

**MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 24, 1994**

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Robert v. L. Hartwell, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Carl L. Sell, Jr., Lee District
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

At the request of the applicant, Commissioner Sell MOVED TO DEFER INDEFINITELY (THE PUBLIC HEARING ON) SE.93-L-013, GROUP W RADIO, INC.

Commissioner Byers seconded the motion which passed unanimously with Commissioner Strickland not present for the vote; Commissioner Palatiello absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for tonight's agenda items:

1. S93-IV-MV2 - Out-of-Turn Plan Amendment
2. PCA-90-L-039 - Pulte Home Corporation
FDPA-90-L-039 - Pulte Home Corporation
3. RZ-93-L-031 - Stephan A. Banister, Trustee
4. SE-93-M-054 - MTS Inc., T/A Tower Records

Secretary Harsel requested that, when Commissioner Strickland arrived at the meeting, the Mason District case be expedited at that time because the staff person was not well.

This order was accepted without objection.

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S93-IV-MV2 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comp. Plan for Fairfax Co, VA, in accord. w/*Code of VA*, Title 15.1, Chap. 11, concerns a single parcel of land located @ the N.E. corner of the intersection of Buckman Rd. & Main St. the 20,000 sq. ft. property is planned for resident. use @ a density of 2 - 3 du/ac. The Plan Amend. will consider changing the planned density to 8 - 12 du/ac. Tax Map 101-3((1))15B. LEE DISTRICT. PUBLIC HEARING.

Mr. Bruce Douglas, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He stated that staff found the existing Plan recommendation of 2 to 3 dwelling units per acre still appropriate.

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Vice Chairman Hanlon chaired the proceedings during the temporary absence of Chairman Murphy.

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Mr. Douglas responded to a question posed by Commissioner Byers conceding that there was no County record of how the property's apartments had come to be built.

Vice Chairman Hanlon called the first speaker and explained the Commission's rules for presenting testimony.

Ms. Nina Cornett, 7424 Hopa Court, Alexandria, the subject property owner, explained that only after seeking to sell their property did they learn there was a zoning issue and their only recourse was to amend the Plan and request a rezoning. She noted that no change to the property was planned; they were only trying to retain what was already there. Ms. Cornett commented on staff's proposed language. She pointed out that the Lee District Land Use Advisory Council unanimously supported the request to R-12.

There being no further speakers, Vice Chairman Hanlon asked staff for closing comments.

Responding to Commissioner Sell's question, Mr. Douglas clarified that it was staff's intent, with the proposed language, to facilitate a type of restricted rezoning applicable for the existing use and if a zoning case were to follow, the language would address the Comprehensive Plan's stipulations.

There being no further questions or comments, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Sell for action on this case. (Verbatim excerpts are in the date file.)

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Following summation remarks, Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND S93-IV-MV2 TO THE BOARD OF SUPERVISORS FOR APPROVAL.

Commissioners Byers and Hartwell seconded the motion which carried by a vote of 9-0-1 with Commissioner Harsel abstaining; Commissioner Strickland not present for the vote; Commissioner Palatiello absent from the meeting.

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Chairman Murphy resumed the Chair and announced that the next case would be the Mason District case.

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SE-93-M-054 - MTS INCORPORATED T/A TOWER RECORDS -
Appl. under Sec. 9-620 of the Zoning Ord. to permit a waiver of certain sign regulations to permit an increase in sign area for a building mounted sign on property located @ 6200 Little River TrnPk. on approx. 15,000 sq. ft. of land zoned C-6 & HC. Tax Map 72-4((1))pt.3. MASON DISTRICT. PUBLIC HEARING.

William C. Thomas, Jr., Esquire., with Fagelson, Schonberger, Payne & Deichmeister, reaffirmed the affidavit dated December 3, 1993. There were no disclosures from Commission members.

Because Ms. Lorrie Kirst, Zoning Evaluation Division: (ZED), Office of Comprehensive Planning (OCP), had laryngitis, Ms. Donna McNeally, ZED, OCP, presented the staff report, a copy of which is in the date file. She noted that a revised proposal was received this evening which added two six-foot square signs and that staff supported the addition for a total of 96 square feet and three signs. Ms. McNeally stated that staff recommended approval.

Mr. Thomas pointed out the importance to retailers of adequate, easily readable signage. He noted the size difference in several of the other signs. He responded to questions from Commissioners Hanlon and Harsel regarding the size, placement and visibility of the signs and the visual dominance of one over another. Mr. Thomas explained the premise of signage size attributed to retail market competition and maintained that the applicant suffered a competitive disadvantage if his signage was not sufficient to adequately advertise the business.

There being no further questions or comments, Chairman Murphy closed the public hearing and recognized Commissioner Strickland for a motion on this application. (Verbatim excerpts are in the date file.)

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Following final remarks, Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-93-M-054, WITH THE DEVELOPMENT CONDITIONS AS MODIFIED HERE TONIGHT.

CONDITION #3 WILL READ AS FOLLOWS: "THERE SHALL BE A MAXIMUM OF 96 SQUARE FEET TOTAL. THE SIGN LOCATED AT THE TOP OF THE BUILDING SHALL NOT EXCEED 84 SQUARE FEET."

