

3:00 P.M. Items - RZ-2000-SU-029 - PULTE HOME CORPORATION
RZ-2000-SU-042 - WINCHESTER HOMES, INC.
RZ-2000-SU-043 - WINCHESTER HOMES, INC.
Sully District

On Thursday, March 1, 2001, the Planning Commission voted to recommend the following actions to the Board of Supervisors:

RZ-2000-SU-029

- Approval of RZ-2000-SU-029 and the conceptual development plan, subject to execution of proffers consistent with those dated February 23, 2001 (*vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting*);
- Waiver of the 600 foot maximum length requirement of a private street; waiver of transitional screening and barrier requirements for the common boundaries between unit types within the zoning application and the common boundaries of the concurrent zoning applications within Centreville Farms; modification of the transitional screening requirements and waiver of the barrier requirements along the northern, northeastern and southern application property boundaries; waiver of construction of the service drive along the Route 29 frontage of the site; waiver of the 200-foot setback requirement for residential structures located adjacent to an interstate highway; and waiver of the 200 square foot privacy yard for the single family attached units in Landbay 1 and Landbay 3, west of the spine road (*vote of 6-4-1 with Commissioners Byers, Harsel, Moon and Smyth opposed; Commissioner Alcorn abstaining; Commissioner Murphy absent from the meeting*).

RZ-2000-SU-042

- Approval of RZ-2000-SU-042 and the conceptual development plan, subject to execution of proffers consistent with those dated February 21, 2001; (*vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting*);
- Waiver of the 200-foot setback requirement of residential structures from interstate highway I-66 pursuant to Section 2-414 of the Zoning Ordinance; waiver of the 200-square foot privacy yard for single family attached units pursuant to paragraph 2 of Section 6-107 of the Zoning Ordinance with the mews townhouse units which are proposed with an alternative development plan depicted on sheet 17 of the CDP/FDP; modification of the transitional screening and barrier requirements along the portion of the northwest property boundaries adjacent to tax map 54-4 ((2)) 5; and waiver of the 600-foot maximum length requirement of private streets (*vote of 6-4-1 with Commissioners Byers, Harsel, Moon and Smyth opposed; Commissioner Alcorn abstaining; Commissioner Murphy absent from the meeting*).

RZ-2000-SU-043

- Approval of RZ-2000-SU-043 and the conceptual development plan, subject to execution of proffers consistent with those dated February 21, 2001 029 *(vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting);*
- Modification of the transitional screening requirement and waiver of the barrier requirement along the eastern property boundary and between the townhouse and single family detached units located within the zoning application; waiver of construction of the service drive along the Route 29 frontage of the site; and waiver of the 600-foot maximum length requirement of private streets *(vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting)*

With regard to the three final development plan applications, the Planning Commission took the following actions :

- Approved FDP-2000-SU-029, subject to the development conditions dated February 21, 2001 and subject also to Board approval of RZ-2000-SU-029 and the conceptual development plan *(vote of 8-3 with Commissioners Byers, Harsel and Smyth opposed; Commissioner Murphy absent from the meeting);*
- Approved FDP-2000-SU-042, subject to Board approval of RZ-2000-SU-042 *(vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting);*
- Approved FDP-2000-SU-043, subject to the development conditions dated February 21, 2001 and subject also to Board approval of RZ-2000-SU-043 and the conceptual development plan *(vote of 8-3 with Commissioners Byers, Harsel and Smyth opposed; Commissioner Murphy absent from the meeting).*

Planning Commission Meeting
March 1, 2001
Verbatim Excerpts

RZ 2000-SU-043 - WINCHESTER HOMES, INC.
FDP-2000-SU-043 - WINCHESTER HOMES, INC.
RZ-2000-SU-042 - WINCHESTER HOMES, INC.
FDP-2000-SU-042 - WINCHESTER HOMES, INC.
RZ-2000-SU-029 - PULTE HOME CORPORATION
FDP-2000-SU-029 - PULTE HOME CORPORATION

Decision Only During Commission Matters
(Public Hearing was held on February 15, 2001)

Commissioner Koch: Thank you, Mr. Chairman. I have a decision only, Centreville Farms. Before I go into my motion, I was wondering if I could ask Mr. Robert Lawrence, who represents both Winchester and Pulte on this case, at least for tonight. Mr. Lawrence, I received from Mr. McDermott today a communication with two changes to the proffers. We're on the record, so very briefly, could you just briefly tell us what those two changes affect?

