



# County of Fairfax, Virginia

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2010  
Planning Commission

February 1, 2010

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*Executive Director*

**Sara Robin Hardy**  
*Assistant Director*

Lori Greenlief, Land Use Planner  
McGuire Woods LLP  
1750 Tysons Blvd.; Suite 1800  
McLean, VA 22102

**RE: FDPA 2003-MV-033-02**  
Lorton Arts Foundation, Inc.  
Mount Vernon District

Dear Ms. Greenlief:

The purpose of this letter is to formally advise you, as the agent for the applicant on the above referenced case, that on Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to approve FDPA 2003-MV-033-02, subject to the Development Plan Conditions dated January 28, 2010, as attached.

Also enclosed for your information is a copy of the verbatim excerpts from the Commission's action on this application. If you need additional information, please let me know.

Sincerely,

Barbara J. Lippa  
Executive Director

Attachments (a/s)

cc: Gerald Hyland, Supervisor, Mount Vernon District  
Earl Flanagan, Commissioner, Mount Vernon District  
Suzanne Lin, Staff Coordinator, ZED, DPZ  
January 28, 2010 Date File  
O-8c File



## PROPOSED DEVELOPMENT CONDITIONS

January 28, 2010

FDPA 2003-MV-033-02

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2003-MV-033-02 to allow an arts center on property located at Sub-Parcel G of Tax Map 106-4 ((1)) 58, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions supercede those previously approved. Those conditions marked with the asterisk represent conditions brought forward from the previously approved Final Development Plan. (\*) These conditions are in addition to the proffered commitments approved with PCA 2003-MV-033.

1. The northern façade of each of the two artists' residences (Buildings N-1 and N-2) (the façade that faces toward Lorton Road) shall be no higher than forty-five (45) feet as measured from the grade along that façade to the mid-point of the roof, if a peaked roof is proposed, or to the top of the roof, if a flat roof is proposed.\*
2. Bike racks, benches, picnic areas and a place to obtain water shall be provided within the Arts Center in one or more locations along the Laurel Hill Greenway trail subject to the approval of the Fairfax County Park Authority. \*
3. A sidewalk shall be provided at the westernmost entrance along Lorton Road. The sidewalk shall extend from the trail along Lorton Road to connect to the internal pedestrian network.\*
4. The left turn lanes from Ox Road (Rt. 123) to the Regional Park Entrance (opposite the Quarry Entrance) and/or to Lorton Road (Rt. 642) shall be lengthened upon demand of either the County or the Virginia Department of Transportation when it is determined that longer turn lanes are warranted by the amount of traffic generated by Lorton Arts Foundation turning left onto Lorton Road or the Regional Park Entrance.\*
5. If it is determined by the applicant and the Fairfax County Department of Transportation (FCDOT) that a one-way traffic circulation pattern is needed, such change in pattern shall be coordinated with and approved by FCDOT. A one-way circulation pattern may be implemented without the need for a Proffered Condition Amendment or a Final Development Plan amendment so long as the overall site layout is in substantial conformance with the plan as may be approved by the Board of Supervisors. \*
6. Contrary to access geometrics as delineated on the Ox Road (Route 123) joint access with the Northern Virginia Regional Park Authority, the regional park access shall "T" into the access roadway serving the Lorton Arts Federation site (the subject site) unless an alternative design is approved by the Fairfax County Department of Transportation (FCDOT). The final design shall be subject to FCDOT review and approval.\*

