

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 3, 2005**

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill 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: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District

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The meeting was called to order at 8:16 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 ONLY ON RZ 2004-PR-008 AND FDP 2004-PR-008, EDGEMOORE LAND, LLC, BE DEFERRED TO A DATE CERTAIN OF MARCH 23, 2005, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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Commissioner Byers announced that the Policy and Procedures Committee would meet on Wednesday, March 9, 2005, at 7:30 p.m., in the Board Conference Room.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ 2004-MV-020 INDEFINITELY.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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Commissioner Lusk noted that the CIP Workshop would be held on Thursday, March 10, 2005, at 8:15 p.m., in the Board Auditorium.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER SEA 01-L-024, IN THE NAME OF KINGSTOWNE TOWNE CENTER LP, INDEFINITELY.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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Commissioner Wilson MOVED TO DEFER THE DECISION ONLY ON PUBLIC FACILITIES MANUAL AMENDMENTS (PARKING SPACES, CASH DEPOSITS, AND DRAINAGE DIVIDES) TO MARCH 10, 2005, WITH THE RECORD TO REMAIN OPEN.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. COUNTY CODE AMENDMENTS (Fees)
2. ZONING ORDINANCE AMENDMENT (Fees)
3. S04-III-FC1 – OUT OF TURN PLAN AMENDMENT (Springfield District)
4. SE 2004-PR-026 – CHEVY CHASE BANK
5. 2232-Y05-2 – FAIRFAX COUNTY PARK AUTHORITY

This order was accepted without objection.

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COUNTY CODE AMENDMENTS (FEES) - Amendments to Chapters 2, 61, 101, 104, and 112 of The Code of the County of Fairfax, Virginia, (County Code) as follows: Pursuant to authority granted by *Virginia Code* Sections 15.2-107, 15.2-2204, 15.2-2241(9), 15.2-2286(A)(6), 10.1-562(I), and/or 36-105(A), the amendment proposes to increase fees charged by Land Development Services, Department of Public Works and Environmental Services, which are charged under Chapter 2, Art. 1-4 (Property Under County Control), Chapter 61, Art. 1-3 (Building Provisions), Chapter 101, Art. 2-8

(Subdivision Ordinance), Chapter 104, Art. 1-3 (Erosion and Sedimentation Control), and Chapter 112, Art. 17-109 (Zoning Ordinance) of the County Code for the review of plans, processing of permits, and making site and building inspections. The amendment increases fees related to site plan review (except Fire Marshal fees) by 38% overall, with some fees increasing by up to 50% due to round off, and increases fees related to site inspections by 82% overall, 41% each year for two years, with some fees increasing up to 86% due to round off. The amendments to Chapter 61 would increase some building code fees up to 25%, and will include permit applications, building plan review, and residential and commercial inspections. The minimum plan review fee for commercial tenant layouts will increase to \$250. The amendment also proposes various editorial changes. The Chapters 101, 104 and 112 amendments propose to establish new site-related fees for review and processing of Environmental Site Assessments (\$1,800), Soil Report Revisions (\$635), Lot Validation Applications (\$250), and Combined Storm water Detention and Best Management Practices Waiver (\$810). The proposed amendments would become effective at 12:01 a.m. on July 1, 2005, and subsequent revisions to the site inspection fees, as noted in parenthesis in the text, would be effective at 12:01 a.m. on July 1, 2006. COUNTYWIDE. PUBLIC HEARING.

James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

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 Hart for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTERS 2, 61, 101, 104, AND 112 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING SITE AND BUILDING RELATED FEES CHARGED BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, LAND DEVELOPMENT SERVICES, AS ADVERTISED AND SET FORTH IN THE REVISED STAFF REPORT DATED JANUARY 24, 2005, WITH THE EXCEPTION OF SECTION 61-1-3, PARAGRAPH d1A10. THIS PARAGRAPH SHOULD BE DELETED IN ITS ENTIRETY. COMMISSIONER HART FURTHER MOVED THAT THE PROPOSED AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON JULY 1, 2005, AND THAT THE SUBSEQUENT REVISIONS TO THE SITE INSPECTION FEES AS SET FORTH IN PARENTHESIS IN THE PROPOSED TEXT BE EFFECTIVE AT 12:01 A.M. ON JULY 1, 2006 AND THAT THE

REVISED FEES SHALL BE APPLICABLE TO ANY SUBMISSIONS AFTER THESE DATES.

Commissioners Byers and Hopkins seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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ZONING ORDINANCE AMENDMENT (FEES) - To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Pursuant to authority granted by *Virginia Code* Sections 15.2-107 and 15.2-2286 (A) (6), the amendment proposes to increase the application fees set forth in Sect. 18-106 to include variances, special permits, special exceptions, rezonings, and amendments thereto, appeals, and zoning compliance letters by up to 55 percent of the current fee. COUNTYWIDE. PUBLIC HEARING.

Donna McNeally, 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 proposed amendment.

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 Hart for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING ZONING FEES AS ADVERTISED AND AS SET FORTH IN THE STAFF REPORT DATED JANUARY 24, 2005. COMMISSIONER HART FURTHER MOVED THAT THE PROPOSED AMENDMENT BECOME EFFECTIVE AS OF 12:01 A.M. ON JULY 1, 2005 AND THAT THE REVISED FEES SHALL BE APPLICABLE TO ANY ZONING APPLICATION FILED SUBSEQUENT TO THE EFFECTIVE DATE OF THE AMENDMENT AND THAT ZONING APPLICATIONS WHICH WERE FILED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT AND WHICH ARE DEEMED TO BE COMPLETE IN ACCORDANCE WITH THE APPLICABLE SUBMISSION REQUIREMENTS SHALL BE GRANDFATHERED FROM THIS AMENDMENT.

Commissioners Byers, Hopkins, and Wilson seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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S04-III-FC1 - 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 approx. 4 ac. generally located at Fair Oaks (Tax Map 46-3 ((1)) 45-50 incl.). The area is planned for institution and office uses. The Amendment will consider deleting Plan text regarding the location of a parking structure. Recommendations relating to the transportation network may also be modified. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Leanna Hush, Planning 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.

John W. Farrell, Esquire, with McCandlish and Lillard, PC, recognized members of the audience who supported the application. He noted for the record that he had submitted a letter dated February 16, 2005 which contained his recommended changes to the language proposed by staff. (A copy of the letter is in the date file.)

In response to questions from Commissioner Wilson, Mr. Farrell said that surface parking would be used during the first two phases of redevelopment and, if warranted, a parking garage would be installed during the third phase. He explained that the change requested in his letter would not require the installation of landscaping that would eventually have to be removed to complete the parking garage. Responding to another question from Commissioner Wilson, Mr. Farrell said he was working with Commissioner Murphy to address staff's concern that landscaping to be installed between the church's driveway and the Ragan Oaks Apartments would not be disturbed.

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

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Commissioner Murphy MOVED THE PLANNING COMMISSION DEFER THE DECISION ON S04-III-FC1 TO A DATE CERTAIN OF MARCH 16, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Koch and Wilson seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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Chairman Murphy resumed the Chair.

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SE 2004-PR-026 - CHEVY CHASE BANK - Appl. under Sects. 4-204 and 9-620 of the Zoning Ordinance to permit a drive-in bank and waiver of certain sign regulations. Located at 2938 Chain Bridge Rd. on approx. 38,472 sq. ft. of land zoned C-2. Tax Map 47-2 ((1)) 93. PROVIDENCE DISTRICT.
PUBLIC HEARING

Robert F. Flinn, Esquire, with Flinn & Beagan, reaffirmed the affidavit dated December 3, 2004. There were no disclosures by Commission members.

Bill Sherman, 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 approval of the application.