Robert Lawrence, Esquire: I don't have them right handy here.

Commissioner Koch: Okay. Well, I'm sorry -- let me just ask you if you agree to them. The first has to do with the signal at the spine road. They are adding the words: "If authorized by VDOT, the warrant study shall be projections of trip generations at full build-out of Faircrest." That's the first one. The second one is a notification to all prospective buyers and it says that: "Current transportation plan contemplates the extension of Metro Rail parallel to the northern boundary of the property with the median of I-66. These disclosures shall also be set forth in the respective HOA documents." Do you agree that these will be added prior to --

Mr. Lawrence: Yes. That's correct, Mr. Koch. We will add these to the --

Commissioner Koch: And one final thing is, Ms. Frost handed me a sign change. I'm glad to see they are not using the word -- oh, they do use the word "popsicle." I hate that. But anyway, would you agree to the changed wordage of the sign?

Mr. Lawrence: Yes, there is wordage that I discussed with Commissioner Wilson.

Commissioner Koch: And you're going to get that in there before it goes to the Board on Monday?

Mr. Lawrence: Yes, that's correct.

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RZ-2000-SU-042/FDP-2000-SU-042

RZ-2000-SU-029/FDP-2000-SU-029

Commissioner Koch: And I have one more question for staff. Staff, I have a letter from a gentleman, Michael C. Judge. We've been working with him. He lives along Summit Street and he has concerns about his well water as other people on the street do. His letter dated March 1st was here when I came in. Basically, it says that he still has unanswered questions and concerns about protection for his well water. Can you think of anything else that we can do? We've given the standard blasting proffer protection and everything. Is there anything else that we can do for the gentlemen?

Ms. Leslie Johnson: Well, I think what he would like is for the applicants to commit that if something happens to the well, regardless of whether it's blasting or not, that they will take care of it.

Commissioner Koch: I don't think the applicant will do that. It's kind of an open-ended thing. But no matter what, if something happens to his well, that's kind of a civil issue. I mean, he would have to prove that the construction did something to the well. But I think we've pretty well done as much as we can in the proffers. I appreciate that he is concerned, but I'm at a loss to be able to do anything more.

Vice Chairman Byers: Before you go on, Mr. Koch, I have a question of staff. Is this case going to the Board on Monday?

Commissioner Koch: Yes.

Ms. Johnson: Yes, it is.

Vice Chairman Byers: And we have proffers that have not yet been to the County Attorney yet?

Ms. Johnson: No, they have been. We have the sets dated February 21st for Winchester, and the sets dated February 23rd for Pulte have gone to the Board (sic?). We have signed proffers for those two sets.

Vice Chairman Byers: How about the one Ms. Wilson just created tonight?

Ms. Johnson: They will have to provide me -- provide us -- with a signed -- a new signed set of proffers either tomorrow afternoon or first thing Monday morning. We still need the County Executive to sign for the road vacation, but we anticipate receiving those revised proffers with the changes that have been discussed on all three -- those changes that were discussed by Mr. Lawrence, I anticipate being on all three sets of proffers.

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Vice Chairman Byers: So you anticipate the County Attorney will not have any problem with them?

Ms. Johnson: They have already reviewed the signatures --

Vice Chairman Byers: I'm talking about the latest one we just got.

Ms. Johnson: I don't think so.

Commissioner Wilson: Mr. Chairman?

Vice Chairman Byers: Ms. Wilson.