7. Prior to site plan submission, engineering techniques designed to preserve existing vegetation on the north side of the proposed residences shall be diligently pursued and these efforts shall be documented and coordinated with Urban Forest Management in order to maximize the survivability of trees in that area.\*
8. The proffers approved with PCA 2003-MV-033 shall remain in effect.
9. All resources identified as contributing to the National Register D.C. Workhouse and Reformatory Historic District on the subject property [Sub-Parcel G of Tax Map 106-4 ((1)) 58] shall be retained and maintained. Each resource shall be maintained sufficiently in order to protect said resource from demolition by neglect. Joint inspections of these resources by the County and the applicant shall take place at least once per calendar year to ensure sufficient protection. In addition, an initial inspection to determine the benchmark condition of the contributing resources shall be conducted by the County and the Applicant within 60 days of the approval of this FDPA. Inspections should include coordination with agencies such as the Cultural Resources Management and Protection Section (CRMPS) of the Fairfax County Park Authority (FCPA), the Department of Planning and Zoning (Historic Resources, Historic Preservation Planner), and may also include coordination with other officials such as the Zoning Administrator, Building Official or other permitting officials. Should it be determined by the County that the resources are found not to be sufficiently protected, corrective compliance measures shall be implemented to ensure the resources remain in substantially the same condition as the established benchmark. This condition shall not apply to those contributing resources previously specifically identified in RZ/FDP 2003-MV-033 for removal.
10. Buildings WB-12 and WB-13 shall be identified on the property with an appropriate plaque, marker or similar identification. The Fairfax County History Commission (FCHC) shall be consulted regarding the text of the identification and the site it is to be located. In addition, the text shall be subject to the review and approval of the FCHC. Depictions of the architecture, design, use, history and relationship to the overall workhouse of buildings WB-12 and WB-13 shall be displayed within the prison museum proposed to be located within the Workhouse.
11. Although Sheet 8 of the FDPA depicts a rectangular athletic field instead of a baseball field, the field shall only be used as a little league baseball field.
12. Fill placed in the infield and outfield areas of the ballfield, S-08, (including the debris mound near Route 123) shall be removed and restored to its original condition (as depicted on Exhibit 1) and topography as determined by the Zoning Administrator in accordance with the following schedule:
  - No later than April 30, 2010 the applicant shall prepare and submit a grading plan, (if determined necessary by DPWES and Zoning Enforcement officials) with erosion and sediment controls, as necessary, to Fairfax County for approval.

- All corrections to the plan shall be made by the applicant within 14 days of the receipt of the County comments.
- Within 90 days of the approval of the grading plan, the applicant shall begin the restoration of the site as depicted on Exhibit 1.
- Within 130 days from the initiation of the grading activity, the applicant shall excavate and complete the removal of all excavated materials to a lawful location. Additional time for excavation and removal may be sought upon a showing to the Zoning Administrator that, although diligently pursued, the excavation and removal cannot be complete within 130 days. However, in no event shall the restoration period extend past December 31, 2010.

The entire site shall be stabilized and seeded within 15 days of completion of the grading activities and the area of the removal shall be inspected by County staff, to include Zoning Enforcement officials, both before and after the fill removal.

13. The historic bleachers identified as WT-12 on the FDPA and as listed in the National Register Historic District, shall be restored to their original condition in consultation with County Historic Resources staff and the VDHR within 45 days of the removal of fill and debris on the ballfield and bleacher area as described in Condition 12. Removal of the fill and debris on the bleachers shall be conducted in a manner which allows the bleachers to be uncovered without damage to the historic resource and this work shall be conducted by an archaeological consultant with extensive experience in deeply buried urban sites, and with the engineering capability to evaluate the structural stability of the bleachers once uncovered. Once the deep fill and debris is removed, the surface of the bleachers (if they are stable) shall be flat shoveled by archaeologists to remove any additional soil from the surface. All aspects of this work (the scope of work, the consultant to be used, equipment, and methods) shall be coordinated with the Cultural Resources Management and Protection Section (CRMPS) of the Fairfax County Park Authority (FCPA) prior to commencement.
14. All necessary permits shall be obtained prior to conducting any construction, renovation, or demolition work onsite.
15. Written notification shall be provided to the District Supervisor and the Department of Planning and Zoning, (Historic Resources, Historic Preservation Planner) for review and comment prior to submitting a request for a demolition permit.
16. At the end of each calendar year, a written report shall be provided to the District Supervisor and the Department of Planning and Zoning, (Historic Resources, Historic Preservation Planner) regarding any construction and demolition activities that have taken place onsite for the previous year. This report shall also include any applicable permits and/or required documentation.
17. ARB approval shall be obtained prior to the relocation of W0-04, the message board structure near the music barn. Should ARB approval not be granted for this relocation, then the music barn driveway access may need to be redesigned in substantial conformance with the approved FDPA or another revision to the FDPA shall be required.

18. This FDPA is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to the FDPA shall be in substantial conformance with the approved FDPA entitled "Lorton Workhouse Arts Center", prepared by Walter L. Phillips, Inc. and dated November 13, 2009 as revised through January 12, 2010. Minor modifications to the approved FDPA may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Planning Commission Meeting  
January 28, 2010  
Verbatim Excerpt

FDPA 2003-MV-033-02 – LORTON ARTS FOUNDATION, INC.

