

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 26, 2004**

PRESENT: 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

ABSENT: Walter L. Alcorn, Commissioner At-Large
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:17 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 PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P03-18.

The motion was seconded by Commissioner Byers and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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RZ 2002-PR-031 – ERNESTO V. AND NILA M. CASTRO

FDP 2002-PR-031 – ERNESTO V. AND NILA M. CASTRO (Decisions Only)

(The public hearing on these applications was held on January 15, 2004. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DENY RZ 2002-PR-031.

The motion was seconded by Commissioners Byers and Lusk and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DENY FDP 2002-PR-031.

The motion was seconded by Commissioners Byers and Lusk and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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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 (Decisions Only)

(The public hearing on these applications was held on February 19, 2004. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2000-MA-031, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 25, 2004.

The motion was seconded by Commissioners de la Fe and Lawrence and carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 00-M-048, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 25, 2004.

The motion was seconded by Commissioners de la Fe and Lawrence and carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 93-M-049-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 25, 2004.

The motion was seconded by Commissioners de la Fe and Lawrence and carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN END OF THE C-6 PORTION OF THE PROPERTY.

The motion was seconded by Commissioners de la Fe and Lawrence and carried by a vote of 8-2 with Commissioners Byers and Harsel opposed; Commissioners Alcorn and Wilson absent from the meeting.

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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.

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Chairman Murphy announced the following dates for Commission activities related to the FY 2005 -2009 CIP: workshop on March 11, 2004; public hearing on March 18, 2004; and mark-up on March 25, 2004.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ/FDP 2003-MA-030 - JEFFERSON AT EDSALL ROAD, LP
2. SE 2003-PR-026 - SAFEWAY, INC.
3. SE 2003-LE-037 - FEDERAL REALTY PARTNERS LP
SE 2003-LE-040 - FEDERAL REALTY PARTNERS LP
4. RZ 2003-SU-040 - LWL, LLC
PCA 78-S-063-04 - LWL, LLC
SE 2003-SU-025 - LWL, LLC

This order was accepted without objection.

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RZ/FDP 2003-MA-030 - JEFFERSON AT EDSALL ROAD, LP -
Appl. to rezone from C-6 to PRM to permit mixed use development at an overall Floor Area Ratio (FAR) of 1.59 and approval of the conceptual and final development plans. Generally located in the S.W. quadrant of Bren Mar Dr. and Bloomfield Dr. on approx. 17.18 ac. of land. Comp. Plan Rec: Retail & other with option for 30-40 du/ac. Tax Map 81-1 ((1)) 7A and 7D pt. MASON DISTRICT. PUBLIC HEARING.

Elizabeth Baker, with Walsh, Colucci, Lubeley, Emrich, and Terpak, P.C., reaffirmed the affidavit dated February 6, 2004. Commissioner Hart disclosed that his law firm had pending

cases with Walsh, Colucci, Lubeley, Emrich, and Terpak, P.C., 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 approval of the applications.

Ms. Baker explained that the Comprehensive Plan had been amended in 2002 to provide a residential option for the subject property at 30-40 dwelling units per acre. She said the applicant was now proposing to redevelop the under-utilized and slightly blighted site with 634 residential units and retail uses. She described proposed road improvements and other measures which would address the traffic situation in the area. She noted that the applicant had worked harmoniously with surrounding civic associations and the Mason District Land Use Committee, and she requested a favorable recommendation.

Commissioner de la Fe requested that the proposed traffic signal be pedestrian-friendly and in compliance with the Americans with Disabilities Act. Ms. Baker said she would have an audible traffic signal installed, if possible.

Ms. Baker responded to questions from Commissioner Harsel about the nearby Mobil Gas Station and access to Bloomfield Drive and Route I-395.

Responding to a question from Commissioner Lawrence, Ms. Baker said Proffer Number 11 provided for a telecommuting center for residents' use, although there was not a provision for interconnections within the units.

