

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 9, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:28 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Mr. John Frey, Clerk of the Circuit Court, performed the swearing-in ceremony for reappointed Commissioner John Byers, Mount Vernon District, and newly-appointed Commissioner Frank de la Fe, Hunter Mill District. Commissioner de la Fe was accompanied by his wife, Sarah-Anne, and Supervisor Catherine Hudgins, Hunter Mill District. Chairman Murphy welcomed Commissioner de la Fe and noted that Commissioner Byers was beginning his fifth term on the Commission, having been sworn in for the first time in 1986.

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Commissioner Harsel announced that the Housing Committee would meet on Wednesday, January 16, 2002 at 7:30 p.m. in the Board Conference Room to discuss the North County Area Plans Review nominations that involved housing.

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Chairman Murphy, in accordance with Planning Commission Bylaws, announced that the election of officers would take place on Wednesday, January 16, 2002.

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Commissioner Alcorn announced that the Development Criteria Review Committee would meet on Thursday, January 17, 2002 at 6:30 p.m. in the Board Conference Room to discuss policy implementation issues.

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SEA-80-P-135-3 - PUBLIC STORAGE, INC. & MCDONALD'S CORP. (Decision Only)

(The public hearing on this application was held on December 12, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-80-P-135-3, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 9, 2002.

Commissioner Byers seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hall and Wilson abstaining.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE FRONT YARD SETBACK AND ANGLE OF BULK PLANE FOR LOT 1.

Commissioner Byers seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hall and Wilson abstaining.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENTS FOR THE NORTHERN BOUNDARY OF LOT 1 IN ACCORDANCE WITH THE SPECIAL EXCEPTION PLAT.

Commissioner Byers seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hall and Wilson abstaining.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF ADDITIONAL STANDARDS 5A AND 5B FOR A FAST FOOD RESTAURANT.

Commissioner Byers seconded the motion which carried by a vote of 9-0-3 with Commissioners de la Fe, Hall and Wilson abstaining.

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SE-01-Y-003 - FEDERATED DEPT. STORES, INC. (Springfield District) (Decision Only)

(The public hearing on this application was held on December 12, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-01-Y-003, SUBJECT TO THE AMENDED DEVELOPMENT CONDITIONS DATED JANUARY 9, 2002, WITH THE FOLLOWING CHANGE IN DEVELOPMENT CONDITION 3, THE DATE SHOULD BE "APRIL 10, 2001" INSTEAD OF "2000".

Commissioner Koch seconded the motion which carried by a vote of 7-0-5 with Commissioners Byers, de la Fe, Hall, Harsel and Wilson abstaining.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD DIRECT STAFF TO EXAMINE OUR SIGN ORDINANCE IN RELATIONSHIP TO THESE LARGE DEPARTMENT STORES, LARGE FACILITIES AT REGIONAL SHOPPING CENTERS AND IN THE C-7, C-8 AND C-9 DISTRICTS.

Commissioner Wilson seconded the motion which carried unanimously.

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Commissioner Koch noted that the Commission had recommended approval of RZ-2001-SU-035, Madison Homes, on November 28, 2001. He added that the affidavit provided at that time was incorrect in that it failed to list new subject property owners and included misspellings of individuals already listed. He recited the new and correctly spelled names and asked if any member of the Planning Commission wished to disclose any relationship based on this new information. There being no disclosures, he noted that the Planning Commission's decision on RZ-2001-SU-035 would stand and the application would proceed to the Board of Supervisors for public hearing on January 28, 2002.

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Chairman Murphy reminded his fellow Commissioners that Financial Disclosure forms were due in the Clerk to the Board of Supervisors' Office no later than January 15, 2002.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. PCA-79-S-119-4 - CLARKE-HOOK CORPORATION (Sully District)
2. FDPA-87-P-108-2 - DAVID N. TALTON

This order was accepted without objection.

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PCA-79-S-119-4 - CLARK-HOOK CORPORATION - Appl. to amend the proffers for RZ-79-S-119 to permit an additional access to Lee Rd. w/no increase in FAR on property located on the W. side of Lee Rd., approx. 200 ft. S. of its intersection w/Rt. 50 on approx. 3.92 ac. zoned I-4, I-5, HC & WS. Comp. Plan Rec: Industrial. Tax Map 34-3((4))1 & 2. SULLY DISTRICT. PUBLIC HEARING.