Mr. Flinn stated that the proposed development included many pedestrian and landscaping amenities. He said the applicant had met with, and incorporated comments from, many citizens' groups including the Hunter Mill Defense League and Friends of the Oakton School House. Mr. Flinn said that as part of proposed roadway improvements, the applicant would give up approximately 32 percent of the site to provide a dedicated right turn lane on Route 123 and the addition of a lane on Hunter Mill Road. He said they were working with Friends of the Oakton School House in the relocation of the school to the Oakton Community Park, formerly known as the Corbalis property.

In response to questions from Commissioner Wilson, Mr. Flinn explained that because 30 percent of the application property would be used as open space and 32 percent used for road improvements, a by-pass lane at the drive-through windows could not be provided. He said that a traffic analysis had demonstrated peak hour traffic congestion would be alleviated because both lanes would be used for automatic teller machines, not manned windows.

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

Bette Greenspan, 10407 Hunter Ridge Drive, Oakton, spoke in opposition to the application citing traffic safety concerns.

Roy Baldwin, representing the Oakton Professional Center Unit Owners Condominium, 2915 Hunter Mill Road, Oakton, expressed concern that if interparcel access was granted, increased traffic would be a safety hazard to the occupants and visitors of the center.

Mr. Baldwin responded to questions from Commissioners Wilson and Hart about interparcel access.

Robert Adams, representing Friends of Oakton School House, 3008 Webber Place, Oakton, spoke in favor of the application explaining that the pledges received upon approval of the application would enable the school house to be moved to the Oakton Community Park, renovated, and preserved without a bond referendum or using tax dollars. He submitted two letters for the record; one dated January 11, 2005 from Thomas Fleury, Senior Vice President of West*Group Management LLC, and one dated March 1, 2005 from J. Page Lansdale, Senior Vice President of Chevy Chase Bank, F.S.B., stating their commitments to this endeavor. He said the Corbalis Task Force, which included representatives from the English Oaks Community Association, Oakton Women's Club, Hunter Mill Road Traffic Calming Committee, and the Vienna Youth Lacrosse and Soccer Associations, unanimously supported moving the school house to the park. (Copies of the letters are in the date file.)

In response to a question from Commissioner de la Fe, Mr. Adams acknowledged that Mr. Fleury's letter concerning park proffers referred to the whole area, not solely to the Oakton Community Park.

Jody Bennett, representing the History Committee of the Hunter Mill Defense League, 1459 Hunter View Farms, Vienna, said that she was unable to identify alternatives, impacts, and mitigations of the development on the Hunter Mill Road corridor at this time. She submitted a booklet that explained the historic value of the Oakton village hub, including the Oakton school house, a copy of which is in the date file. Ms. Bennett pointed out that the planned construction was subject to review under the National Historic Preservation Act. She expressed traffic safety concerns and recommended that landscaping be increased and that the median be extended and include a grassy area suitable for a welcome sign.

In response to a question from Commissioner de la Fe, Ms. Bennett said the impact on the historic integrity of the Hunter Mill corridor of moving the school would not be known until the review of Section 106 of the National Historic Preservation Act had been completed.

Jeannie Couch, address unknown, representing the owner of the property, said although the owner wanted to sell the property, he had no desire to destroy the buildings and would like to see the school house preserved. She pointed out that the applicant's proposal would provide for a much needed turning lane from Route 123 onto Hunter Mill Road.

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

Mr. Flinn addressed the following concerns raised by speakers:

- Traffic: The addition of a dedicated right turn lane onto Route 123, pedestrians islands, and a lane along the building frontage of Hunter Mill Road would improve traffic and pedestrian safety.
- Interparcel access: Interparcel access would be provided if the necessary easement was granted by the adjacent property owner.
- Historic preservation: A review process, in accordance with Section 106 of the National Historic Preservation Act, would be initiated by the applicant.
- Median: A grass median would be provided, contingent upon the approval by the Virginia Department of Transportation.
- Landscaping: Landscaping in excess of the minimum requirements would be provided.

In response to a question from Commissioner Byers, Mr. Flinn said that, since interparcel access could not be provided at the present time, the landscape plan showed tree plantings for that area.