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

George Madill, Chair, Land Use Committee, Bren Mar Park Civic Association, 6322 Fenton Court, Alexandria, expressed support for the proposed development.

There were no further speakers; therefore, Chairman Murphy called upon Ms. Baker for a rebuttal statement. Ms. Baker declined.

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 Hall for action on these applications. (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 RZ 2003-MA-030, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 17, 2004.

The motion was seconded by Commissioner Byers and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-MA-030, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 18, 2004 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

The motion was seconded by Commissioner Byers and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND:

APPROVAL OF THE WAIVER OF THE 600 FOOT MAXIMUM PRIVATE STREET LENGTH AND TO ALLOW PRIVATE STREETS IN A SINGLE FAMILY ATTACHED DEVELOPMENT,

APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT FOR THE MULTI-FAMILY RESIDENTIAL BUILDING IN LAND BAY 1 FROM FIVE SPACES TO ONE SPACE, AND

APPROVAL OF A WAIVER TO ALLOW UNDERGROUND DETENTION AND WATER QUALITY CONTROL IN A MULTI-FAMILY RESIDENTIAL DEVELOPMENT.

The motion was seconded by Commissioner Byers and carried by a vote of 9-0-1 with Commissioner Harsel abstaining; Commissioners Alcorn and Wilson absent from the meeting.

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SE 2003-PR-026 - SAFEWAY, INC. - Appl. under Sect. 7-607 of the Zoning Ordinance to permit a service station/mini-mart in a Highway Corridor Overlay District. Located at 9121 Lee Hwy. on approx. 1.26 ac. of land zoned C-6 and HC. Tax Map 48-4 ((1)) 12F pt. PROVIDENCE DISTRICT. PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated January 21, 2004. Commissioner Hart disclosed that his law firm had a pending case with McGuire Woods LLP, but there was no financial relationship and it would not affect his ability to participate in this case.

Cathy Belgin, 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.

Mr. Riegler stated the Pan Am Shopping Center was embarking on a comprehensive renovation and its anchor tenant, Safeway, would like to add gasoline sales as a convenience to its customers. He noted that the center was over parked and the FAR was below the allowable amount. He said the proposal would improve traffic flow, provide pedestrian connections, and comply with best management practices.

Mr. Riegler responded to questions from Chairman Murphy about access to and from the site, the number of parking spaces, and the pricing of gas; from Commissioner Koch about the impact of the proposed development on parking; and from Commissioner Harsel about the proposed mini-mart.

Ms. Belgin responded to a question from Commissioner de la Fe about the proposed signage and from Commissioner Harsel about items to be sold in the mini-mart. Ms. Belgin said she would consult with Commissioner Lawrence about revising the language in Development Condition 14 to be more specific about what food would be allowed to be sold in the mini-mart.

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

Jane Quill, 3179 Lindenwood Lane, Fairfax, representing the Stonehurst Homeowners Association, expressed opposition to the proposed development, citing environmental and traffic concerns.

Fran Wallingford, 3230 Wynford Drive, Fairfax, representing the Mantua Citizens Association, expressed concern about the impact of the gas station on area water quality, stormwater management, and the line of sight getting into and out of the shopping center.

Suzanne D'Alonzo, 9298 Bailey Lane, Fairfax, expressed concern about gas leaks and the lighting of the station.

Joan Quill, 3179 Lindenwood Lane, Fairfax, brought to the attention of the Commission a news release from the Washington State Department of Ecology, dated April 10, 2003, stating that Safeway had been fined \$184,000 for an oil spill.

John Diehl, 3030 Covington Street, Fairfax, a member of the Hampton Court Homeowners Association, expressed concern about the traffic flow into and out of the shopping center.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Riegler for rebuttal remarks.

Mr. Riegler addressed the following concerns raised by speakers:

- ◆ Water quality and stormwater management - redevelopment of the site would have to comply with best management practices.

- ◆ Gasoline leakage - tanks would be monitored extensively with spill control devices on-site.
- ◆ Line of sight - the applicant would work with staff to address this issue.
- ◆ Traffic - transportation enhancements would improve the flow of traffic.