David Houston, Esquire, with Shaw, Pittman LLP, reaffirmed the affidavit dated July 25, 2001. There were no disclosures by Commission members.

Commissioner Koch asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-79-S-119-4, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 9, 2002.

Commissioner Byers seconded the motion which carried unanimously.

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FDPA-87-P-108-2 - DAVID N. TALTON - Appl. to amend the final development plan for RZ-87-P-108 to permit residential development on property located S. of Courthouse Rd., approx. 700 ft. E. of its intersection w/Palace Green Way on approx. 12,000 sq. ft. of land zoned PDH-4. Tax Map 48-1((37))27. PROVIDENCE DISTRICT. PUBLIC HEARING.

David Houston, Esquire, with Shaw, Pittman LLP, reaffirmed the affidavit dated August 10, 2001. There were no disclosures by Commission members.

Ms. Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to questions from Commissioner Byers, Ms. Abrahamson stated that all of the infrastructure had not yet been completed, but that the conceptual development plan (CDP) condition requiring such completion before development of Lot 27 was still valid.

Mr. Houston explained that the purpose of this application was to correct an inconsistency created when the Board of Supervisors approved the CDP, but modified conditions that had previously been approved by the Planning Commission with the final development plan. He added that modification allowed the applicant to build a residence on Lot 27, with the condition that a building permit for that residence could not be issued until certain infrastructure and other improvements were completed. He noted that this application was in conformance with the Zoning Ordinance and the CDP approved by the Board.

In response to questions from Commissioner Byers, Mr. Houston stated that uncompleted improvements included the widening of Courthouse Road and the water line serving the site. He added that the improvements were under bond and would be completed as soon as possible.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Mr. Kevin Reardon, 9839 Palace Green Way, Vienna, representing the Williamsburg Commons Homeowners Association, noted that the subject property had been under development in some form since 1987 and that homeowners in the area wanted to see the development and infrastructure completed quickly. He expressed his hope that the applicant would promptly complete both the bonded and unbonded improvements previously promised.

Commissioner Smyth explained the Commission's role in this application, to which Mr. Reardon repeated that the citizens just wanted to see the development finished.

In response to questions from Commissioner Hall, Ms. Abrahamson said it was her understanding that the citizens' concerns were broader than could be addressed through this application. She reiterated that there was a condition in place that would prevent the development of Lot 27 until the infrastructure improvements were completed.

In response to questions from Commissioner Wilson, Ms. Abrahamson stated that staff had examined this development in detail to ensure that all previously approved conditions had either been fulfilled or were still valid and were expected to be fulfilled.

Mr. Stephen Kitchen, 9846 Palace Green Way, Vienna, noted that he and his wife were one of the first families to move into the new development more than 10 years ago. He concurred with Mr. Reardon's remarks, reiterating that everyone just wanted to see this development finished.

There being no further speakers, Chairman Murphy called on Mr. Houston for a rebuttal.

Mr. Houston said his client had informed him that he expected to complete the infrastructure improvements by June of 2002. In response to the issue raised by Commissioner Wilson, he noted that the introductory paragraph of the proffer statement reaffirmed all previous development conditions for the subject property.

Commissioner Smyth noted that she had received a letter in opposition to this application, signed by several homeowners in the area, basing their objections on the applicant's failure to complete the infrastructure improvements. (The letter is in the date file.) She commented that the condition preventing premature development of Lot 27 addressed their objections, but suggested that the applicant continue to diligently pursue its efforts to finalize negotiations with the Virginia Department of Transportation regarding the exact width of Courthouse Road.

In response to questions from Commissioner Wilson, Mr. Houston explained that the notes on the development plan regarding parking spaces and a building footprint on Lot 27 referred to a separate sheet of the development plan for Lot 27 alone. He assured her that the home on Lot 27 would be compatible with existing homes and that the lot would not be subdivided further even though it was much larger than surrounding properties.

There being no further comments or questions from the Commission and Ms. Abrahamson having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED APPROVAL OF FDPA-87-P-108-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 3, 2002.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

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The meeting was adjourned at 9:28 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins
Approved on: June 12, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission