and high schools in the area, which would be under capacity for the 2010-2011 school year. She noted that Coppermine Elementary School, which was scheduled to open in the area in 2009, would help reduce crowding at the primary school level.

In response to a question from Commissioner Wilson, Ms. Mason stated that staff had recommended that the current Plan text for Land Unit D-1 be modified to allow for office, residential, hotel, and support retail uses up to 0.40 FAR with full consolidation. She noted that the residential component would be limited to 50 percent of the total development.

Responding to another question from Commissioner Wilson, Marianne Gardner, PD, DPZ, said the density multiplier used for senior living units would not apply to the proposed residential use.

In response to a question from Commissioner Hall, Ms. Gardner indicated that the proposed residential component would permit approximately 500 units.

Responding to questions from Commissioner Harsel, Ms. Gardner explained that the proposed condition regarding affordable housing had listed options to provide affordable housing since the Affordable Dwelling Unit (ADU) Ordinance had not met the demand in high-rise developments. She said that half of the total residential units would be limited to senior housing, which would help lessen the impact on area schools and contribute to a better mix of age groups within the development.

In response to a question from Commissioner Koch, Commissioner de la Fe noted that the proposal had been rejected by the Hunter Mill Land Use Committee by only one vote.

Timothy Bodor, 13704 Copper Creek Court, Herndon, spoke in favor of the proposed connector road and athletic fields, but opposed the proposed residential use because it would increase the disproportionate number of rental units in the area. He expressed concern that the area would

become blighted if economic conditions declined. He said offices would be more appropriate in the area than apartments because they would operate only during normal business hours, emit less noise, and lack balconies.

Commissioner Koch commented that it would be easier to lessen the impact of noise in a multi-family building than in single-family homes. He pointed out that the number of high-density, multi-family developments along the Dulles Airport corridor had increased to meet the demand for housing due to an influx of businesses to the area.

Commissioner Hall suggested that Mr. Bodor request that the Comprehensive Plan limit the height of residential development on the site. Mr. Bodor said he recognized that he lived in an area planned for high-density development, but he preferred that the existing Plan language be retained.

Wendy Entwistle, 2706 Copper Creek Road, Herndon, voiced her objection to the proposed residential development, citing overcrowding of area schools, change in school boundaries, excessive density, increased traffic congestion, temporary occupancy, compromised safety of neighbors whose backyards would be visible to the new residents, absence of school and real estate taxes paid by renters, and decreased quality of life.

Julie Tiss, 2728 Copper Creek Road, Herndon, also opposed the proposed residential development because her backyard would be visible to its occupants and it would decrease property values in the area. She added that the lights from the residential units and the proposed athletic fields would be intrusive.

Responding to a question from Commissioner Alcorn, Ms. Mason indicated that the distance from Ms. Tiss' property to the property line of the subject property, which was separated by a wooded stream valley buffer, was approximately 250 to 300 feet. She said the distance from the edge of the nearest property in the abutting neighborhood to the nearest proposed building would be approximately 650 feet.

In response to a question from Commissioner Koch, Ms. Gardner explained that the applicant of the concurrent rezoning application for the site would develop and dedicate to the Fairfax County Park Authority (FCPA) full-service athletic fields, active recreational facilities, and park amenities on both sides of the proposed road extension to Sunrise Valley Drive.

Responding to a question from Commissioner Wilson, Ms. Gardner stated that the height of the proposed development would be between four and eight stories or at least 80 feet.

In response to a question from Vice Chairman Byers, Ms. Gardner noted that the noise contour line for Dulles Airport had a decibel count of 60 and was located on the western portion of the subject property, east of Route 28.

Responding to a question from Commissioner Hall, Ms. Gardner said the applicant of the concurrent rezoning application had provided staff with line of sight studies to address the visual

impact on the adjacent residences. Commissioner Hall recommended that a height limitation be included in the proposed Comprehensive Plan language.

In response to a question from Commissioner Hart, Ms. Gardner explained that the line of sight studies had shown that the proposed development would not appear to be taller than its actual height due to an insufficient topographical difference between the two sides of the stream valley.

Commissioner Lawrence pointed out that a building story could be more than 10 feet.

David Tiss, 2728 Copper Creek Road, Herndon, spoke in opposition to the proposed height of eight stories due to its adverse visual impact on the adjacent residences.

Stephen Conner, 2744 Copper Creek Road, Herndon, expressed opposition to the Plan Amendment due to encroachment into the adjacent neighborhood, excessive traffic congestion, and insufficient infrastructure.

Ron Wood, 2730 Copper Creek Road, Herndon, also opposed the amendment, citing decreased quality of life, adverse visual impact, proximity to the adjacent neighborhood, and excessive height.

