FAIRFAX COUNTY VIRGINIA

MEMORANDUM

FILE RZ 2001-MV-021

TO: Bruce Nassimbini, Director
Environmental and Facilities Review Division
Office of Site Development Services
Department of Public Works and Environmental Services

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 5-9 (W024059)

SUBJECT: Wyngate

REFERENCE: Waiver #024059, Street Frontage Waiver
Site Plan 1265-SP-01
Land Identification Map: 101-3 ((1)) 35

DATE: March 6, 2002

The requests pertain to waivers of the requirements of Section 17-201 of the Fairfax County Zoning Ordinance for construction of street frontage improvements.

This department recommends **denial** of the waiver of the street frontage improvements. At the request of Supervisor Hyland's office our department will be meeting with the applicant to determine what improvements can be made in relationship to this site. If you have any questions pertaining to this waiver denial, please contact Doug MacTavish at 324-1192.

AKR/LAH/lah

Almquist, Chuck

From: Ichter, Kathy
Sent: Wednesday, November 26, 2003 7:21 PM
To: Almquist, Chuck
Subject: Wyngate Construction
Importance: High

Wanted to make sure you had this e-mail string as background for your Monday night meeting. Thanks SO MUCH for handling it. Kathy

-----Original Message-----
From: Byron, Barbara A.
Sent: Thursday, October 23, 2003 11:49 AM
To: Lambert, Rose; Ichter, Kathy; Brickner, Michelle; Almquist, Chuck
Subject: RE: Wyngate Construction

Rose,
I recall the issue and the memo to Gerry. Hopefully, Michelle can provide you information as to what occurred at site plan. Since the site is still under construction, perhaps DPWES can still get the improvement, especially since we have the right-of-way. Driving past the site on an almost daily basis, I agree that it is a problem not to have the extra lane, but at a minimum the turn lane. Michelle, if there is anything you need from me, please let me know.

Barbara

-----Original Message-----
From: Lambert, Rose
Sent: Thursday, October 23, 2003 11:42 AM
To: Ichter, Kathy; Byron, Barbara A.; Brickner, Michelle
Subject: FW: Wyngate Construction

Dear Kathy, Barbara and Michelle:

I am writing to all of you because the developer of Wyngate has somehow wheedled out of putting in a decel lane to his townhouse subdivision. This is not acceptable and is downright unsafe. The location in question is opposite to U.S. Post Office site of which you are all aware and which is already a location begging for a rear end accident. Now problems are compounded for northbound traffic when Wyngate residents slow down to enter their subdivision.

Supervisor Hyland wants staff to find a way to fix this problem. He is extremely disappointed that the frontage improvements were not required and that at least a decel lane installed. Is it absolutely too late to have the developer pony up for this? Are there any funding sources that would remedy this?

Barbara, in your memo of July 2, 2002 addressed to Supervisor Hyland, you state:

"In regard to the specific rezoning application for Wyngate, the GDP does state that ". . . the proposed development . . . will conform to all applicable ordinances, regulations and adopted standards except as noted below: . . . a waiver of the requirement for frontage improvements on Route 1" . . . The proffers commit to dedication of right-of-way, but are silent on the issue of construction. In this instance, frontage improvements are a site plan requirement. In his memo to Rose Lambert on this issue, Chuck Almquist provided some fo the history of this issue as it pertained to the review of the rezoning application. I would add that I do not concur with the position attributed to Lynne Stroble in your meme to me. The proffered plan was not conditioned upon the waiver of full frontage improvements; there was no Board motion waiving the requirement; there was no proffer "exempting" the applicant from that responsibility; and, staff never verbally agreed to the waiver."

Supervisor Hyland thanks you for your prompt attention to this matter.

Rose

Rose Lambert, Chief Aide
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-----Original Message-----
From: Almquist, Chuck
Sent: Thursday, October 16, 2003 4:57 PM
To: Lambert, Rose
Subject: RE: Wyngate Construction

Hi Rose, There is no easy, or perhaps good news regarding this site. Here is essentially what happened. Both the DOT reviewer and the DPZ reviewer were new at the job, and the applicant for the rezoning was extremely difficult, at best, to work with. The position was apparently taken that frontage was a site plan issue and they were lucky to get as far as they had with the applicant concerning other issues, so frontage was not discussed. However, both the applicant's attorney and the applicant were savy enough to know ordinance requirements. As a result the issue of frontage was not specifically mentioned in the staff presentation to the BOS and was not shown on the plans. Frontage per the Adopted Comp. Plan is a site plan issue and would have required a third travel lane on Richmond Highway plus a service drive along the frontage. When I received the typical request from DPWES for a waiver of frontage and the service drive (when the site plan was submitted), I became aware of the issues, but it was after the rezoning had been approved and the applicant had purchased the property. He argued that he had already purchased the property at a price based on the development plan approved with the rezoning, and that it was too late to ask for improvements. After several face to face meetings with the applicant and Gerry, it was agreed – to NO ONES satisfaction – that the applicant would contribute $80,000 towards the future widening of the roadway and the frontage requirements were waived. The review by VDOT staff person who reviews applications in the Mt. Vernon District also failed, for whatever reason, to identify the need for improvements. As I believe Kathy Ichter indicated to you in an email in August, the estimated cost to widen the roadway is approximately $550,000. When the post office was developed, this department strongly verbally recommended that another location be selected because of the traffic problems, but produced a less strongly written review. The site was selected anyway, and the use designed by Jack Kelso, Kelso Assoc. without providing for an interim left turn lane. Now the site is in Gerry's district instead of Lee District. And I agree with you that it is a mess. I hope we are wise enough now to not have a repeat of these sequences of events. This is best candid answer that I have. If you need any additional information, please let me know. Chuck

-----Original Message-----
From: Lambert, Rose
Sent: Wednesday, October 08, 2003 1:29 PM
To: Dittman, Bobby; Almquist, Chuck
Cc: 'FCohn22309@aol.com'
Subject: FW: Wyngate Construction

Please look into the matter described below. It would seem that a minimum decel lane would have been required.

Rose

-----Original Message-----
From: FCohn22309@aol.com [mailto:FCohn22309@aol.com]
Sent: Wednesday, October 08, 2003 1:06 PM
To: Lambert, Rose
Cc: earlflanagan@verizon.net
Subject: Wyngate Construction

Rose: The Wyngate contractor has poured the curb at the entrance of its complex and there is no room provided for an entrance/decelleration lane. Specifically, northbound Route #1 traffic must slow down while in the right side travelling lane to enter the complex. The adjacent Washington Square Apartment complex provided a very short decelleration lane for its entrance, which is certainly better than nothing. It would appear to me that the Wyngate contractor can definitely do at least that! The current curb needs to be removed and set back by the length of one traffic lane to accomplish this. Was the site plan approved without this minimum safety consideration? Where is VDOT? Frank Cohn