Commissioner Wilson: I've actually had conversations with the County Attorney's office just so we wouldn't run into any last minute problems like this. They don't have any problems with the suggested sign proffer language.

Vice Chairman Byers: Okay. Go ahead, Mr. Koch.

Commissioner Koch: Thank you, Mr. Chairman. Two weeks ago we held a public hearing on an application that has been in the works for over seventeen years. To bring the rezoning this far, the applicants had to put together a consolidation that covers 266 acres and comprised of 131 separate parcels. In March of last year, an Out-of-Turn Plan Amendment for Centreville Farms was adopted. The Plan Amendment did not increase the density permitted for the area under the old Plan, but added the option for multi-family development up against I-66, made conditions for consolidation a little less stringent, located specific sites for the elementary school, public park and transit dedications, and estimated the appropriate size, location and external access to the main spine road. In addition, it established better transitions to the stable Summit Street neighborhood on the west and the Woodlands on the east by designating different housing types for specific locations in land units, thus ensuring that we would have a mix of unit types instead of one big townhouse development. Tonight I will be making motions on three cases which implement that Plan text and brings to an end a very long effort to bring needed infrastructure and appropriate development into this area, while protecting the existing landowners who are not part of this consolidation. We finally have before us a comprehensive and viable solution to the problem as to how to best redevelop the last large developable tract of land in Centreville. As indicated in the staff reports, these applications are in conformance with the recommendations of the Comprehensive Plan, with the provision of a new 17 acre elementary school site, a 4-1/2 acre transit station site, access -- I'm sorry -- 24 acres for a park site, recreational amenities,

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substantial EQC dedication and/or protection, consistent design elements throughout the development, construction of a noise wall adjacent to I-66, almost total consolidation of the area, and regional stormwater detention. The public dedications, which are over 46 acres, will occur at the front end of the development and other significant infrastructure improvements are proffered to be in place by the time need for them would arise from this development. The Centreville Farms spine road will be constructed as a four lane divided section throughout the entire length and has been located in such a way as to have the least amount of impact on the existing Woodlands community. Several traffic signals will be installed. Leland Road will be converted to an improved two lane section with turn lanes at appropriate locations. Under these plans, other significant transportation improvements will be provided or facilitated, such as the Interstate 66 flyover ramps. As requested by the existing residents and contemplated in the Comprehensive Plan, Summit Street will be terminated with a cul-de-sac. At the public hearing, we heard concerns for the future of the existing wells on the properties along Summit. The proffers have been changed to double the area of land to be covered by the blasting proffer to 500 feet instead of the original 250 feet. The applicants have made enormous commitments in obtaining the rights to the consolidation properties and they have tried to address the concerns of the existing neighbors, County staff and the citizens of Centreville in general. Centreville Farms started out as one of the most contentious areas to be developed in Sully District. Only eight persons spoke at the public hearing. Of the eight, not one spoke in opposition. This is a testament to the efforts made by the citizens of Centreville Farms, both those part of the consolidation and those who will remain, the County staff, the applicants and the members of the West Fairfax County Citizens Association's Land Use Committee, who have had more presentations on this area than any I can remember. The proffers that were presented to us last week, and revised as I just mentioned to Mr. Lawrence, are the best of all these efforts. The applicant has given more and more as the process has proceeded. For example, when they first filed, they were asked to dedicate the parkland and a school with no improvements. More recently, they were asked and agreed, to construct all the ballfields on both sites. We need to remember that some of the best land in Centreville Farms, over 46 acres, has been dedicated for the public need. The time has arrived, Mr. Chairman, for an affirmative recommendation by this Commission and approval by the Board of Supervisors to the Centreville Farms application. But first, I need to thank everyone who has been involved with these applications, especially Leslie Johnson and the other staff members who have brought these applications to this point. With that Mr. Chairman, I have quite a few motions to make. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-029 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 23, 2001.

Commissioner Hall: Second.