Commissioner Koch seconded the motion which carried by a vote of 6-1-4 with Commissioner Byers opposed; Commissioners Baldwin, Hanlon, Harsel and Sell abstaining; Commissioner Palatiello absent from the meeting.

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PCA/FDPA 90-L-039 - PULTE HOME CORPORATION - Appls. to amend the proffers & the FDP for RZ-90-L-039 to permit resident. use @ a density of 14.7 du/ac. on property located on the W. side of South Van Dorn St. approx. 800 ft. N. of its intersection with Crown Royal Dr. on approx. 49.76 ac. zoned PDH-16. Comp. Plan Rec: Off. w/option for resident. @ 12.1.6 du/ac. Tax Maps 81-2((8))2, 3, 4, 5; 81-2((1))15, 15A, 16; 81-4((25))6, 7, 8B. LEE DISTRICT. PUBLIC HEARING.

Martin D. Walsh, Esquire, of Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated February 22, 1994. There were no disclosures by the Commission.

Ms. Catherine Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She noted that revised proffers dated February 18, 1994, were distributed that evening. Ms. Chianese stated that staff recommended approval of both applications. She responded to questions from Commissioner Hartwell regarding the previous EQC (environmental quality corridor) clearing and the relative costs of an underground stormwater management system.

Mr. Walsh requested the option to construct an above ground stormwater detention facility and dry pond pointing out each one's efficiency, greater capacity and less expensive maintenance. He explained the property's cleanup, directed by a previous owner, which apparently had necessitated clearing the land.

Chairman Murphy called the first speaker and reiterated the Commission's rules for presenting testimony.

Mr. Lester Dove, 6401 Briarmoor Lane, Alexandria, whose property adjoined the subject property, requested a 50-foot right-of-way into his family's property.

To assure Mr. Dove that his parcel was considered and that an access was to be provided, Commissioner Sell referenced Proffer Condition #22 which stipulated that the developer, at his expense, was to provide an access for the Doves.

There being no further speakers, Chairman Murphy called upon Mr. Walsh for a rebuttal statement.

Mr. Walsh reaffirmed to the Commission and the Doves that their project's initial construction would be the Doves' right-of-way access.

There being no further questions or comments from the Commission and since Ms. Chianese had no closing staff comments, Chairman Murphy closed the public hearing and turned to Commissioner Sell for a motion on this application. (Verbatim excerpts are in the date file.)

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Following final remarks, Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-90-L-039 BE APPROVED, SUBJECT TO THE PROFFERS DATED FEBRUARY 18, 1994.

Commissioners Byers and Thomas seconded the motion which carried by a vote of 7-0-1 with Commissioner Koch abstaining; Commissioners Downer, Harsel and Strickland not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Sell next MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-90-L-039, SUBJECT TO THE BOARD'S APPROVAL OF PCA-90-L-039 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 18, 1994.

Commissioner Byers seconded the motion which carried by a vote of 7-0-1 with Commissioner Koch abstaining; Commissioners Downer, Harsel and Strickland not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Sell then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT IT REAFFIRM THE PREVIOUS WAIVERS AND MODIFICATION IN RZ-90-L-039.

Commissioner Byers seconded the motion which carried by a vote of 7-0-1 with Commissioner Koch abstaining; Commissioners Downer, Harsel and Strickland not present for the vote; Commissioner Palatiello absent from the meeting.

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RZ-93-L-031 - STEPHAN A. BANNISTER, TRUSTEE - Appl. to rezone approx. 2.61 ac. located on the W. side of South Van Dorn St. approx. 45 ft. S. of Crown Royal Dr. & N. of Chrysanthemum Dr. fr. R-3 to R-8 to permit resident. develop. @ a density of 7.6 du/ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 81-4((1))25, 26, & 26A. LEE DISTRICT. PUBLIC HEARING.

William C. Thomas, Jr., Esquire, with Fagelson, Schonberger, Payne & Deichmeister, reaffirmed the affidavit dated October 19, 1993. There were no disclosures from Commission members.

Ms. Catherine Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She noted that revised proffers and a revised GDP (generalized development plan) both dated February 23, 1994, were distributed that night. Ms. Chianese stated that staff recommended approval.

Mr. Thomas stated that the revised proffers and GDP were in response to staff and citizen comments and that their application met all the criteria of the pertaining County Ordinances. He responded to Commissioner Sell's question regarding tree-save, buffer and the 25-foot transitional screening yard.

Chairman Murphy called for speakers from the audience. Receiving no response, he noted that no rebuttal was necessary. Ms. Chianese had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Sell for a motion on this application. (Verbatim excerpts are in the date file.)

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After making final remarks, Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-93-L-031, SUBJECT TO THE PROFFERS DATED FEBRUARY 23, 1994.

Commissioners Byers and Hanlon seconded the motion which passed unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Sell then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT IT WAIVE THE MINIMUM DISTRICT SIZE PURSUANT TO SECTION 9-610.

Commissioner Byers seconded the motion which passed unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Sell finally MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER, SUBJECT TO PARAGRAPH 3, SECTION 13-304, IN FAVOR OF WHAT'S SHOWN ON THE PLAN.

Commissioners Byers and Thomas seconded the motion which passed unanimously with Commissioner Palatiello absent from the meeting.

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The meeting was adjourned at 10:10 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Paula A. McFarland

Approved on: April 21, 1994



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