Responding to a question from Commissioner Harsel, Mr. Wood said that deciduous trees bordered his neighborhood, noting that the skyline of an adjacent office building was visible in the winter. He pointed out that the subject property was higher than his property.

Keith Martin, Esquire, with Sack, Harris & Martin, PC, representing the applicant of the concurrent rezoning application that affected the subject property, stated that the proposed Plan Amendment would provide the final missing roadway segment connecting Sunrise Valley Drive to the north to Park Center Drive to the south with the stream valley crossing. He noted that the northern portion of the site would be dedicated to FCPA for recreational uses. He explained that the amendment recommended a mixed-use development up to 0.40 FAR with approximately 51 percent consisting of office, hotel, and support retail uses and approximately 49 percent consisting of multi-family residential units. Mr. Martin stated that the amendment would also provide ADU and workforce housing units. He indicated that the residential buildings would be separated and buffered from the nearest residence by approximately 650 to 700 feet of stream valley forest. He said the distance between the proposed residential units and retail services would be comparable to that of the adjacent neighborhood. He added that the Plan supported additional retail in Land Unit A to the north. He pointed out that the height and mass of the residential buildings would be similar or less intrusive than the current Plan recommendation for office use.

In response to a question from Commissioner Harsel, Mr. Martin said the applicant had not asked for density credit in return for the commitment of annual contributions to the Route 28 transportation improvements by the proposed office and hotel buildings.

Responding to a question from Commissioner Hall, Mr. Martin explained that the proposed multi-family residential buildings, which would be surrounded by structured parking, would vary in height from four to eight stories to help break up the massing, as opposed to a solid, eight-foot tall office development that would abut a parking structure with 24-hour lighting.

In response to a question from Commissioner Alcorn, Mr. Martin stated that the amendment sought development at an intensity up to 0.40 FAR to help the applicant pay for the northeast portion of the property proposed to be developed for active recreational uses, whose density would be transferred to the rest of the property.

Commissioner Alcorn commented that the proposed condition referring to ADU and workforce housing lacked a goal. Mr. Martin replied that staff had sought to obtain commitments from applicants for workforce housing units since the Board of Supervisors had not codified a required amount. He said the proposed Plan language would not restrict the concurrent rezoning application from providing a combination of both types of housing.

Commissioner Alcorn expressed concern that the ADU and workforce housing condition did not require a minimum number of workforce units and offered a buy-out option through the Fairfax County Housing Trust Fund. Mr. Martin replied that staff had added the option to allow a financial contribution to the Housing Trust Fund to meet the demand for affordable housing since the multi-family units proposed by the concurrent rezoning application would be exempt from the ADU Ordinance.

Commissioner Lawrence recommended that the concurrent rezoning application include a Transportation Demand Management proffer that required the building owner, with all due diligence, to market the rental units to the office tenants to encourage people to walk to work to help mitigate the traffic impact. Mr. Martin replied that the applicant would consider this recommendation during proffer negotiations with staff.

Responding to a question from Commissioner Harsel, Ms. Mason explained that the proposed amendment would allow office use up to 0.25 FAR if substantial consolidation within Land Unit D-1 was achieved or allow office, hotel, residential, and support retail uses up to 0.40 FAR if full consolidation of the land unit was achieved.

In response to another question from Commissioner Harsel, Mr. Martin indicated that substantial consolidation would apply to all parcels except the three parcels in the northeast portion that would be dedicated to FCPA for active recreational uses.

Responding to a question from Commissioner Koch, Mr. Martin said the current Plan language allowed office use up to 0.35 FAR, meaning that the buildings could be at least eight stories tall since there was no height restriction.

Commissioner de la Fe pointed out that the currently allowed office use could be developed without the park and road improvements. He reported that traffic generated by a mixed-use development with a residential component was less intense than a solitary office development.

He noted that office buildings could also operate 24 hours a day. Commissioner de la Fe said that although he supported the proposed amendment, it did not necessarily indicate his approval of the concurrent rezoning application since related issues had not yet been addressed. He suggested that “at a minimum of” be added before “half of the total units are senior housing” under the last bullet on page 2 of 3 of Commissioner Koch’s recommendation.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Byers 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 RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED TEXT FOR OUT-OF-TURN PLAN AMENDMENT, S06-III-UP1, WITH THE CHANGE ON PAGE 2 OF 3 IN THE LAST BULLET, THAT THE WORD “MINIMUM OF” BE ADDED TO THE LANGUAGE REFERRING TO SENIOR HOUSING.

Commissioner de la Fe seconded the motion which carried by a vote of 8-3-0 with Commissioners Alcorn, Byers, and Harsel opposed; Commissioner Murphy absent from the meeting.

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The meeting was adjourned at 11:53 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: Kara A. DeArrastia

Approved on: July 24, 2008

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