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Vice Chairman Byers: Seconded by Ms. Hall. All in favor of the motion to recommend the Board approve RZ-2000-SU-029 and the CDP --

Commissioner Smyth: Mr. Chairman?

Vice Chairman Byers: Ms. Smyth.

Commissioner Smyth: Discussion?

Vice Chairman Byers: Yes, Ms. Hall seconded.

Commissioner Smyth: Yes, she seconded it. Are we having a discussion?

Vice Chairman Byers: Oh, I'm sorry.

Commissioner Smyth: Thank you. I understand certainly all the effort that has been put into these applications, but I confess that I still have some serious concerns, particularly in these two applications, 029 and 042, where we have a waiver of the 200 foot setback and we still have residential units as close as 38 feet to the right-of-way. I would also like to point out that the Federal Highway Administration recommendation for the distance -- the minimum distance between a residential unit and a barrier is approximately four times the height of that barrier. And we don't have anything approaching that here either. I am going to have to vote against both 029 and 042, particularly since these are P Districts and these are FDPs. I cannot support the waiver, therefore, I cannot support the application. Thank you.

Vice Chairman Byers: Other discussion? All in favor of the motion to recommend the Board approve RZ-2000-SU-029 and the CDP, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Harsel votes no. Ms. Smyth votes no. The Chair abstains.
Mr. Koch.

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RZ-2000-SU-042/FDP-2000-SU-042

RZ-2000-SU-029/FDP-2000-SU-029

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-2000-SU-029, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 21, 2001 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to approve FDP-2000-SU-029, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Harsel, Ms. Smyth and the Chair vote no. Motion carries. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS -- if it's all right, I'll just lump them into one motion. A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF A PRIVATE STREET; WAIVER OF A TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS FOR THE COMMON BOUNDARIES BETWEEN UNIT TYPES WITHIN THE ZONING APPLICATION AND THE COMMON BOUNDARIES CONCURRENT ZONING APPLICATIONS WITHIN CENTREVILLE FARMS; MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN, NORTHEASTERN AND SOUTHERN APPLICATION PROPERTY BOUNDARIES; WAIVER OF CONSTRUCTION OF THE SERVICE DRIVE ALONG ROUTE 29 FRONTAGE OF THE SITE; WAIVER OF THE 200 FOOT SETBACK REQUIREMENT FOR RESIDENTIAL STRUCTURES LOCATED ADJACENT TO AN INTERSTATE HIGHWAY; AND WAIVER OF THE 2,000 (sic) SQUARE FOOT PRIVACY YARD FOR SINGLE FAMILY ATTACHED UNITS IN LAND BAY 1 AND LAND BAY 3, WEST OF THE SPINE ROAD. And that's it.

Commissioner Hall: Mr. Chairman, can I just get a clarification?

Vice Chairman Byers: Ms. Hall.

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Commissioner Hall: Did you say 2,000 feet for the private --

Commissioner Koch: 200.

Commissioner Hall: No, I know it's 200. I heard 2,000. Okay. Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? You're going to waiver the 200 foot setback requirement? All in favor of the motion to have the Board approve the waivers as articulated by Mr. Koch, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel, Smyth, Moon: No.

Commissioner Hall: Mr. Chairman?

Vice Chairman Byers: Mr. Moon votes no.

Vice Chairman Byers: Ms. Harsel votes no. Mr. Alcorn votes no --

Commissioner Harsel: No, no, Mr. Alcorn abstains.

Vice Chairman Byers: Oh, Mr. Alcorn abstains. Ms. Smyth votes no. Chair votes no. We better have a division.

Commissioner DuBois: Aye.

Vice Chairman Byers: Mr. Moon?

Commissioner Moon: No.

Commissioner Wilson: Aye.

Commissioner Hall: Aye.

Vice Chairman Byers: Koch, aye. Chair votes no. Ms. Harsel?

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Commissioner Harsel: No.

Vice Chairman Byers: Mr. Palatiello?

Commissioner Palatiello: Aye.