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. First of all, I'd like to say that I was aware of Commissioner Sargeant's request, and I agree with it. So, I was hoping to make it a separate friendly amendment rather than voting on the amendment.

Chairman Murphy: Okay.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2003-MV-033-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 25, 2010, WITH THE FOLLOWING LANGUAGE ADDED AS CONDITION 18: "THIS FDPA IS SUBJECT TO THE PROVISIONS OF ARTICLE 17, SITE PLANS, AS MAY BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES. ANY PLANS SUBMITTED PURSUANT TO THIS FDPA SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED FDPA ENTITLED LORTON WORKHOUSE ARTS CENTER, PREPARED BY WALTER L. PHILLIPS, INC., AND DATED NOVEMBER 13, 2009, AS REVISED THROUGH JANUARY 12, 2010. MINOR MODIFICATIONS TO THE APPROVED SPECIAL EXCEPTION (*sic*) MAY BE PERMITTED, PURSUANT TO PARAGRAPH 4 OF SECTION 9-004 OF THE ZONING ORDINANCE – "

Suzanne Lin, Zoning Evaluation Division, Department of Planning and Zoning: Commissioner – I'm sorry. Commissioner Flanagan, I made a mistake there. The last sentence says, to the approved Special Exception. It should be TO THE APPROVED FDPA.

Commissioner Flanagan: – after –

Ms. Lin: – MINOR MODIFICATION TO THE APPROVED FDPA MAY BE PERMITTED, PURSUANT TO PARAGRAPH 4, instead of Special Exception.

Commissioner Flanagan: Yes.

Ms. Lin: Thank you.

Commissioner Flanagan: So it should be – insert to the FDPA for special exception?

Kristen Abrahamson, ZED, DPZ: Just replace the words Special Exception with FDPA.

Commissioner Flanagan: All right.

Ms. Abrahamson: It was an error. We apologize.

Commissioner Flanagan: And also, I'd like to accept currently the amendment suggested by Commissioner –

Chairman Murphy: Hold on. Let's vote on this first, okay. Are you finished with the motion?

Commissioner Sargeant: Mr. Chairman, doesn't he need a second that I offered a friendly amendment?

Chairman Murphy: Yes, okay. Seconded by Mr. Sargeant. Discussion of the motion? Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I would like to offer A FRIENDLY AMENDMENT WITH REGARD TO DEVELOPMENT CONDITION NUMBER 9 TO INSERT THE FOLLOWING WORDS, "WITHIN THE SUBJECT PROPERTY," AFTER THE WORDS "REFORMATORY HISTORIC DISTRICT," SO THAT THE SENTENCE WOULD READ: "ALL RESOURCES IDENTIFIED AS CONTRIBUTING TO THE NATIONAL REGISTER, DC WORKHOUSE AND REFORMATORY HISTORIC DISTRICT WITHIN THE SUBJECT PROPERTY SHALL BE RETAINED AND MAINTAINED."

Commissioner Flanagan: I agree wholeheartedly with that amendment.

Chairman Murphy: Okay. Mr. Flanagan agrees. And I presume the seconder agrees with what he just said.

Commissioner Sargeant: Yes, thank you.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Just for the record. Mr. Hart.

Commissioner Hart: Germane to the friendly amendment, I'd just like to ask staff if it would be more precise to refer to a specific Tax Map number. Because the phrase "the subject property" might be construed as referring to the historic district property rather than the instant application, which I think could be defined with a specific objective Tax Map number. I mean, like, I would ask staff wouldn't it be better with the Tax Map number.

Ms. Abrahamson: It's really clear to us "subject property" is subject to the development conditions. But we can put the Tax Map reference in too. That's not a problem.

Chairman Murphy: Okay.

Commissioner Sargeant: Mr. Chairman, I think the specificity is a good idea.

Chairman Murphy: Okay.

Commissioner Flanagan: I'll accept that.

Chairman Murphy: Wow, this should have been last week.

Commissioner Hart: Or even earlier.

Chairman Murphy: All right. Further discussion of the motion? All those in favor of the motion to approve FDPA 2003-MV-033-2, subject to the conditions as amended this evening by Mr. Sargeant and Mr. Flanagan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JN