Planning Commission Meeting
March 18, 2010
Verbatim Excerpt

SE 2009-DR-008 – OAKCREST SCHOOL

Decision Only During Commission Matters
(Public Hearing held on February 4, 2010)

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, on February 25th the Planning Commission conducted a public hearing on SE 2009-DR-008, an application from the Oakcrest School, proposing construction of a private school of general education with a maximum enrollment of 450 students. The proposed location is on a parcel on Hunter Mill Road at the Dulles Airport Road in an R-E District. This evening I would like to move that the Planning Commission recommend approval of this application, with modifications to the March 16th Conditions, which I believe necessary to ensure that this Special Exception use will be in harmony with the Comprehensive Plan, as mandated by Zoning Ordinance 9-606 governing special exceptions. The Zoning Ordinance specifically provides that we must be satisfied that traffic increases associated with this use will not conflict with existing and anticipated traffic in the area. No one questions the proposition this proposal, if built, will bring significant vehicle trip increases to a portion of Hunter Mill Road already experiencing stressful demands in congestion. No one questions the installation of a traffic circle, or roundabout, as the most desirable and indeed only solution that will provide a degree of mitigation required to meet the standards of the Comprehensive Plan. Hunter Mill Road in this area has been designated a Virginia Byway. The Upper Potomac Planning District Section of the Comprehensive Plan incorporates the 2006 Hunter Mill Road Traffic Calming Study, sponsored by the Northern Virginia Regional Commission and prepared by Draper Aden Associates, as the standard by which development proposals on Hunter Mill Road be judged to achieve appropriate traffic calming and trip mitigation. The Hunter Mill Road Traffic Calming Study calls for the installation of the traffic circle as a necessary instrument to mitigate traffic at the Crowell Road/Hunter Mill Road intersection in question. Development Condition 23 requires installation of the traffic circle before a Non-Residential Use Permit may be issued, but the condition then allows fallback to a traffic signal if the circle is not approved. I will not support the application with this condition as written because it fails to ensure the installation of the traffic circle without which this application fails to meet the standards and requirements of Zoning Ordinance 9-606. In addition, it allows a secondary "in lieu of" statement to take the place of the crucial SEA process generally reserved for this situation. It is interesting to note that Condition 29 requires the SEA process if the primary condition stated in 29 fails. The applicant's own traffic study indicates that without significant mitigation, there will be substantial increases in vehicle delay at the Hunter Mill/Crowell Road intersection. Due to the configuration of the intersection and traffic volume traveling south, mitigation affected by a traffic light will not be sufficient. As noted in the staff report, the Comprehensive Plan calls for rigorous review of uses in this planning district that require special exception approval. These uses will be allowed only when the uses of a size and scale that will not adversely impact adjacent land uses and the low density residential character of the area. This development has a FAR, which is right at the upper end of the permitted FAR, for the R-E District. Partially for this reason, staff has recommended denial of this application. I believe that installation of the roundabout will mitigate traffic congestion to

a point that satisfies Zoning Ordinance 9-606 and brings the application into harmony with the Comprehensive Plan. But nothing short of this circle will accomplish this requirement. Without the traffic circle, for whatever reason it cannot be installed, the application is flawed and should be denied. For this reason, a fallback position in Condition 23 and associated language in other conditions must be deleted for an approval recommendation to be warranted. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2009-DR-008, SUBJECT TO DEVELOPMENT CONDITIONS WITH THOSE DATED MARCH 16, 2010, WITH AND ONLY WITH THE FOLLOWING MODIFICATIONS: FIRST, MODIFY THE CONDITIONS, PARTICULARLY CONDITION 19C AND 20, TO DELETE REFERENCE TO ACCESS TO CROWELL ROAD. And Mr. Chairman, I want to make one statement on the record in support of that requested modification with respect to Crowell access. Prohibiting access to Crowell Road will protect the surrounding low density residential neighborhoods by allowing the retention of the landscape berm along Crowell Road and the mature landscaping on the berm. With the landscape berm preserved, the proposed overflow parking will be fully screened and there will be no sight lines from Crowell into the school site. The character of Crowell Road will also be maintained as no additional turn lanes, clearing, or grading for sight line easements or other frontage improvements will be required. Finally, maintaining all access from Hunter Mill Road will keep the nonresidential traffic in uses focused on the main road towards the Toll Road and away from the residential uses to the north and east. Given that access to Crowell Road is therefore appropriate for the reasons stated, it is imperative that the traffic circle be constructed to handle the traffic existing - - exiting the site. As noted in the staff report addendum and at the public hearing, left turns cannot be permitted at the Hunter Mill Road entrance and if there's no traffic able to facilitate U-turns, access would have to be provided by Crowell Road. SECOND MODIFICATION: MODIFY THE CONDITIONS, particularly Condition - - PARTICULARLY CONDITION 23, TO REQUIRE THAT IF THE PROPOSED TRAFFIC CIRCLE CANNOT BE INSTALLED, THE SCHOOL RETURN FOR A SPECIAL EXCEPTION AMENDMENT, AND TO REMOVE THE TRAFFIC SIGNAL AS A FALLBACK OPTION. THIRD, DELETE THE SECOND PARAGRAPH OF CONDITION 24, AND FOURTH, MODIFY CONDITION NUMBER 25 TO PLACE A ONE-YEAR LIMIT ON THE ADDITIONAL TIME THAT CAN BE APPROVED BY THE ZONING ADMINISTRATOR TO INSTALL THE TRAFFIC CIRCLE.

Commissioner Lawrence: Second.

Chairman Murphy: Is there a second? Mr. - - Seconded by Mr. Lawrence. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you Mr. Chairman. I'm going to support the motion, but wish to express reservations about two aspects of the case: the site configuration and the development

condition requiring a traffic circle. Although I tend to agree with staff about the problems with lack of consolidation and particularly with respect to the "piano key" lot on the north side of the property, I believe the SE is approvable and that about as much as can be done with the application has been done. Nevertheless, even with a recommendation for approval tonight, I do not think we have seen the last of this property or the residual pieces of the SP use and the nearby transportation problem. I made the motion on the SPA approximately nine years ago, no less controversial, and I'm very familiar with this site. I hope I'm wrong, but I believe this application was just a preview of more difficulties to come. First, I tend to believe that the way the residual portion of the property has been chopped up, bisected with a spine road, will encourage additional applications for nonresidential or institutional uses there, rather than residential on two-acre lots. The piano key lot also becomes less desirable for one house, but is going to be problematic for any independent use, with its own screening, stormwater, parking, or other components. Those future uses may have their own traffic generation problems, to be evaluated later, but apparently all uses on the western portion of the residue along Hunter Mill Road will have to make the same right turn and loop around the traffic circle in order to head back south on Hunter Mill Road. I expect that those two new land bays, as configured, surrounded by busy roads and now divided by another, will be even less desirable for large residential lots, especially as church and school sites are so scarce in Fairfax County. Fairfax County may struggle with the future of those land bays and any traffic generated thereon for many years to come. Second, I have reservations about our specific requirement of a traffic circle in Development Condition 23, which has just been amended a minute ago, a somewhat new concept with which some local drivers may not be familiar. Although this traffic circle appears popular with some neighbors, and it may even work here for a while, traffic circles have been problematic in other areas. We also have not required a traffic circle through development conditions in any other application that I can remember. I'm familiar with the cluster of circles recently installed on Route 50 in Loudoun County and another at Point of Rocks on the Maryland side, which are not ideal. Some percentage of Hunter Mill Road drivers will not quite understand what to do. Even if our Fairfax motorists become more familiar with its operation, the time may come when the circle is less appropriate to handle the traffic at the intersection. Significantly also, the effectiveness of the traffic circle may also be affected by the traffic generation for future institutional uses on the two new land bays we create on either side of the new spine road, and possibly yet another small use on the piano key lot. I recognize nothing is pending, and that those applications will likely will be at least as controversial as this one, but there is no way for us to know what a future Board may approve. If a subsequent "fix" for the intersection involves removal of the traffic circle, we may apparently be complicating or requiring another SEA for this use, even if the school is not changing anything. Even if traffic circles become the flavor of the month, we should be very careful about requiring them in development conditions. We may be complicating resolution of future transportation problems or unintentionally requiring - - or intentionally, I guess with the amendment now - - requiring an applicant with vested rights to come back through a very complicated and expensive process, for reasons not necessarily precipitated by the applicant's activity. Ordinarily, VDOT, the Board, and other decision makers should have the flexibility to deal with future traffic control measures such as what to do at this intersection. With these development conditions, we couple this SE with this particular traffic circle, which permanent linkage may be inadvertent. We may regret

this later. Change is difficult enough in many neighborhoods. If we're going to require traffic circles in development conditions, we need to be careful that we are not tying the hands of future decision makers, or complicating applicants' later applications if trendy traffic control measures become obsolete and must later be changed. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2009-DR-008, subject to development conditions dated March 16th as amended this evening by Mr. Donahue, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Abstain, not present for the hearing.

Chairman Murphy: Ms. Hall abstains.

Commissioner Alcorn: Abstain.

Commissioner de la Fe: I will abstain.

Chairman Murphy: Mr. Alcorn abstains and Mr. de la Fe abstains. Mr. Alcorn and Ms. Hall were not present for the public hearing. Is that it?

Commissioner Donahue: No. Thank you, Mr. Chairman. A couple more motions here.

Chairman Murphy: All right.

Commissioner Donahue: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ON THE EAST AND SOUTH, IN FAVOR OF EXISTING VEGETATION AS SHOWN ON THE SE PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Same abstentions.

Chairman Murphy: Same abstentions. Same abstentions. Okay? Mr. Donahue.

Commissioner Donahue: And thank you, Mr. Chairman. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE LOCATION OF THE REQUIRED BARRIER ALONG THE EASTERN AND SOUTHERN PROPERTY BOUNDARIES, IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Donahue: And Mr. Chairman, one more thing. I want to thank our hero, Tracy Strunk. This was an amazing application and as you can see, it involved lots and lots of details and lots and lots of stuff, and Ms. Strunk handled them all extremely well. So thank you, Tracy, again.

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(The motions carried by votes of 7-0-3 with Commissioners Alcorn, de la Fe, and Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.)

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