

Planning Commission Meeting
July 23, 2009
Verbatim Excerpt

SEA 85-L-059-06 – BSI INCORPORATED T/A BROWNE ACADEMY

Decision Only During Commission Matters
(Public Hearing held on July 8, 2009)

Commissioner Lusk: Thank you, Mr. Chairman. I have a second item. It is on SEA 85-L-059-06, BSI Incorporated, also known as Browne Academy, in the Lee District. I have – well, you have before you as well, and I do – a version of the revised development conditions which are now dated today, Wednesday (*sic*), July 23rd. There were a couple minor revisions that were made to the original language. However, I need to make another minor revision to Development Condition Number 25. Right now, this condition refers to placement of signs along the perimeter of an RPA area that would basically prohibit access to that area. And what we'd like to do is specify that there will be two things: one, no more than three signs located prominently within this area, and we want to clarify that it will be specifically related to the restored RPA. So that is the two changes that we're proposing for Development Condition 25.

Vice Chairman Alcorn: So, Mr. Lusk, this would be a change to the development conditions dated July 22nd. Is that right?

Commissioner Lusk: – now dated July 23rd.

Vice Chairman Alcorn: Okay, with that change.

Commissioner Lusk: Okay, thank you, Mr. Chairman. If I might now move into a specific motion.

Vice Chairman Alcorn: Mr. Lusk.

Commissioner Lusk: Mr. Chairman, the Commission recalls that we deferred the decision only for SEA 85-L-059-06 to this evening to allow the applicant additional time to look at the staff – and this Planning Commission – to address the provision of a walkway easement along Browne Academy's common property line and a neighboring residential community. This community, Wilton Woods, has requested this walkway or trail to permit pedestrian access along the portion of Browne Academy's property. The language that we have now crafted in Development Condition Number 24 establishes that this pedestrian walkway easement will be granted by Browne Academy at no fee by Fairfax County Supervisors to permit the County to construct, operate, and maintain a walkway. Now, there are a number of steps that will need to take place before this actually comes to fruition. First, the County will need to get this pedestrian walkway or trail designated on the Trails Plan. And secondly, the County will need to identify funding to both construct, and then also, to maintain this new asset. The community recognizes that the establishment of this linkage will take time. But what I'd like to do is first note the most important step in this process is getting the dedication. So I want to recognize Browne Academy

for their willingness to dedicate the 3,800 square feet of land area that will ultimately result in this pedestrian walkway. As you will also recall, at the public hearing, we had one speaker, Ms. Joan Pride. She had noted, when she came to the podium, that she had not had the opportunity to review this special exception request and she had not seen the staff report at that particular time, and she was interested in working with a number of her neighbors to provide comments on this proposal. She was informed that the decision would be deferred and that she could forward comments during this deferral period, which she did. There were a list of concerns that were submitted to myself and shared with staff that centered on written notice; placement of our yellow PC placard signs on the property; there were concerns about the modification of the residential structure on the site; and then there was also a very specific request that the County require a deed restriction or covenant be placed on the Browne Academy property that prohibits them from acquiring any more real estate beyond their current property lines. We provided Ms. Pride with a response and it was shared with others in the community, and we explained very specifically that the notice requirements that were provided with this particular special exception were in accordance with the County policy. We also included a listing of the properties that received the notice, each of their names and the dates which those notices were sent. We provided information on where the placard signs were sited both during the previous period, and then also where they are currently sited. And then we explained to her and the community that the County cannot require a deed restriction or a covenant that prohibits the school from acquiring additional real estate beyond its current property boundaries. We have no precedent for that, and I don't want to even get into the legal issues that would surface if we were to attempt that. What we did also share with the community is that, if you look at this proposal, the current FAR for the site is .12, with the current proposal, and that they have a maximum FAR that would allow them up to .30. So, in essence, they have a delta of about .18 FAR yet to build on this site. If you convert that FAR into square footage, it would allow the school approximately 90,000 square feet of additional uses. All the other remaining issues have been addressed. But there's one other development condition that I'd like to point out, and that is Development Condition Number 9. This condition was one that was specifically requested by the community in which they now have the opportunity to meet with the school. There's a designated representative from the school who will coordinate meetings and, basically, have ongoing communication between the civic association and the school. So, in conclusion, this application is in harmony with the Comprehensive Plan. It's in harmony with the Zoning Ordinance. So with that, Mr. Chairman, I will make a series of motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-L-059-06, SUBJECT TO THE DEVELOPMENT CONDITIONS THAT ARE NOW DATED JULY 23RD, 2009.

Commissioner Lawrence: Second.

Vice Chairman Alcorn: Seconded by Mr. Lawrence. Any discussion on that motion?

Commissioner Lawrence: Mr. Chairman?

Vice Chairman Alcorn: Mr. Lawrence.

Commissioner Lawrence: Are those the development conditions as just amended?

Commissioner Lusk: Yes, sir. And I apologize. I should have mentioned that, in accordance with the language that was referred to at the beginning of this motion.

Vice Chairman Alcorn: Okay.

Commissioner Lawrence: Thank you.

Vice Chairman Alcorn: Should we read that into the record, or do we have that in writing?

Commissioner Lusk: Okay, all right, Mr. Chairman, if you'll indulge me, I'll just restate the clarifications on that development condition. Again, IT'S DEVELOPMENT CONDITION NUMBER 25. IT WILL HAVE TWO CHANGES. THE FIRST CHANGE IS THAT THERE WILL BE NO MORE THAN THREE SIGNS THAT WILL BE POSTED, AND THAT WE ARE SPECIFICALLY TARGETING THE PERIMETER OF THE RESTORED RPA. And those are the two changes that would occur with that development condition.

Vice Chairman Alcorn: Okay. And seconded by Commissioner Lawrence.

Commissioner Lawrence: Second.

Vice Chairman Alcorn: Any discussion on that motion? All those in favor of recommending that the Board of Supervisors approve SEA 85-L-059-06, subject to the development conditions now dated July 23rd, 2009, as amended by Commissioner Lusk, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? Any abstentions? That motion carries.

Commissioner Sargeant: Abstain; not present for the public hearing.

Vice Chairman Alcorn: Commissioner Sargeant and the Chair abstain; not present for the public hearing.

Commissioner Lusk: Mr. Chairman, I have three more motions. I will run through them quickly.

Vice Chairman Alcorn: Mr. Lusk.

Commissioner Lusk: I MOVE THAT THE PLANNING RECOMMEND APPROVAL OF RPA EXCEPTION #6562-WRPA-002-1, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 11TH, 2009, and contained in Appendix A of – excuse me, AND CONTAINED IN ATTACHMENT A OF APPENDIX 11.

Commissioner Lawrence: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lawrence. Any discussion on that motion? All those in favor of recommending approval of RPA Exception #6562-WRPA-002-1, subject to the proposed development conditions dated May 11th, 2009, and contained in Attachment A of Appendix 11, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries.

Commissioner Sargeant: Abstain.

Vice Chairman Alcorn: Same abstentions.

Commissioner Lusk: Mr. Chairman?

Vice Chairman Alcorn: Commissioner Lusk.

Commissioner Lusk: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY LINES TO ALLOW THE EXISTING VEGETATION AS DEPICTED ON THE SEA PLAT.

Commissioner Lawrence: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lawrence. Any discussion on that motion? All those in favor of the motion to approve – recommend approval of a modification of the transitional screening requirements along all property lines, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries. Commissioner Lusk. Same abstentions.

Commissioner Lusk: And my final motion, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG ALL PROPERTY LINES, EXCEPT THE EASTERN BOUNDARY OF LOT 33, WHERE THE BARRIER REQUIREMENT SHOULD BE WAIVED IN FAVOR OF THE EXISTING VEGETATION.

Commissioner Lawrence: Second.

Vice Chairman Alcorn: Seconded by Commissioner Lawrence. Any discussion of that motion?
All those in favor of the motion, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? Same abstentions.

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(The motions carried by a vote of 7-0-2 with Commissioners Alcorn and Sargeant abstaining;
Commissioners Flanagan, Hall, and Murphy absent from the meeting.)

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