Mr. Riegler responded to questions from Commissioner Harsel about the location of the loading space, how gasoline would be paid for, best management practices, outdoor sales, and hours of operation. He responded to a question from Commissioner Koch about the number of parking spaces.

There were no further 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 TO DEFER THE DECISION ONLY FOR SE 2003-PR-026 TO A DATE CERTAIN OF MARCH 10, 2004.

The motion was seconded by Commissioners Byers and Lusk and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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SE 2003-LE-037 - FEDERAL REALTY PARTNERS LP - Appl.
under Sect. 7-607 of the Zoning Ordinance to permit a drive-in bank in a Highway Corridor Overlay District (HC). Located on the S.W. side of the intersection of Fordson Rd. and Richmond Hwy. within Mt. Vernon Plaza Shopping Ctr. on approx. 42,557 sq. ft. of land zoned C-6, CRD and HC. Tax Map 101-2 ((1)) 12A pt. and 12D pt. LEE DISTRICT. PUBLIC HEARING.

SE 2003-LE-040 - FEDERAL REALTY PARTNERS LP - Appl.
under Sect. 2-904 of the Zoning Ordinance to permit uses in a floodplain. Located in the N.W. corner of Mt. Vernon Plaza Shopping Center on approx. 2.83 ac. of land zoned C-6 and CRD. Tax Map 101-2 ((1)) 12A pt. LEE DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich, and Terpak, P.C., reaffirmed the affidavits dated January 21, 2004. Commissioner Hart disclosed that his law firm was representing Wachovia Bank on two cases and although the bank was listed only on the affidavit for SE 2003-LE-037, he would recuse himself from both cases.

Cathy Belgin, 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 SE 2003-LE-037. She said staff recommended denial of SE 2003-LE-040 because the proposed site layout did not conform with the recommendations of the Virginia Department of Transportation (VDOT) Route 1 Corridor Study, and was therefore not in harmony with the Comprehensive Plan or in conformance with applicable Zoning Ordinance provisions.

Responding to a question from Commissioner Byers, Ms. Belgin explained that in the event SE 2003-LE-040 was approved, a development condition had been added requiring conformance with the Route 1 Location Study.

Ms. Strobel addressed staff's rationale for recommending denial of SE 2003-LE-040 and said she was confident that VDOT would approve an alternative site layout plan consistent with the improvements being proposed by the applicant. Addressing SE 2003-LE-037, she explained that although permission to build in a floodplain was being requested, a study by Wetlands Solution had determined that the proposed development would not cause an increase in the level of the floodplain. She noted that both applications had received favorable recommendations from the Southeast Fairfax Redevelopment Authority and the Lee District Land Use Committee.

Ms. Strobel responded to questions from Commissioner Lusk about the site layout and frontage improvements along Richmond Highway and about bioretention measures.

In response to a question from Commissioner de la Fe, Ms. Belgin said the only reason staff had recommended denial of SE 2003-LE-040 was because it was not in conformance with the Route 1 Corridor Study.

Chairman Murphy called for speakers from the audience, but received no response. He noted there was no need for rebuttal. The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2003-LE-037, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT AND ADDENDUM AND WILL ALSO INCLUDE A CONDITION REQUIRING THAT THE APPLICANT CONTINUE TO COORDINATE WITH VDOT ON ALTERNATIVES FOR THE ROUTE 1 CORRIDOR, TO BE DATED TODAY, FEBRUARY 26, 2004.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE MINIMUM REAR YARD SETBACK BE MODIFIED TO PERMIT THE CANOPY OVER THE DRIVE-IN WINDOWS TO BE LOCATED 5.5 FEET FROM THE REAR LOT LINE AS SHOWN ON THE SE PLAT.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE RICHMOND HIGHWAY STREETScape BE MODIFIED TO THAT AS SHOWN ON THE SE PLAT AND AS SET FORTH IN DEVELOPMENT CONDITIONS.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE SERVICE DRIVE ALONG RICHMOND HIGHWAY BE WAIVED.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2003-LE-040 SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT DATED FEBRUARY 11, 2004.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioner Hart not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

