

Board Agenda Item
December 5, 2005

3:30 p.m.

Public Hearing on RZ 2002-HM-043 (L. Farnum Johnson, Jr. & Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Launders Marital Trust, David I. Meiselman and Winifred C. Meiselman, Trustees, and Meiselman Family LLC) to Rezone from R-1 and I-4 to PDC to Permit Mixed Use Development with an Overall Floor Area Ratio of 0.95. Located on Approximately 53.84 Acres, Hunter Mill District

and

Public Hearing on PCA 79-C-037-5 (L. Farnum Johnson, Jr. & Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Launders Marital Trust) PCA Appl. to Delete 3.55 Ac. Site from the Proffers for RZ 79-C-037 Approved for Industrial Development to Permit the Area to be Rezoned as Part of RZ 2002-HM-043, Located on Approximately 3.55 Acres Zoned I-4, Hunter Mill District

and

Public Hearing on SE 2002-HM-046 (L. Farnum Johnson, Jr. & Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Launders Marital Trust, David I. Meiselman and Winifred C. Meiselman, Trustees, and Meiselman Family LLC) to Permit Uses in a Floodplain, Located on Approximately 53.84 Acres Zoned PDC, Hunter Mill District

Also under consideration will be the applicant's request for a Water Quality Exception #001504-WRPA-001-1 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) to permit encroachment within a Resource Protection Area (RPA) for the purpose of wetland restoration and disturbance of additional RPA in order to permit the construction of a storm water management facility.

RZ 2002-HM-043 is located west of Centreville Road and north and south of Sunrise Valley Drive, Tax Map 16-3 ((1)) 4B, 4C, 5 and 5A; 16-3 ((1)) 39A (previously known as 16-3 ((1)) 4 and 39).

PCA 79-C-037-5 is located on the west side of Centreville Road approximately 400 feet south and 175 feet west of its intersection with Sunrise Valley Drive, Tax Map 16-3 ((1)) 4B and 4C.

SE 2002-HM-046 is located north and south of Sunrise Valley Drive and west of Centreville Road, Tax Map 16-3 ((1)) 4B, 4C, 5 and 5A; 16-3 ((1)) 39A (previously known as 16-3 ((1)) 4 and 39).

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PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 30, 2005, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 79-C-037-5;
- Approval of RZ 2002-HM-032, subject to the execution of proffers consistent with those dated November 29, 2005, as modified to provide additional wording for a playground, and subject also to the following additional recommendations:
 - Approval should be contingent upon the applicants' payment of funds, according to the formula for the rezoning of commercial and industrial land to residential use within the Route 28 Tax District, with such payment to be received prior to the effective date of the rezoning, as set by the Board;
 - The Board of Supervisors set a date, up to 60 days from the date of the Board's decision on the application, as the effective date of the rezoning; and
 - Failure by the applicant to provide payment to the County of the full amount determined by the above-referenced formula prior to the effective date of the rezoning shall mean that the requested change in zoning shall not become effective and that the rezoning decision shall be void in accordance with Section 15.2-4608(C) of the *Virginia Code*.
- Approval of SE 2002-HM-046, subject to the Development Conditions dated November 9, 2005;
- Approval of Resource Protection Area Encroachment Plan 1504-WRPA-001-1, subject to the Development Conditions dated November 30, 2005;
- Modification of the use limitation of a PDC District to permit the gross floor area of the secondary residential uses to exceed 50% of the principal uses, excluding affordable dwelling units and bonus marked rate units;
- Waiver of the service drive requirement along the Dulles Airport Access Road;
- Waiver of the 600-foot maximum length requirement for private streets;
- Modification of the loading space requirement; and

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- Modification of the major paved trail requirement along Centreville Road in favor of the trail location depicted on the CDP/FDP.

The Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to approve FDP 2002-HM-043, subject to the FDP Conditions dated November 9, 2005 and subject also to Board approval of RZ 2002-HM-043.