Vice Chairman Byers: Mr. Kelso?

Commissioner Kelso: Aye.

Commissioner Alcorn: Abstain.

Vice Chairman Byers: Ms. Smyth?

Commissioner Smyth: No.

Vice Chairman Byers: Six to four and one. Motion carries.

Commissioner Palatiello: Mr. Chairman?

Vice Chairman Byers: Mr. Palatiello.

Commissioner Palatiello: Mr. Koch, I know we're on motions and verbatims, but if you could just clarify -- my understanding is that for all the conceivable expansion plans that VDOT has for Interstate 66, that they have been consulted on this and there is sufficient right-of-way to build any planned expansion, and particularly there is sufficient right-of-way on the north side for expansion so that approval of this waiver would not be building in some barrier to future expansion of Interstate 66. Am I correct in that?

Commissioner Koch: That's correct, Mr. Palatiello. In fact, these people have given five acres to a transit site. They've given land for a flyover and they are not even sure what the flyover is going to be for, but they've given land for that. Without having residential units within the 200 foot setback, this application would not be here. You have x number of units and we've given over 46 acres for public facility needs. This whole thing would not be here if we were not allowed -- and riding down 66 you see homes built within the 200 foot setback from Centreville all the way to Arlington.

Commissioner Palatiello: Ordinarily, I'm very reluctant to approve this type of waiver, but it had come to my attention that in fact, VDOT had been consulted and that --

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Commissioner Koch: Very much so.

Commissioner Palatiello: Okay. Thank you.

Commissioner Hall: Mr. Chairman?

Vice Chairman Byers: Ms. Hall.

Commissioner Hall: I'm glad Commissioner Palatiello made that statement and asked those questions. That was also my understanding. I think one of the responsibilities we have is to look at the entire application and when you consider the entire application and all the work that has gone into it, although I also am extremely hesitant to support these waivers, I recognize in light of the benefit to Fairfax County, this is a reasonable approach. So, therefore, I did support it.

Vice Chairman Byers: Mr. Koch.

Commissioner Koch: Mr. Chairman, we'll go ahead with the Winchester Homes motions. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-042 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 21, 2001.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall.

Commissioner Wilson: Mr. Chairman?

Vice Chairman Byers: Ms. Wilson.

Commissioner Wilson: And we do have the confirmation to the changes to the proffers for this application as well, correct?

Commissioner Koch: Yes, the changes that were discussed with Mr. Lawrence will go on all three applications.

Commissioner Wilson: Okay. Thank you.

Vice Chairman Byers: All in favor of the motion to recommend the Board approve RZ-200-SU-043 (sic) say aye.

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Commissioners: Aye.

Vice Chairman Byers: Opposed?

Ms. Johnson: 042.

Vice Chairman Byers: Did you say 2 or 3?

Commissioner Koch: 42.

Vice Chairman Byers: I'm sorry. 042. Say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Smyth votes no. Ms. Harsel votes no. Chair abstains. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-2000-SU-042.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to approve FDP-2000-SU-042, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Same motions -- I mean same votes. Two nays and one abstention. Okay, 43. Mr. Koch.

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RZ-2000-SU-042/FDP-2000-SU-042

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Commissioner Koch: I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS: WAIVER OF THE 200 FOOT SETBACK REQUIREMENT OF RESIDENTIAL STRUCTURES FROM INTERSTATE HIGHWAY I-66 PURSUANT TO SECTION 2-414 OF THE ZONING ORDINANCE; WAIVER OF THE 200 SQUARE FOOT PRIVACY YARD FOR SINGLE FAMILY ATTACHED UNITS PURSUANT TO PARAGRAPH 2 OF SECTION 6-107 OF THE ZONING ORDINANCE WITH THE MEWS TOWNHOUSE UNITS WHICH ARE PROPOSED WITH AN ALTERNATIVE DEVELOPMENT PLAN DEPICTED ON SHEET 17 OF THE CDP/FDP; MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE PORTION OF THE NORTHWEST PROPERTY BOUNDARIES ADJACENT TAX MAP 54-4((2))5; AND FINALLY WAIVER OF THE 600 FOOT MINIMUM LENGTH OF PRIVATE STREETS.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion?

