

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 19, 2004**

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
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:22 p.m. by Chairman Peter F. Murphy, Jr., 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 Lawrence MOVED THAT THE DECISION ON RZ 2003-PR-008, FDP 2003-PR-008, AND PCA 75-7-004-2, LINCOLN PROPERTY COMPANY, BE FURTHER DEFERRED TO FEBRUARY 26, 2004.

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

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Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON SE 2003-LE-037 AND SE 2003-LE-040, FEDERAL REALTY PARTNERS L.P., BE DEFERRED TO A DATE CERTAIN OF FEBRUARY 26, 2004.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE WORK PROGRAM FOR 2004

AS PRESENTED IN A MEMORANDUM FROM THE DIRECTOR, DEPARTMENT OF PLANNING AND ZONING, DATED FEBRUARY 11, 2004.

Commissioner Koch seconded the motion which carried unanimously.

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Commissioner Hall announced that the Policy and Procedures Committee had been briefed on the proposed Zoning Ordinance Amendment on residential parking on Wednesday, February 18, 2004. She noted that the Committee had not recommended action at this time because issues raised required further research by staff. She said the Committee would meet again to make a recommendation when the research had been completed.

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Commissioner de la Fe noted that he was the Commission's representative on the Pedestrian Task Force which would meet on Monday, February 22, 2004.

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Chairman Murphy announced that a Planning Commission seminar would be held on Saturday, March 20, 2004, from 9:00 a.m. to 4:00 p.m., at the Government Center. He said he had received some suggestions for the agenda and would welcome others.

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SE 2003-DR-022 - CHESTERBROOK RESIDENCES, INC. (Decision Only)
(The public hearing on this application was held on February 5, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2003-DR-022, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 19, 2004.

Commissioners Byers, Hall, Wilson, and de la Fe seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE OF PARCEL 26C TO PERMIT THE EXISTING VEGETATION TO REMAIN WITH THE ADDITION OF SUPPLEMENTAL VEGETATION AS SHOW ON THE SE PLAT.

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

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF THE ADDITIONAL STANDARDS FOR MEDICAL CARE FACILITIES PURSUANT TO SECTION 9-308, WHICH REQUIRES THE BUILDING TO BE LOCATED A MINIMUM OF 100 FEET FROM ANY LOT LINE WHICH ABUTS AN R-A THROUGH R-4 DISTRICT, TO PERMIT THE BUILDING TO BE LOCATED WITHIN 66 FEET OF THE PUBLIC SCHOOL PROPERTY TO THE NORTH.

Commissioners de la Fe, Hall, and Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE OF PARCEL 26C IF A CONSENSUS OF THE IMMEDIATE ADJACENT HOMEOWNERS IS REACHED IN WRITING.

Commissioners Byers, Hall, and Wilson seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE REQUIREMENT FOR TRANSITIONAL SCREENING AND BARRIER ALONG THE WESTMORELAND STREET FRONTAGE OF PARCEL 26B.

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

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2232-S03-13 - FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES AND FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES (Decision Only) (The public hearing on this application was held on February 11, 2004. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE APPLICATION 2232-S03-13.

The motion was seconded by all members subsequently voting in the affirmative and carried by a vote of 10-0-2 with Commissioners Alcorn and Byers abstaining.

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ZONING ORDINANCE AMENDMENT (BUILDABLE LOTS)

SUBDIVISION ORDINANCE AMENDMENT (BUILDABLE LOTS) (Decisions Only)

(The public hearing on this application was held on February 18, 2004. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AND ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT ON PERMITTED REDUCTIONS AND LOT SIZE FOR CERTAIN LOTS, BUILDABLE LOTS, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 8, 2003, WITH THE FOLLOWING CHANGES TO THE TEXT ON PAGE 8 OF THE STAFF REPORT, AS SHOWN IN ATTACHMENT 1 ATTACHED TO THESE MOTIONS:

FIRST, ON LINE NINE, IN NEW PARAGRAPH 2 OF SECTION 2-405 OF THE ZONING ORDINANCE, DELETE THE PHRASE ", PURSUANT TO A BUILDING PERMIT,".

NEXT, ON LINE 20, IN SUBPARAGRAPH B OF PARAGRAPH 2 OF SECTION 2-405 OF THE ZONING ORDINANCE, SUBSTITUTE THE WORD "OR" FOR THE WORD "AND."

THIRD, ON LINE 23 OF SUBPARAGRAPH C OF PARAGRAPH 2 OF SECTION 2-405 OF THE ZONING ORDINANCE, ADD THE WORDS "OR BEFORE" BEFORE "EFFECTIVE DATE OF THE AMENDMENT."

FOURTH, ON LINE 26, IN SUBPARAGRAPH C(1) OF PARAGRAPH 2 OF SECTION 2-405 OF THE ZONING ORDINANCE, ADD THE WORDS "AT ANY TIME" BEFORE THE WORDS "WITHIN FIVE YEARS."

Commissioner Byers seconded the motion.

Commissioner Hart MOVED THAT SUBPARAGRAPHS B. AND C. IN COMMISSIONER WILSON'S MOTION BE PUT IN THE MOTION YET TO COME AND LEAVE A. AND D. IN THE MOTION AS IT IS.

Commissioner Lusk seconded this amendment to the main motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Wilson then amended her main motion and MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF PROPOSAL WITH ONLY THE TWO REMAINING CHANGES THAT WE'VE MARKED AS A. AND D. ON LINE 9 AND LINE 26, AS SPECIFIED IN MY MOTION.

Commissioner Lusk seconded the amended main motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Wilson FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AND ADOPT THE PROPOSED COUNTY CODE AMENDMENT TO CHAPTER 101, SUBDIVISION ORDINANCE, CONCERNING VALIDATION OF CERTAIN LOTS RECORDED BY METES OR BOUNDS, OR AN UNIMPROVED PLAT AS SET FORTH IN THE STAFF REPORT DATED JANUARY 26, 2004, WITHOUT CHANGE.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT AUTHORIZE A FOURTH SET OF AMENDMENTS TO THE ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE THAT WILL ALLOW A "NON-BUILDABLE" PARCEL OR LOT THAT IS UNDEVELOPED OR THAT HAS A PRINCIPAL STRUCTURE ON IT THAT WAS NOT OCCUPIED WITHIN THE PAST FIVE YEARS, TO BE VALIDATED AS LONG AS THE PARCEL OR LOT WAS RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY PRIOR TO MARCH 25, 2003, AND THE PARCEL OR LOT DESCRIBED IN THE METES AND BOUNDS DESCRIPTION OR ON THE UNAPPROVED PLAT WAS IDENTIFIED AS A SEPARATE LOT ON THE FAIRFAX COUNTY REAL PROPERTY IDENTIFICATION MAP OR WAS TAXED AS A SEPARATE PARCEL ON OR BEFORE MARCH 25, 2003, AND IF UNDEVELOPED, SAID PARCEL OR LOT STILL WILL BE SUBJECT TO ALL BUILDING PERMIT REQUIREMENTS AND ALL OTHER REGULATIONS OF THE ZONING ORDINANCE, INCLUDING BUT NOT LIMITED TO THE BULK AND PERMITTED USE REGULATIONS OF THE ZONING DISTRICT IN WHICH LOCATED, EXCEPT FOR THE MINIMUM DISTRICT SIZE, LOT AREA, AND LOT WIDTH REQUIREMENTS OF THE DISTRICT, AS SHOWN IN ATTACHMENT 2 ATTACHED TO THESE MOTIONS, BUT TO ALSO INCLUDE B. AND C., FROM THE FIRST MOTION.

Commissioners Byers and Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (STORMWATER MANAGEMENT)
2. PCA 2000-MA-031 - SHIRLEY HIGHWAY DISTRIBUTION CENTER
SEA 00-M-048 - SHIRLEY HIGHWAY DISTRIBUTION CENTER
SEA 93-M-049-2 - SHIRLEY HIGHWAY DISTRIBUTION CENTER
3. SE 2003-PR-032 - WHITE PEARL INVESTMENT COMPANY

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (STORMWATER MANAGEMENT) - To amend Chapter 112 as follows: Revises the submission requirements for rezoning, development plan, special exception and special permit applications to require the approximate location, estimated footprint and type of all proposed stormwater management facilities and a preliminary stormwater drainage plan that includes information about adequacy of downstream drainage. When there is 2500 square feet or more of land disturbing activity, in addition to the above, the preliminary stormwater management plan shall include both graphic and narrative information. The graphic information shall include: (1) approximate footprint of the facility; (2) on-site and off-site areas to be served by each facility; (3) a preliminary layout of all on-site drainage channels and pipes; (4) approximate location of maintenance access roads; (5) proposed landscaping and tree preservation areas in and near the facility; and (6) approximate limits of clearing and grading for the facility. The narrative information shall include (1) a description of how the detention and best management practice requirements will be met; (2) estimated area and storage volume for the facility; (3) a description of the existing outfall conditions for each watercourse into which drainage from the property is discharged; and (4) a description of how the adequate outfall requirement of the Public Facilities Manual will be met. Increases the number of plats required to be submitted with special exception and special permit applications from 22 to 23. Revises the existing topography submission requirement on PRC District development plans and special permit and special exception plats by reducing the maximum contour interval from 5 to 2 feet. Allows the Zoning Administrator to approve modifications to an approved development plan, proffered rezoning, special exception or special permit provided that the modification does not result in an increase in the amount of clearing and/or grading for a stormwater management facility that reduces non-stormwater open space, tree save and/or landscaping on the lot. COUNTYWIDE. PUBLIC HEARING.

Regina Murray, Zoning Administration Division (ZAD), 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 proposed amendment.

In response to a question from Commissioner Byers, Ms. Kirst, ZAD, DPZ, said stormwater management graphics and narrative could be included in the staff report as attachments at the request of the Commission.

ZONING ORDINANCE AMENDMENT
(STORMWATER MANAGEMENT)

February 19, 2004

Ms. Kirst responded to a question from Commissioner Hart about the possibility of adopting stormwater management facility submission requirements for variance applications.

Commissioner Alcorn said he would have no objection to asking the Board of Supervisors to initiate a study to review the variance process to determine if stormwater management facility submission requirements would be appropriate.

Chairman Murphy called for speakers and recited rules for testimony before the Commission.

Pete Rigby, an engineer with Pacuilli Simmons and Associates, suggested that language be added to the amendment on page 7, paragraph 4.A., to indicate that modifications to an approved special permit would be allowed "provided that existing stormwater management regulations have not been altered." He also suggested that on page 9, paragraph (2)(c) be stricken because (d) required a description of the existing drainage and outfall conditions.

After input on this issue from Noel Kaplan, Planning Division, DPZ, and Donald Demetrius, Floodplains and Special Projects Branch, DPWES, Mr. Rigby said that the forthcoming revisions to the PFM would make (c) not applicable. Commissioner Alcorn said in that case, this amendment would have to be updated.

There were no other speakers, the Commission had no further comments, and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE STORMWATER MANAGEMENT FACILITY SUBMISSION REQUIREMENTS, AS CONTAINED IN THE STAFF REPORT DATED JANUARY 26, 2004, TO A DATE CERTAIN OF MARCH 10, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously.

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PCA 2000-MA-031 - SHIRLEY HIGHWAY DISTRIBUTION CENTER PARTNERSHIP - Appl. to amend the proffers for RZ 2000-MA-031 previously approved for commercial development to permit additional parking and waiver of open space requirements with a Floor Area Ratio (FAR) of 0.48. Located on the N. side of General Washington Dr. approx. 900 ft. W. of its intersection with Bren Mar Dr. on approx. 4.68 ac. of land zoned C-6. Comp. Plan Rec: industrial and retail. Tax Map 81-1 ((9)) 7 PT. (Concurrent with SEA 00-M-048 and SEA 93-M-049-2.) MASON DISTRICT.

SEA 00-M-048 - SHIRLEY HIGHWAY DISTRIBUTION CENTER PARTNERSHIP -Appl. under Sects. 9-618 and 9-612 of the Zoning Ordinance to amend SE 00-M-048 previously approved for increase in FAR to permit an increase in FAR and a waiver of open space requirements. Located at 5650 General Washington Dr. on approx. 4.68 ac. of land zoned C-6. Tax Map 81-1 ((9)) 7 PT. (Concurrent with PCA 2000-MA-031 and SEA 93-M-049-2.) MASON DISTRICT.

SEA 93-M-049-2 - SHIRLEY HIGHWAY DISTRIBUTION CENTER PARTNERSHIP - Appl. under Sects. 9-618, 9-620 and 9-612 of the Zoning Ordinance to amend SE 93-M-049 previously approved for waiver of certain sign regulations and increase in FAR to permit a waiver of certain sign regulations, an increase in FAR and a waiver of open space requirements. Located 5650 General Washington Dr. on approx. 4.01 ac. of land zoned I-5. Tax Map 81-1 ((9)) 7 PT. (Concurrent with PCA 2000-MA-031 and SEA 00-M-048.) MASON DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, with Walsh, Colucci, Lubeley, Emrich and Terpak, P.C., reaffirmed the affidavit dated February 10, 2004. Commissioner Hart disclosed that his law firm had a pending case with Ms. Baker's law firm but there was no financial relationship and it would not affect his ability to participate in this case.

Tracy Swagler, 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 denial of the applications because they were not in harmony with the Comprehensive Plan or in conformance with the applicable Zoning Ordinance provisions.

Ms. Baker justified the applicant's request for a waiver of open space to allow 26 more parking spaces to be added to an old industrial park in order to make the vacant warehouse more desirable to prospective tenants. She described the landscape proposal and noted that stormwater management would be provided on-site.

Responding to a question from Commissioner Hall, Ms. Swagler explained staff's rationale for recommending denial of the subject applications, as found on page 10 of the staff report.

Ms. Baker responded to questions from Commissioner Hall about the location of entrances and the parking area as well as the types of possible tenants. Commissioner Hall requested that staff or the applicant provide her with information on other requests for waiving open space.

In response to questions from Commissioners Koch, de la Fe, and Lawrence, Ms. Baker commented on the Comprehensive Plan recommendation that uses on the site should generate a low volume of traffic, the use of other materials for the parking area, such as grasscrete, and the

number of parking spaces. Ms. Baker said she would consider the use of materials other than asphalt. Ms. Swagler pointed out that grasscrete areas could not be considered as open space.

Chairman Murphy called for speakers from the audience but received no response. He noted that no rebuttal was necessary. The Commission had no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action this item. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON PCA 2000-MA-031, SEA 00-M-048, AND SEA 93-M-049-2, TO A DATE CERTAIN OF FEBRUARY 26, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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SE 2003-PR-032 - WHITE PEARL INVESTMENT COMPANY -
Appl. under Sect. 9-607 of the Zoning Ordinance to permit increase in building height. Located at 7918 Jones Branch Dr. on approx. 5.03 ac. of land zoned C-7, HC and SC. Tax Map 29-4 ((7)) 7C.
PROVIDENCE DISTRICT. PUBLIC HEARING.

Michelle Rosati-Leggett, Esquire, reaffirmed the affidavit dated February 2, 2004. There were no disclosures by Commission members.

Lindsay Shulenberger, 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.

Ms. Rosati-Leggett explained that the applicant was seeking approval to correct an error which had been made in calculating the size of the penthouse in order to bring the height of the building into compliance with the Zoning Ordinance. She said the error had been discovered when a "feature shown" application had been filed and noted that no other modifications were being requested.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore,

Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2003-PR-032, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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The meeting was adjourned at 10:40 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: Linda B. Rodeffer

Approved on: July 20, 2006

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