

4:30 p.m. Item - RZ-2000-DR-002 - JANET L. AND LOIS H. BEALL
Dranesville District

On Thursday, July 20, 2000, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Palatiello not present for the vote; Commissioners Murphy and Smyth abstaining; Commissioner Wilson absent from the meeting) to recommend that the Board of Supervisors approve RZ-2000-DR-002, subject to execution of the proffers dated July 20, 2000, revised as follows:

- Add the following phrase at the end of Proffer 3: "if deciduous trees, and 5 to 8 feet tall if evergreen trees."
- Add Proffers 5h as follows: "Applicants shall contribute to the appropriate organization in charge of building or purchasing the box boxes, a sum not to exceed \$500 for such boxes."

Planning Commission Meeting
July 20, 2000
Verbatim Excerpts

RZ-2000-DR-002 - JANET L. AND LOIS H. BEALL

Decision Only During Commission Matters
(Public Hearing was held on 6/14/00)

Commissioner Downer: Thank you, Mr. Chairman. I think it was almost a month ago that we held a public hearing on a rezoning in McLean at the intersection of Kirby Road and Old Chesterbrook Road. The applicants, Janet and Lois Beall have 1.91 acres at that location and were requesting five lots at R-3. If you recall, we had some history that the Beall family had acquired this property back in 1897. The house was built approximately 100 years ago. The house has been vacant since 1986, except for its present inhabitants, which are numerous little brown bats. The little brown bats have become an object of great interest by many people. I never knew I would become such an authority on bats in such a short time. The issue was, the proffers that the applicant had brought to us said that she would proffer five bat houses to go in Linway Terrace Park, an active park. There's basketball courts, soccer field, all sorts of children's activities going on. And even though bats come out at night, to put the bat boxes there was of great concern to the park, and also a concern to Bat Conservation International because it's a very tempting target. And maybe they'd show us a picture of a bat -- well, there you've got it. It's a very tempting target for children to throw stones up there or shine lights up there or whatever. There's one on the cover that might be more colorful.

Chairman Murphy: What is it?

Ms. Tracy Swagler: It's a bat box.

Chairman Murphy: Oh, I see. A bat house.

Commissioner Downer: Right. These can be built on the side of buildings, on trees or on poles. They recommend, since this is, we think, a maternity bat colony, that two bat boxes be built back to back. And I don't want to belabor, but this is of such interest that *The Washington Post* did an article, Channel 7 interviewed Mrs. Beall, there was a hour radio show on it, and now there's a film documentary being made of this. So we may achieve international recognition for the bats. To make a long story short -- we'll get the bats out of the way here -- we tried to find suitable locations to put bat houses. And since the Park Authority wouldn't let us -- or didn't want us to put them next door, when we went out and did the bat count with the wildlife biologist from Fredericksburg, we were told to watch the direction the bats go. And the bats went down to Brian Branch which is a stream valley basically owned by the Park Authority. And the Highland Swim Club is down there. And there's a lot trees, but there's this lovely Brian Branch which goes into Pimmit Run. And that bats seemed to go in that direction, so we looked in that direction to put the bat houses. The Park Authority did call me this morning, after we've had

meetings about this, and said yes, that if we could get an organization to erect the bat houses and keep an eye on them, that they would work with us and work out an agreement. In the meantime, the Boy Scout Commissioner for that area, John Foust, did bring this problem to the Boy Scouts. They are very interested in doing it as Eagle projects and building the bat houses. So tonight you will see a proffer added, that the applicant will contribute a sum not to exceed \$500 for the bat boxes. I have not discussed this with Ms. Strobel yet, but I'd like to add to that: "to the appropriate organization in charge of building or purchasing bat houses." Apparently, Bat Conservation International also has someone who will build them. So if this doesn't work out, we'll look to them for someone to build them. But the Boy Scouts have agreed to take it on. When we had the public hearing -- I'm going to leave the bats now -- when we had the public hearing, we heard from many citizens. Density was one of the big issues; traffic and screening from the park. In particular, Mr. Rosen pleaded very eloquently to screen the houses, that he wanted this park to remain a park and not turn into a playground where you could see houses all around it. And he personally, if you recall, had screened his. And we'll come back to that. First on the density. Oh, and one other thing in relation to the bats, that I did leave out, that I want to put on the record. In speaking with Mrs. Beall and with her attorney, I learned that Mrs. Janet Beall had only acquired interest in this property in the last three years. And since that time, I want to put on the record, that she personally has gone over, mowed the grass. She drives her tractor up the street. The neighbors have confirmed this. She mows the grass. She's cleaned up around the house. She's cleaned out the house a great deal and has tried to upgrade and maintain it. So I would like that put on the record, that Mrs. Beall has made this effort and the neighbors have appreciated it and all of us appreciate it. Now, back to density. In the Comprehensive Plan for this area, it states that the appropriate density is two to three dwelling units an acre. R-2 would be recommended unless there was substantial consolidation. If you recall, the Beall family had originally over 11 acres. The school came and Fairfax County Schools acquired 9.6 acres out of this tract for the proposed Chesterbrook School. At some point they determined the site wasn't large enough or maybe there was too much floodplain. I don't know the reason, but they sold it or deeded it over to the Park Authority, and it's now a park, leaving Mrs. Beall with 1.91 acres. So, at R-2, that would only give her three lots. She's one tenth of an acre short. At R-3, it would give her five lots; however, R-3 called for substantial consolidation. Staff determined that under R-3 and five lots that she met the development criteria. I'm not sure I totally agree with staff and I was not terribly comfortable with the five lots. As of last night, Mrs. Beall has agreed, if I'll give her R-3, she'll proffer it down to four lots. And the plan you see before you is a sketch they've drawn up today showing the four lots. So that is the recommendation I'm going to bring before you. Regarding the screening from the park, normally we screen to more intense uses, not to parks. So now we're trying to accommodate some of the park users and neighbors who use the park. And the Beall property sits higher than the park. And they are afraid that these larger houses are going to loom over the park and they'd like some evergreens planted there. Mrs. Beall had chosen to put in red maples and some very nice deciduous shade trees and they designed a pattern which we're seeing in front of us. But tonight in the back room we did work out that they would be willing to supplement