The Commission voted 9-1 (Commissioner Wilson opposed; Commissioners Alcorn and Hall absent from the meeting) to recommend waiver of the on-road bike lane on Centreville Road.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Verbatim Excerpt

RZ 2002-HM-043 } L. FARNUM JOHNSON, JR. & JEFFREY J. FAIRFIELD, MANAGING
FDP 2002-HM-043 } CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST,
PCA 79-C-037-5 } DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN,
SE 2002-HM-046 } TRUSTEES, AND MEISELMAN FAMILY LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. This case was one of the first to be submitted after my appointment to the Planning Commission in 2002 and we have been working on it ever since. It finally comes to us with the unanimous approval of the Hunter Mill Land Use Committee and with an approval recommendation from staff. As had been discussed, this site is traversed by the Merrybrook Run with its associated EQC and RPA and environmental quality issues. It is constrained by the Dulles Airport Access Road, Centreville Road, Sunrise Valley Drive, which by and large have already been or are being constructed in accordance with Comprehensive Plan guidelines. Its location makes it one of the first that folks see in Fairfax County when coming from Washington Dulles International Airport. It has a family cemetery and existing structures that may have historic significance. And the Comprehensive Plan recommends that 10 acres be dedicated for active recreation. These factors, in part, explain the length of time that it has taken to get to this point. The RPA, EQC, and environmental quality issues have been resolved and the Department of Public Works and Environmental Services recommends approval of RPA Exception 1504-WRPA-001-1, subject to development conditions shown in Attachments 2A and B of the staff addendum dated November 6, 2005. Transportation issues have been addressed by phasing construction to availability of Metrorail in the Dulles Corridor, and I would like to stress that this phasing to Metrorail is happening even though the development plan stays within currently recommended Comprehensive Plan guidelines and does not take into consideration or advantage of additional intensity available with rail. There is a very robust TDM strategy as outlined in proffers dated November 29th. The proffered CDP and FDP take into account the site's prominent location at a key gateway to Fairfax County. The cemetery and potentially historic structures are also addressed in the proffers. The 10-acre dedication for active recreation has been resolved through a compromise solution that meets the spirit of the Comprehensive Plan. Though 10 acres are not specifically dedicated, a fully developed park, including a lighted, artificial soccer - - turf, rectangular field, will be constructed and dedicated to the Park Authority. The Comprehensive Plan required just the land. The proffered arrangement relieves the Park Authority of finding funds to develop the facilities and accelerates the timetable when they will be available for use. There are two other issues I would like to mention: the waiver of the on-road bike lane on Centreville Road and affordable housing. Centreville Road, along this site's frontage, has been constructed and additional work will be done to adjust lane widths to provide safer pedestrian crossings. The issue of the on-road bike lane was discussed at the Land Use Committee, one of whose members is the Chairman of the County's Non-Motorized Transportation Committee, and not being able to come up with a rational or workable solution, the Committee unanimously agreed with the staff recommendation

that the waiver be approved. With respect to affordable housing, Proffer 28, as revised yesterday, states that the applicant will provide seven units as ADUs and a contribution to the Housing Trust Fund of one-half of one percent of the value of all other units approved for the property as provided for in the Ordinance and the Residential Development Criteria, respectively. I encourage the applicant, however, to increase the number of units well above the required minimum when construction actually takes place. With that, Mr. Chairman, I have a series of motions and let me get to them. There's quite a few. Mr. Chairman, I recommend approval - - I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF PCA 79-C-037-5.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of the motion?

Commissioner Wilson: Mr. Chairman?

Chairman Murphy: All those - -

Commissioner Wilson: Mr. Chairman, a question for Commissioner de la Fe. The - - is it going to be contingent on the condition that staff has included in this staff report about the financing on the inside page of the cover?

Chairman Murphy: Yes.

Commissioner Wilson: Contingent upon the applicant's payment of funds?

Commissioner de la Fe: There, there - - if, if you - - as I said, there's a series of motions. This is the first motion. There are a number of others.

Commissioner Wilson: But this - -

Commissioner de la Fe: I am, I am recommending - - I am - - this one just refers to PCA 79-C-037-5.

Commissioner Wilson: Oh, sorry. I thought you had mentioned the RZ number.

Commissioners: No.

Commissioner Wilson: Thank you.

Chairman Murphy: Not yet. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 79-C-037-5, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2002-HM-043, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 29, 2005, AS MODIFIED TODAY TO PROVIDE FOR THE ADDITIONAL WORDING OF A PLAYGROUND OR A PLAYGROUND - -

Commissioners Byers and Hopkins: Second.

Commissioner de la Fe: No, wait. Hold on a second. - - APPROVAL OF THIS APPLICATION SHOULD BE CONTINGENT UPON THE APPLICANTS' PAYMENT OF FUNDS ACCORDING TO THE BOARD OF SUPERVISORS' FORMULA FOR THE REZONING OF COMMERCIAL AND INDUSTRIALLY ZONED LAND TO RESIDENTIAL USE WITHIN THE ROUTE 28 TAX DISTRICT WITH SUCH PAYMENT TO BE RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE REZONING AS SET BY THE BOARD OF SUPERVISORS. We also - - I ALSO RECOMMEND that the Board - - THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS SET A DATE, UP TO 60 DAYS FROM THE BOARD'S DECISION ON THIS APPLICATION, AS THE EFFECTIVE DATE OF THE REZONING. FAILURE BY THE APPLICANT TO PROVIDE PAYMENT TO THE COUNTY OF THE FULL AMOUNT DETERMINED BY THE FORMULA DESCRIBED HEREIN PRIOR TO THE EFFECTIVE DATE OF THIS REZONING DECISION SHALL MEAN THAT THE CHANGE IN ZONING REQUESTED BY THE APPLICANT SHALL NOT BECOME EFFECTIVE AND THAT THIS REZONING DECISION SHALL BE VOID IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-4608(C).

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2002-HM-043, subject to the proffers as amended this evening and all the rest of that stuff, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT the PC approve - - THE PLANNING COMMISSION APPROVE FDP 2002-HM-043, SUBJECT TO PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS DATED 11-9-05, CONTAINED IN ATTACHMENT 2A AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2002-HM-043.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2002-HM-043, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2002-HM-046, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 3, DATED 11-9-05.

Commissioners Hopkins and Byers: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2002-HM-046, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RESOURCE PROTECTION AREA ENCROACHMENT PLAN NUMBER 1504-WRPA-001-1, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED 11-30-05, WHICH ARE IDENTICAL TO THOSE CONTAINED IN ATTACHMENT 2B.

Commissioners Hopkins and Byers: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I recommend that the Planning Commission - - I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE USE LIMITATION FOR THE PDC DISTRICT TO PERMIT THE GROSS FLOOR AREA OF RESIDENTIAL USES, SECONDARY USE, TO EXCEED 50

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PERCENT OF THE PRINCIPAL USES, EXCLUDING AFFORDABLE DWELLING UNITS
AND BONUS MARKET RATE UNITS.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Mr. Byers, Ms. Hopkins. Discussion? All those in favor, say
aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION
RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT
ALONG THE DULLES AIRPORT ACCESS ROAD.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Mr. Byers, Ms. Hopkins. Discussion? All those in favor, say
aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION
RECOMMEND APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH FOR
A PRIVATE STREET.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Discussion? All those in favor,
say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION
RECOMMEND APPROVAL OF A MODIFICATION OF THE LOADING SPACE
REQUIREMENT.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Mr. Byers and Ms. Hopkins. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MAJOR PAVED TRAIL REQUIREMENT ALONG CENTREVILLE ROAD TO PERMIT THE TRAIL LOCATION DEPICTED ON THE CDP/FDP.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Ms. Hopkins and Mr. Byers. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE ON-ROAD BIKE LANE ON CENTREVILLE ROAD.

Commissioners Byers and Hopkins: Second.

Chairman Murphy: Seconded by Mr. Byers - - Mr. Byers and Ms. Hopkins. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Wilson: No.

Chairman Murphy: Ms. Wilson votes no on the last one.

Commissioner de la Fe: That's it, Mr. Chairman.

Chairman Murphy: Thank you very much.

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(Motions 1 through 10 carried unanimously with Commissioners Alcorn and Hall absent from the meeting.)

Motion 11 carried by a vote of 9-1 with Commissioner Wilson opposed; Commissioners Alcorn and Hall absent from the meeting.)

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