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RZ 2003-SU-040 - LWL, LLC - Appl. to rezone from I-3, AN and WS to C-6, AN and WS to permit commercial development with an overall Floor Area Ratio (FAR) of 0.17. Located in the S.W. quadrant of the intersection of Westfields Blvd. and Sully Rd. (Route 28), on approx. 3.00 ac. of land. Comp. Plan Rec: Mixed Use with an option for neighborhood-service retail and service uses. Tax Map 44-3 ((6)) 21A pt. (Concurrent with PCA 78-S-063-4 and SE 2003-SU-025.) SULLY DISTRICT.

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PCA 78-S-063-04 - LWL, LLC - Appl. to amend the proffers for a portion of RZ 78-S-063 previously approved for industrial development with an overall Floor Area Ratio (FAR) of 0.17 to permit reduction in land area. Located in the S.W. quadrant of the intersection of Westfields Blvd. and Sully Rd. (Route 28), on approx RZ 2003-SU-040, PCA 78-S-063-04, and 3.00 ac. of land zoned C-6, AN and WS. Comp. Plan Rec: Mixed Use with an option for neighborhood-serving retail and service uses. Tax Map 44-3 ((6)) 21A pt. (Concurrent with RZ 2003-SU-040 and SE 2003-SU-025.) SULLY DISTRICT.

SE 2003-SU-025 - LWL, LLC - Appl. under Sect. 4-604 of the Zoning Ordinance to permit fast food restaurants. Located in the S.W. quadrant of the intersection of Westfields Blvd. and Sully Rd. (Route 28), on approx 3.00 ac. of land zoned C-6, AN and WS. Tax Map 44-3 ((6)) 21A pt. (Concurrent with RZ 2003-SU-040 and PCA 78-S-063-4.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Lee Fifer, Esquire, with McGuire Woods LLP, reaffirmed the affidavits dated February 12, 2004. Commissioner Hart disclosed that although his law firm had a case pending with McGuire Woods LLP, it would not affect his ability to participate in this case.

Aaron Shriber, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the applications because without consolidation of the entirety of Parcel 21A, fragmented, piecemeal development could occur which would not be compatible with the recommendations of the Comprehensive Plan.

Responding to a question from Commissioner Koch, Mr. Shriber said consolidation of Parcel 21A was the only outstanding issue.

Mr. Fifer stated that approval of the applications would allow flexibility so that a new, modern type of restaurant as well as other business uses could be developed on the property. He addressed hours of operation, traffic generation, architectural elements, building materials, traffic improvements, and stormwater management. Addressing staff's concern that piecemeal development could occur, he explained that the applicant did not own or control the unconsolidated parcel. He also pointed out that development in Westfields was subject to strict architectural controls and noted that the proposal had passed an initial review by the Westfields Board of Architectural Review.

At the request of Commissioner Koch, Mr. Fifer agreed to meet with representatives of the Sully Station Homeowners Association to further address their concerns. Commissioner Koch also asked Mr. Fifer to consider constructing each building of more than 25 percent brick to be more

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compatible with existing development and to provide a sidewalk and landscaping for an off-site island.

Responding to a question from Commissioner de la Fe, Mr. Fifer said that restaurants would not be allowed to have drive-through windows.

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

Commissioner Koch MOVED THAT PCA 78-S-063-4, RZ 2003-SU-040, AND SE 2003-SU-025 BE DEFERRED FOR DECISION ONLY LEAVING THE RECORD OPEN FOR WRITTEN COMMENT UNTIL MARCH 10, 2004.

The motion was seconded by Commissioners Byers and Lawrence and carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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The meeting was adjourned at 10:30 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.

Meeting taken by: Karen M. Everett
Minutes by: Linda B. Rodeffer

Approved on: July 20, 2006

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