evergreens on each of the rear lots to screen the proposed homes from the park in consultation with the Urban Forester. So we will basically leave what you see, maybe one or two or three of the deciduous will come out and be replaced with evergreens or maybe the evergreens will be placed around them. We don't have a definite answer. Hopefully, that will be worked out by the time it gets to the Board in the fall. But they are going to put on their development plan that they will put supplemental evergreens to screen the proposed homes from the park. So I think that language shows the intent, and certainly our staff coordinator is aware of that. We got a change to the proffers and development conditions this evening. I'll let Ms. Swagler go through what those are very briefly. And then we'll bring the applicant forward to address the new items and hopefully that's it.

Ms. Swagler: Thank you. The changes that are in the proffers that you have before you this evening limit the total number of houses to four. And they have agreed that they will revise the GDP before the Board hearing to show that. They have removed the Housing Trust Fund contribution. With the reduction to the four lots, they are no longer at the high end of the density range. They are at the very bottom of the density range of two to three, so they would no longer be absolutely required to do that. And they have removed the contribution of the bat houses to the Park Authority which was at the request of the Park Authority. And, as Commissioner Downer stated, they've indicated a willingness to contribute the funds for the construction of those bat houses. Thank you.

Commissioner Downer: Thank you. Would the applicant's agent please come down?
Ms. Strobel.

Lynne Strobel, Esquire: Hi. Good evening. My name is Lynne Strobel and I represent the applicant in this case. Thank you.

Commissioner Downer: Is the applicant in agreement with what I basically have put forward, so that we can move on this this evening?

Ms. Strobel: Yes, she is.

Commissioner Downer: Okay. Thank you very much. And thank Mrs. Beall for me. With that, Mr. Chairman, I am going to **MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF APPLICATION RZ-2000-DR-002, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 20, 2000, WITH A CHANGE TO PROFFER 3.**

Proffer 3 in the new ones tonight deals with the landscaping. And what I added, to accommodate the evergreens at the end of that.

NUMBER 3, it would be: "TREES PROPOSED TO BE PLANTED ON THE APPLICATION PROPERTY SHALL BE PLANTED THREE TO THREE AND A HALF INCHES IN CALIPER AS SHOWN ON

THE GDP IF DECIDUOUS TREES AND FIVE TO EIGHT FEET
TALL IF EVERGREEN."

So that we're not dealing with all three and a half caliper and have to come back with a change.

ALSO I WOULD ADD PROFFER 5h: "APPLICANT TO CONTRIBUTE
TO THE APPROPRIATE ORGANIZATION IN CHARGE OF BUILDING
OR PURCHASING BAT BOXES, A SUM NOT TO EXCEED \$500 FOR
SUCH BOXES."

Commissioner Byers: Second.

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

Commissioner Harsel: Mr. Chairman?

Chairman Murphy: Mrs. Harsel.

Commissioner Harsel: In the building and the constructing and the maternity wards and all, where are these bat houses going?

Commissioner Downer: They will go down on Brian Branch. And there'll also be some going to individual property owners.

Commissioner Harsel: Are they going to be at the Highland Swim Club?

Commissioner Downer: No. The Highland --

Commissioner Harsel: Well, my grandsons go to the Highland Swim Club and I want them protected.

Commissioner Downer: We may have one not far from there, but on the actual Highland Swim Club property, the only really clear area is right by the swimming pool and the tennis courts.

Commissioner Harsel: I know.

Commissioner Downer: Anyway, they play tennis until 10:00 at night and the bats come out before that.

Commissioner Harsel: It's very well lit.

Commissioner Downer: So we decided it was better to put them down in the stream valley, beyond the Highland Swim Club.

Commsisioner Harsel: Well, as long as they're not at the Highland Swim Club. That's all --

Commissioner Downer: They probably are there. You just haven't noticed them. I know a lot of the neighbors -- you heard Mr. Hill say they skim his pool and he has no mosquitos.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-2000-DR-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Smyth: Abstain.

Chairman Murphy: Motion carries. Ms. Smyth abstains and the Chair abstains. I was not present for the public hearing, an absence that I will regret for an awfully long time.

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(The motion carried by a vote of 7-0-2 with Commissioners Murphy and Smyth abstaining; Commissioners Alcorn and Palatiello not present for the vote; Commissioner Wilson absent from the meeting.)

GLW