

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 16, 2005**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hall MOVED THAT THE PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT, S04-I-A1, BE DEFERRED INDEFINITELY.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel, Lawrence, Lusk, and Murphy absent from the meeting.

Commissioner Hall MOVED THAT THE PUBLIC HEARING ON RZ 2004-MD-039, BOARD OF SUPERVISORS' OWN MOTION, BE DEFERRED INDEFINITELY.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel, Lawrence, Lusk, and Murphy absent from the meeting.

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Commissioner Wilson announced her intent to again defer the decision only scheduled for February 17, 2005, on the proposed Public Facilities Manual Amendments on Parking Spaces, Cash Deposits, and Drainage Divides, to a date certain of February 24, 2005.

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Commissioner de la Fe noted that the Transportation Committee would meet at 7:30 p.m. on Wednesday, February 23, 2005, to continue discussion on the Transportation element of the Comprehensive Plan and to hold a briefing on the Dulles Rail and the study being done in conjunction with the Transportation Plan for the Tysons Area.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel and Chairman Murphy, Vice Chairman Byers established the following order of the agenda:

1. SE 2004-MA-030 - COMMERCE BANK, NA
2. FDPA 78-C-118-15 - KEVIN L. NORTH
3. S04-IV-MV3 - OUT-OF-TURN PLAN AMENDMENT

This order was accepted without objection.

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SE 2004-MA-030 - COMMERCE BANK, NA - Appl. under Sects. 4-704, 9-610 and 9-622 of the Zoning Ordinance to permit a drive-in-bank and waivers and modifications in commercial revitalization district (CRD) (waiver of lot size and width). Located in the N.W. quadrant of the intersection of Arlington Blvd. and Patrick Henry Dr. in the Willston Shopping Center on approx. 29,160 sq. ft. of land zoned C-7, CRD and SC. Tax Map 51-3 ((18)) 4 pt. MASON DISTRICT. PUBLIC HEARING.

Frederick R. Taylor, Esquire, Bean, Kinney & Korman, PC, reaffirmed the affidavit dated January 13, 2005. There were no disclosures by Commission members.

Tracy D. Swagler, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Taylor stated that the applicant was willing to accept the revised Development Conditions dated February 15, 2005, a copy of which is in the date file.

Vice Chairman Byers called for speakers from the audience and recited the rules for public testimony.

Lars Issa, 3101 Olin Drive, Falls Church, President of the Lee Boulevard Heights Citizens Association, requested that the final development conditions stipulate that only a bank could be developed on the subject property. He acknowledged Mr. Taylor's responsiveness to his association's correspondence on this issue.

Vice Chairman Byers said he was not sure if Mr. Issa's request was within the purview of the Planning Commission.

In response to questions from Commissioner Hall, Ms. Swagler explained that if this Special Exception (SE) application was approved, only a bank could be developed on the subject site and if a different use was desired in the future, such as a fast food restaurant, a new SE application would be required.

Commissioner Hall recommended that "for a drive-in bank" be added at the end of Development Condition Number 2.

Responding to questions from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, noted that a sit-down restaurant was a by-right use in a C-7 District but pointed out that any auto-oriented development with a stacking lane was not considered a by-right use in Fairfax County.

In response to a question from Commissioner Alcorn, Ms. Abrahamson said if the subject SE application was not implemented, by-right development could occur, but that SE approval would be required if a waiver of the minimum lot size was requested.

Responding to an inquiry from Commissioner Hall, Ms. Abrahamson explained that if this application was approved, a temporary special permit for occasional use of the parking lot would be required.

Commissioner Hall noted that the applicant had agreed to remove the fourth drive-through lane shown on the plat and to replace it with an open space island and additional landscaping.

There were no further comments or question from the Commission and staff had no closing remarks; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-MA-030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 15, 2005, AND AS EXPLAINED BY FAIRFAX COUNTY STAFF.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel, Lawrence, Lusk, and Murphy absent from the meeting.

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FDPA 78-C-118-15 - KEVIN L. NORTH - Appl. to amend a portion of the final development plan for RZ 78-C-118 previously approved for PDH uses, both residential and commercial, to permit modification of certain minimum required yards on a single family detached lot. Located at 13223 Wrenn House La. on approx. 13,177 sq ft. of land zoned PDH-2 and WS. Tax Map 35-1 ((4)) (17) 31. SULLY DISTRICT. PUBLIC HEARING.

Kevin L. North, applicant, reaffirmed the affidavit dated November 30, 2004. There were no disclosures by Commission members.

Mavis E. Stanfield, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Responding to a question from Commissioner Koch, Ms. Stanfield stated that there had been a public hearing held on this application before the Board of Zoning Appeals.

Commissioner Hart pointed out that because the applicant would not be deprived of the use of his property, a variance could not be granted by the Board of Zoning Appeals to extend the 25-foot building restriction line. He said staff had suggested final development plan amendment approval as an alternate solution.

In response to questions from Commissioner Wilson, Ms. Stanfield noted that the proposed 10-foot connection between the existing historic dwelling and the two-story addition had been recommended by Heritage Resources staff so that the existing building would stand apart from the addition. She further noted that the proposed covered porch would also be considered an intrusion into the building restriction line.

Mr. North stated that the proposed addition would be in harmony with the historic character of the subject property. He said the connection would be composed of traditional-looking glass to ensure that the historic structure stood apart from the addition. He explained that the existing house was 1,600 square feet and the addition would consist of 800 square feet of finished space on the top level and a side-load garage on the lower level. Mr. North disclosed that the proposed addition could be sited so that it would fit within the building restriction line, but it would be out of character with the existing historic structure. He then presented photographs of the existing house, an old stone chimney, and the community common area.

In response to questions from Commissioner Koch, Mr. North said that this proposal would decrease the impact on neighbors because the addition would be farther away from them than it would be if it was sited within the building restriction line.

Vice Chairman Byers called for speakers from the audience.

Amy Krouse, 13219 Wrenn House Lane, Herndon, expressed opposition to the application because it would significantly detract from the view of a pond from her backyard. She presented photographs of the view from her back deck. (A copy of her remarks is in the date file.)

Responding to questions from Commissioner Koch, Kristen A. Abrahamson, ZED, DPZ, said that the application met the standards required by the Zoning Ordinance, but the question remained as to what could be done reasonably to lessen its impact on the surrounding neighbors. She noted that the proposed structure could be rotated, but the garage would be exposed which would degrade the historic context of the existing house.

Commissioner Hall pointed out that Mr. North could apply for a building permit and place the addition on a different part of his property but the character of the historic house would not be maintained. Ms. Krouse agreed that the historic house was an asset to the community but expressed concerns about the 10-foot walkway and the size of the addition's footprint.

In response to inquiries from Commissioner Wilson, Ms. Krouse said that her house was located on lot 33 and indicated on photographs the location of the pond, the Norths' existing deck, and the location of the proposed addition.

Ms. Abrahamson responded to questions from Commissioner Wilson regarding the architecture of the addition and the preservation of the integrity of the existing structure.

Responding to a question from Vice Chairman Byers, Ms. Krouse noted that the existing trees partially obscured her view of the pond but the 50-foot addition would completely obscure her view.

At the request of Commissioner de la Fe, Ms. Abrahamson delineated on a photograph the location of the pond and the proposed location of the addition.

In response to questions from Commissioner de la Fe, Mr. North disclosed that his homeowners association supported the application and if approved, the construction would be subject to the approval of the architectural board.

Responding to a question from Commissioner Hall, Mr. North explained that if the proposed addition was turned so that it would be within the building restriction line, it would be at an angle which might slightly obscure the view of the pond.

In response to another question from Commissioner Hall, Ms. Abrahamson said that Mr. North had done a sensitive job with the architectural design of the addition, protecting an historic asset to the community.

Commissioner Hall commented that Ms. Krouse had not been guaranteed that her view of the pond would always remain. Ms. Krouse replied that her concern was about the extent to which her view would be disturbed by the addition. Commissioner Hall suggested that Ms. Krouse and Mr. North meet to review the application.

Responding to questions from Commissioner Hart, Mr. North explained that the boxwood plant located on the subject property was part of the original historic property and would partially block the view of the garage.

Commissioner Alcorn noted that the homeowners association would be the final authority on whether the proposed addition would be appropriate.

John McEwan, 9318 Ludgate Drive, Alexandria, inquired as to whether an addition could be as large as desired on a property as long as it abided by the setback. Vice Chairman Byers responded that it must comply with the height, bulk, and setback requirements of the Zoning Ordinance.

Responding to another question from Mr. McEwan, Vice Chairman Byers said that the bulk of the addition depended upon whether the original house filled the entire lot.

There were no further speakers; therefore, Vice Chairman Byers called for a rebuttal statement from Mr. North.

Mr. North stated that that the total square footage of the existing house and the addition would still be less than most of the houses within the community. He noted that Ms. Krouse's lot had not been sold as a premium lot with a pond view. He explained that although the developer had created unusual angles and lines when the property had been subdivided, their intent was to provide space to the east of the house for an addition. He concluded that the angular property lines had created difficulty for him to build an addition that would be historically accurate.

Commissioner Hart mentioned that many homes predated the setbacks or the minimum yard requirements since the Zoning Ordinance did not exist before 1941. He suggested that Mr. McEwan talk to Fairfax County staff about what the applicable minimum yards were on his property and whether he could expand or rebuild.

In response to a question from Mr. McEwan, Commissioner Hart noted that many of the subdivisions created in the 1920s and 1930s had much smaller, narrower lots and different corner lot dimensions than would be allowed today.

There were no further comments or question from the Commission and staff had no closing remarks; therefore he closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON FDPA 78-C-118-15, KEVIN L. NORTH, TO A DATE CERTAIN OF FEBRUARY 23, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel, Lawrence, Lusk, and Murphy absent from the meeting.

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The next case was in the Mount Vernon District; therefore, Vice Chairman Byers relinquished the Chair to Parliamentarian Alcorn.

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S04-IV-MV3 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns tax map parcel 102-4 ((1)) 72, an approximately 25.14 ac. parcel generally located between the Potomac River and the east side of East Boulevard Dr. along the George Washington Memorial Pkwy. The area is planned for residential use at 2-3 du/ac. The amendment will consider limiting development to one single family dwelling unit in addition to the existing single family dwelling unit and accessory structures. Alternative uses for the site may include a cultural center, museum, non-profit uses, sculpture park or school of special education or similar facilities. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Marianne R. Gardner, Planning Division (PD), Department of Planning and Zoning (DPZ), introduced Meghan Van Dam, PD, DPZ, who presented the staff report, a copy of which is in the date file. Ms. Van Dam noted that staff recommended approval of the Out-of-Turn Plan Amendment, but did not support inclusion of language about the alternative reuse of the property because it was an issue that would be evaluated at the time of rezoning.

Responding to questions from Commissioner Wilson, Ms. Van Dam and Ms. Gardner said the Plan amendment, if approved, would prohibit by-right development in the unlikely event that the Virginia Outdoors Foundation (VOF) conservation easement agreement was amended.

Commissioner de la Fe expressed support for the proposed Plan amendment addition because it would ensure that the easement would be continued in perpetuity.

Responding to a question from Commissioner Wilson, Ms. Van Dam noted that the owners of the property had requested the Plan amendment and the concurrent rezoning application.

Parliamentarian Alcorn called for speakers from the audience.

John McEwan, 9318 Ludgate Drive, Alexandria, asked how the construction of another structure on the subject property reinforced its preservation. Ms. Gardner responded that the amendment had been concurrently filed with a rezoning application to limit the development of the property to the addition of only one single-family dwelling unit.

Parliamentarian Alcorn explained to Mr. McEwan that the amendment was a proposal to modify the Comprehensive Plan and the conservation easement was a private contract between the property owner and the VOF.

Responding to a question from Mr. McEwan, Parliamentarian Alcorn said that whether the property was for sale was not relevant to this case.

There were no further comments or question from the Commission and staff had no closing remarks; therefore Parliamentarian Alcorn closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE OUT-OF-TURN PLAN AMENDMENT, S04-IV-MV3, AS SHOWN IN THE STAFF REPORT WITH THE LAST TWO SENTENCES OF THE RECOMMENDATION AMENDED ON PAGE 7, SO THAT IT WOULD THEN READ:

“DEVELOPMENT OF TAX MAP PARCEL 102-4 ((1)) 72 SHOULD BE LIMITED TO THE PRESERVATION OF THE EXISTING DWELLING UNIT AND THE ADDITION OF ONE SINGLE FAMILY DWELLING UNIT AND ACCESSORY STRUCTURES. ANY NEW DEVELOPMENT OR ACTION TAKEN ON THIS PROPERTY SHOULD BE CONSISTENT WITH THE CONSERVATION EASEMENT AGREEMENT HELD BY THE VIRGINIA OUTDOORS FOUNDATION.”

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel, Lawrence, Lusk, and Murphy absent from the meeting.

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ADJOURNMENT

February 16, 2005

Vice Chairman Byers resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 9:28 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: April 27, 2007

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission