



**GFCFA Land Use & Zoning Committee Report (LUZ)  
November 2020**

A LUZ Committee meeting was conducted on 11/10/20 via Zoom during which time the following topics were reviewed and discussed:

**Part 1 of the LUZ Meeting entailed the Newport Academy “Use Determination” Request Two Proposed Group Homes on Plantation Dr.**

Norm Chirite (resident of Plantation Dr.) contacted the LUZ to elicit the support of GFCFA in opposition to the establishment of two group homes for troubled youths on Plantation Dr. These are the same properties that were previously operated by a drug rehabilitation firm. His presentation is attached. He has corresponded with all relevant elected officials. LUZ will monitor the process.

**Part 2. Of the LUZ Meeting was a meeting of the members of the Springvale Rd. Bridge Working Group.**

A recap of that meeting was provided to TRN on 11/11 and is attached to this report.

**Update:** the working group has created a survey questionnaire that will be distributed to neighbors and HOAs affected by the proposed VDOT action to replace the existing bridge.

**Marmota Farm, 9800 Georgetown Pike**

The Plan review continues. LUZ has been advised that the time period for Toll Bros. Due Diligence will expire by mid-December (not confirmed). LUZ has also been advised that VDOT has contacted residents of Innsbruck Dr. regarding acquisition of rights of way. No further details have been made available.

**Ghazwa Estates 9305 Georgetown Pike**

Plans are still being reviewed by Fairfax County staff. LUZ will continue to monitor status as it may have the same impact on neighbors and the Pike as Marmota Farm.

**Turner Farmhouse Foundation**

The Special Exception paperwork has been submitted by Sarah Kirk with a significantly reduced filing fee as a result of a use determination of a “retreat”. LUZ will continue to monitor the SE processing and report on the scheduling of public hearings.

Submitted by Jennifer Falcone

Attachments: Chirite Presentation, Halacy Recap

## GFCFA Land Use and Zoning Meeting

November 10, 2020

### Newport Academy "Use Determination" Request for Two Proposed Group Homes on Plantation Dr

- Newport Academy is seeking to operate two single-sex group residential facilities for adolescents with mental health diagnoses on Plantation Dr, a single lane private drive off Kentland Drive. These are residential facilities for not more than eight (8) patients with intensive mental health-related services provided by up to 8 staff members.
  
- In 2018-2019, Newport pursued similar "use determinations" from the County for three properties located on Davidson Road in McLean and another property located on Kurtz Road in McLean. There were significant community concerns and opposition to the proposed McLean facilities.
  - o The Zoning Administrator determined that the proposed use of the three Davidson Road properties was most similar to a congregate living facility, based on the physical layout and other characteristics of the proposed facility, because it was intended to serve more than 8 mentally ill persons.
  - o The Zoning Administrator approved the use determination request for the Kurtz Road facility. This was appealed to the BZA, principally on the basis that the proposed use would not qualify as a "group residential facility" because patients suffering from substance abuse addiction did not qualify as handicapped persons under the Fair Housing Act amendments, the Virginia Code and the Zoning Ordinance. The BZA upheld the Zoning Administrator 4-2, and the case has been appealed to the Circuit Court.
  
- The Plantation Drive Property Owners have advised the Zoning Administrator of our objection to the approval of Newport's use determination request on Plantation Drive.
  - o Plantation Drive is a one lane private driveway originally made decades ago for a single house and now serving 8 residences in total. Two vehicles cannot pass through most portions of the driveway without driving off the road. There is no road maintenance agreement. We believe the inadequacy of the single-car width driveway is a permissible basis to deny the requests. Sagebrush Treatment Center previously operated at this site, with highly negative impacts.
  - o In addition to the same issues implicated in the Kurtz use determination appeal (i.e. that addiction treatment requires a special use permit), we believe there are other bases to deny the requests, including (i) because the two houses are physically adjacent to one another and would operate on a functionally combined basis under common management, and (ii) because Newport intends to treat non-resident family members, and patients that are transient occupants.
  - o Licensure by the Virginia Department of Behavioral Health & Development Services does not provide a blanket legal exemption from Zoning Ordinance compliance, and Newport Academy should be

subject to non-discriminatory regulation applicable to all residences, including limitations on commercial activities, such as outpatient services, treatment of non-residents, and use of the premises for marketing and promotion.

- The Plantation Drive Property Owners would be grateful for GFCA's support as we engage with the County, Supervisor Foust, Senator Favola and Delegate Murphy to oppose Newport Academy's request to operate the two facilities off the same driveway in Great Falls.

## NOVEMBER 10, 2020 BRIDGE WORKING GROUP MEETING

The group had been tasked with creating survey questions for the proposed Springvale Bridge replacement.

The purpose of the survey was discussed and determined to evaluate the opinions of the communities located along Springvale between Rte 7 and Georgetown Pike since these residents are believed to be the most impacted by the proposed bridge replacement. Topics to be addressed are concerns about the potential increased amount of traffic, speeding and unlimited weight limits on a new bridge that would permit larger trucks not currently allowed on the current 15 ton limit on the existing bridge. In researching the weights of some typical vehicles, it was determined that fire trucks range from 19-40 tons, an ambulance 5 tons, an average school bus 17 tons, a typical tractor trailer 40 tons and trash trucks 25 tons.

While there was concern expressed that the survey be as unbiased as possible so that the results reflect the opinions and concerns of the community rather than the views of GFCA members, many expressed a desire to have questions designed to make the survey responders consider the potential ramifications of a larger replacement bridge before automatically supporting the elimination of the current one lane bridge delays with the VDOT proposed two lane bridge options.

Some condensed questions that incorporated multiple issues such as increased traffic, speeds and vehicle sizes raised concerns that these issues would be better presented as short individual questions so that the responders would consider the potential negative aspects, not just the perceived benefits of the larger proposed bridge designs. One proposed question addressed the possibility of delaying the implementation of any new bridge construction – Springvale Road or Walker Road until completion of Rte 7 construction disruptions to Great Falls access roads – Colvin Run/Walker Road, Amanda/Riva Ridge and Utterback. A current resident of the Riva Ridge/Amanda neighborhood said they were informed that their current access closure/detours would be in place until June/July 2021.

Other participants warned about having too lengthy of a survey would result in TLDR – too lengthy did not read responses. Jennifer Falcone and I will attempt to rework the numerous proposed questions into a form that addresses these concerns.

Open completion of the final survey questions, Homeowners Association leaders from the communities along Springvale Road will be provided with access to the survey to be shared with their homeowners. Survey monkey will likely be used to manage the questions and responses.

Clarification on November 21<sup>st</sup> 2020 deadline for responding to VDOT with comments about the bridge replacement proposals – Gary Runco expressed to Bill Canis that the initial 11/2/2020 was extended to 11/21/2020, but this was strictly for responses to VDOT's 10/21/2020 presentation.

VDOT Point of Contact – Helen Cuervo is the top VDOT official in our area and it was determined that she should be the primary contact for communications from GFCA regarding bridge related matters.

Political Support – If a single lane bridge replacement is determined to be supported by the respondents from the community survey, John Foust would need to request an option from VDOT. However, this would need approval of the Board of Supervisors before sending the request to Richmond, where it would be up to VDOT's chief engineer for consideration. Additionally, support of other area politicians such as Barbara Favola and Kathleen Murphy would be beneficial if the community seeks the single lane bridge option.