Responding to a question from Commissioner Wilson, Mr. Sherman said that because interparcel access had not been granted when the adjacent property had been developed, the Oakton Professional Center Unit Owners Condominium did not have to provide the required easement.

In response to a question from Commissioner Lawrence, Mr. Sherman said the Fairfax County Department of Transportation had reviewed the site distance issues.

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 transcript 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 2004-PR-026, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 2, 2005, AS AMENDED THIS EVENING.

Commissioners Byers and Koch seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

Commissioner Lawrence MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG CHAIN BRIDGE ROAD.

Commissioners Byers and Koch seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

Commissioner Lawrence MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

Commissioner Lawrence MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT IN THE SOUTHWEST CORNER OF THE SITE.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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2232-Y05-2 - FAIRFAX COUNTY PARK AUTHORITY - Appl. to provide lighting to three athletic fields at Colin Powell Elementary School located at 13340 Leland Road, Centreville. Tax Map 55-3 ((1)) 20A. Area III. SULLY DISTRICT. PUBLIC HEARING.

David Marshall, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

In response to a question from Commissioner de la Fe, John Pitts, Branch Manager, Special Projects, Fairfax County Park Authority, said there had recently been a meeting with the West Fairfax County Citizens Association Land Use Committee whereby the Park Authority had agreed to turn off the lights at the athletic fields by 10:00 p.m., not 10:30 p.m., as stated in the staff report.

Responding to a question from Commissioner Wilson, Mr. Pitts said that 70 feet was the typical height for a light pole in a field this size.

In response to a question from Commissioner Byers, Mr. Pitts said the lighting would be set according to a predetermined time period and would be controlled remotely; therefore, the lights would not be on when the fields were not in use.

Responding to a question from Commissioner Wilson, Mr. Pitts said the buffer between the fields and the adjacent townhomes was between 280 and 330 feet with well-established natural vegetation including mature trees. He noted that the light fixtures would be pointed away from the residential areas.

In response to questions from Commissioner Harsel, Mr. Pitts said the lights would be programmed to go off at a prescheduled time and that two of the four fields of the adjacent park were currently lighted.

Responding to questions from Commissioner Wilson, Mr. Pitts said that although there were no plans at the present time to install lights on field number 7, lighting had been addressed in the application in the event lights would be installed in the future, subject to Zoning Ordinance requirements. Mr. Marshall confirmed that if lights were requested at a later date, a photometric plan would have to be reviewed by the Department of Public Works and Environmental Services (DPWES) to ensure conformance with the Ordinance.

Chairman Murphy called for speakers from the audience.

The following individuals expressed support of the applicant's proposal. They commented on the County's need for lighted facilities for youth sports activities.

1. Ralph Wills, President, Chantilly Youth Association, PO Box 220242, Chantilly
2. Gary Flather, President, Southwestern Youth Association, 5950 Centreville Crest Lane, Centreville
3. Rob Hahne, Chairman, Baseball Advisory Council, Fairfax County Athletic Council

There were no further speakers and no need for rebuttal; therefore, Chairman Murphy called upon Mr. Marshall for closing comments.

Mr. Marshall noted that the purpose of the application was to review the number and location of the fields as well as the location of the lighting fixtures to ensure conformance with the Comprehensive Plan. He reiterated the fact that a lighting plan would have to be approved by DPWES and the Park Authority to ensure all County standards would be met.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim is in the date file.)

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Commissioner Koch MOVED THAT WE DETERMINE, IN ACCORDANCE WITH VIRGINIA CODE SECTION 15.2-2232, AS AMENDED, THAT THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY TO ADD LIGHTS TO THE THREE EXISTING ATHLETIC FIELDS AT COLIN POWELL ELEMENTARY SCHOOL AT 13340 LELAND DRIVE IN CENTREVILLE, BE FOUND SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AS SET FORTH IN 2232-Y05-2.

Commissioners Byers, de la Fe, and Hart seconded the motion which carried unanimously with Commissioners Alcorn and Hall absent from the meeting.

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The meeting was adjourned at 10:25 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: Susan M. Donovan

Approved on: May 16, 2007

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