

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 4, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
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

ABSENT: Janet R. Hall, Mason District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:17 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 Lusk MOVED THAT THE PUBLIC HEARING ON RZ/FDP 2003-LE-047, GAYFIELDS ROAD ASSOCIATES, LLC, BE DEFERRED TO MARCH 25, 2004.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

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Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON RZ 2003-LE-048, PCA 79-L-109-02, and PCA C-448-30, GAYFIELDS ROAD ASSOCIATES, LLC, BE DEFERRED TO MAY 27, 2004.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PUBLIC HEARING ON RZ/FDP 2003-PR-037, JAMES S. AUDIA AND MANUEL G. SERRA, BE DEFERRED TO MARCH 18, 2004.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

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Commissioner Byers announced his intention to defer the public hearing on SE 2001-MV-005, William A. Kinder, from March 18, 2004 to April 29, 2004.

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RZ 2003-PR-008 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC.
FDP 2003-PR-008 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC.
PCA 75-7-004-2 - LINCOLN PROPERTY COMPANY SOUTHWEST, INC. (Decisions Only)
(The public hearing on these applications was held on January 22, 2004. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 75-7-004-2, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1A OF THE STAFF REPORT ADDENDUM AS AMENDED TONIGHT.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2003-PR-008 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED MARCH 3, 2004, AS AMENDED TONIGHT.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHEASTERN AND SOUTHERN BOUNDARIES IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE NON-CORE STREETScape DESIGN ALONG GALLOWS ROAD FOR THE TYSONS URBAN CENTER IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE 200 SQUARE FOOT PRIVACY YARD REQUIREMENT FOR SINGLE FAMILY ATTACHED DWELLINGS.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT FOR MULTI-FAMILY DWELLINGS IN FAVOR OF ONE LOADING SPACE PROVIDED FOR EACH OF THE TWO BUILDINGS, TWO TOTAL SPACES.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Lusk seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Murphy, and Wilson absent from the meeting.

(Note: Commissioner Lawrence inadvertently neglected to take action on FDP 2003-PR-008. Refer to the April 7, 2004 minutes for the Commission's decision on this application.)

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. CSP 84-L-020 - KINGSTOWNE COMMERCIAL LP AND KINGSTOWNE TOWNE CENTER, LP
2. RZ 2003-LE-053 - KUSTOM KASTLES, LLC

This order was accepted without objection.

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CSP 84-L-020 - KINGSTOWNE COMMERCIAL L.P. AND KINGSTOWNE TOWNE CENTER, LP - Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan for commercial development approved with RZ 84-L-020 as amended. Located in the N.E. quadrant of the Kingstowne Towne Ctr., S. of Kingstowne Village Pkwy. on approx. 7.00 ac. of land zoned PDC. Tax Map 91-2 ((1)) 36 pt. and 36A pt. LEE DISTRICT. PUBLIC HEARING.

Erika Byrd, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated February 9, 2004. Commissioner Hart disclosed that his law firm had one case pending with McGuire Woods, LLP, but noted that there was no financial relationship and it would not affect his ability to participate in this case.

Peter Braham, 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.

Ms. Byrd stated that improved signage was needed in the Kingstowne Shopping Center so that patrons could easily identify and locate the movie theater. She said the signage would be internally lit and compatible with existing signs. She also noted that the proposal had the support of the Kingstowne Residential Owner's Corporation.

In response to a question from Commissioner Lusk, Ms. Byrd agreed to a revision to Condition Number 11 which would limit the signage of Building J1 or J2 to the name of the business or store and/or corporate logo, as requested by Kathleen Snyder, President, Kingstowne Residential Owner's Corporation, in her letter dated September 18, 2003. (A copy of the letter is contained in the staff report.)

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. The Commission had no further comments or questions and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION APPROVE CSP 84-L-020, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 3, 2004, WITH THE FOLLOWING ADDITIONAL BULLET TO CONDITION NUMBER 11:

- ◆ "IF A TENANT IN BUILDING J1 OR J2 IS PERMITTED MORE THAN ONE SIGN, THE ADDITIONAL SIGNAGE SHALL NOT INCLUDE INFORMATION BEYOND THE NAME OF THE BUSINESS OR STORE AND/OR THE CORPORATE LOGO. NO SIGNAGE SHALL INCLUDE ADDITIONAL PHRASES SUCH AS "PHOTO DEVELOPING" OR "PICTURE FRAMES AND ACCESSORIES" OR OTHER SIMILAR INFORMATION."

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

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RZ 2003-LE-053 - KUSTOM KASTLES, LLC - Appl. to rezone from R-1, R-2 and HC to R-4 and HC to permit residential development at a density of 3.45 dwelling units per acre (du/ac). Located in the S.E. quadrant of the intersection of Franconia Rd. and Elder Ave. on approx. 1.16 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map 90-2 ((12)) 3. LEE DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Sack, Harris, and Martin, PC, reaffirmed the affidavit dated February 5, 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. Shulenberger responded to questions from Vice Chairman Byers about the orientation of the lots and the location of an eight-foot fence.

Mr. Martin stated that the existing house on lot 1 would be renovated which would allow mature trees to remain. He described the orientation of the lots and access to the site. He noted that acoustical fences would be provided and that innovative best management practices would be

utilized to manage stormwater runoff. He said the proposal had received favorable consideration from the Lee District Land Use Committee and that the applicant would meet with the Springfield Forest Citizens Association to discuss signage at the corner of Elder Avenue and Franconia Road.

Mr. Martin responded to questions from Vice Chairman Byers and Commissioner Hart about the signage at the corner of Elder Avenue and Franconia Road, the orientation of the homes, and access to them.

In response to a question from Commissioner Alcorn, Mr. Martin explained that proffers provided for an optional footprint so that approval of a proffered condition amendment would not be necessary if the applicant elected to demolish the existing house.

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

David Amick, 6437 Melia Street, Springfield, a resident of Springfield Forest, spoke in support of a "Springfield Forest" sign at the corner of Elder Avenue and Franconia Road.

Arthur Prentiss, 6580 Forsythia Street, Springfield, President, Charleston Collection at Springfield Forest Homeowners Association Inc., also known as New Charleston Homeowners Association (HOA), said the Association had not been given sufficient notice that this application was going to be on the agenda of the Lee District Land Use Committee meeting held last week. He requested that the new homeowners be required to become members of his Association and said he supported the Springfield Forest sign.

Commissioner Lusk said he would review notification procedures for the Lee District Land Use Committee meetings.

Dallison Beach, 6566 Forsythia Street, Springfield, expressed support for the proposed development. She requested that the new property owners be required to join the New Charleston HOA or that covenants be adopted restricting the use of the property.

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

Mr. Martin said he was in favor of the new development becoming part of the New Charleston HOA and had asked Mr. Prentiss for a copy of the bylaws to make sure that the four lots could be annexed.

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

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Commissioner Lusk MOVED TO DEFER THE DECISION ON RZ 2003-LE-053 TO MARCH 11, 2004.

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

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The meeting was adjourned at 9:33 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: November 9, 2006

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