Commissioner Wilson: Mr. Chairman?

Vice Chairman Byers: Ms. Wilson.

Commissioner Wilson: I just have a question for Mr. Koch. One of the conditions that the Western Fairfax County Citizens Association had was to convert some townhouses to single family homes. Could I just ask how that was resolved?

Commissioner Koch: I'm not familiar with that. I think what you may be referring to --

Commissioner Wilson: It was in a letter to you dated February 22.

Commissioner Koch: Could you state that again, what it was? I thought they had a concern. Jim called me tonight and he wanted to know whether the applicant had addressed -- they had a concern about masonry and brick being used in the multi-family and I've been assured that that has been addressed.

Commissioner Wilson: Okay. This --

Commissioner Koch: Now what is the other one?

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Commissioner Wilson: This was a statement with respect to just the two Winchester Home applications, but not the Pulte one which is why I didn't ask it previously. But it says the applicant is requested to commit to delete five townhouses and include five single family houses in Winchester North and remove one pipestem lot in Winchester North as presented at the Land Use Committee meeting on 2/20/01.

Ms. Johnson: Ms. Wilson?

Commissioner Wilson: Yes.

Ms. Johnson: What is referred to there is the deletion of the five townhouse lots in lieu of the five single families is in 043 and they basically took a revised -- alternative development plan and made that the development plan. And they have done that. That change has been made.

Commissioner Wilson: Okay.

Ms. Johnson: The other one was -- what did you say?

Commissioner Wilson: About removing a pipestem lot.

Ms. Johnson: That was done.

Commissioner Koch: That's been done.

Commissioner Wilson: That's been done. Okay. Thank you.

Ms. Johnson: That's on 042. And that has been done. We've gotten the revised plans which you received last week.

Commissioner Wilson: Thank you. I appreciate that clarification.

Vice Chairman Byers: Any other discussion? All in favor of the motion to approve the waivers as articulated by Mr. Koch, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Moon, Harsel, Smyth: No.

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Commissioner Alcorn: Abstain.

Vice Chairman Byers: Motion carries. Mr. Moon, Ms. Harsel, Ms. Smyth and the Chair vote no. Mr. Alcorn abstains. Mr. Koch.

Commissioner Koch: And the final Winchester Homes application. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-SU-043 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 21, 2001.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to recommend the Board approve RZ-2000-SU-043 and the Conceptual Development Plan, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Harsel and Ms. Smyth vote no. The Chair abstains. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-2000-SU-043, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 21, 2001 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to approve FDP-2000-SU-043, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

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Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Smyth and Ms. Harsel and the Chair vote no.

Commissioner Koch: And finally, Mr. Chairman --

Vice Chairman Byers: Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS: MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY BOUNDARY AND BETWEEN THE TOWNHOUSE AND SINGLE FAMILY DETACHED UNITS LOCATED WITHIN THE ZONING APPLICATION; WAIVER OF CONSTRUCTION OF THE SERVICE DRIVE ALONG ROUTE 29 FRONTAGE OF THE SITE; AND WAIVER OF THE 600 FOOT minimum -- maximum, I'm sorry -- MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to recommend the Board approve the waivers articulated by Mr. Koch, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Harsel and Smyth: No.

Vice Chairman Byers: Ms. Smyth and Ms. Harsel vote no; Chair abstains. Motion carries. Thank you very much, Mr. Koch.

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(The first motion carried by a vote of 8-2-1 with Commissioners Harsel and Smyth opposed; Commissioner Byers abstaining; Commissioner Murphy absent from the meeting.)

(The second motion carried by a vote of 8-3 with Commissioners Byers, Harsel and Smyth opposed; Commissioner Murphy absent from the meeting.)