

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 4, 1998**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Carl A. S. Coan, Jr., Providence District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District

ABSENT: John R. Byers, Mount Vernon District
Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 8:23 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 Coan noted that revised proffers had been received on RZ-1997-PR-024 and FDP-1997-PR-024, YASH P. SALUJA, ET AL., which was scheduled for a decision only on Thursday, March 5, 1998.

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Commissioner Koch MOVED THAT THE PUBLIC HEARING ON RZ-1997-SU-045, FAIRLAND DEVELOPMENT AND INVESTMENT CORPORATION, BE DEFERRED UNTIL MARCH 18, 1998, in order to give the applicant an opportunity to meet with the West Fairfax County Citizens Association Land Use Committee.

Commissioner Hunter seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioners Byers and Thomas absent from the meeting.

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COMMISSION MATTERS

March 4, 1998

PCA-79-S-022 - EDGEMOORE HOMES, LLC (Decision Only)

(The public hearing on this application was held on February 18, 1998. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-79-S-022, SUBJECT TO THE EXECUTION OF DRAFT PROFFERS DATED MARCH 3, 1998.

Commissioners Hunter and Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Murphy abstaining; Commissioners Byers and Thomas absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL STREET STANDARDS TO ALLOW A REDUCTION IN MINIMUM STREET CENTER LINE RADIUS TO CONFORM TO THE CURRENT VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS.

Commissioners Coan and Hunter seconded the motion which carried by a vote of 9-0-1 with Commissioner Murphy abstaining; Commissioners Byers and Thomas absent from the meeting.

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RZ-1997-SP-022 - CLARK L. MASSIE, TRUSTEE (Decision Only)

(The public hearing on this application was held on February 25, 1998. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-1997-SP-022, SUBJECT TO THE PROFFERS DATED FEBRUARY 24, 1998.

Commissioners Hunter and Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Downer abstaining, Commissioners Byers and Thomas absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE WAIVER TO THE MINIMUM DISTRICT SIZE REQUIREMENT FOR THE R-3 CLUSTER SUBDIVISION.

Commissioners Hunter and Kelso seconded the motion which carried by a vote of 9-0-1 with Commissioner Downer abstaining, Commissioners Byers and Thomas absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ-93-Y-017 - B & D TRUCKING CORPORATION
2. FDPA-87-C-060-17 - PULTE HOME CORPORATION
3. RZ-1997-SU-030 - CHANTILLY AMUSEMENTS, LLC
PCA-79-S-113 - CHANTILLY AMUSEMENTS, LLC

This order was accepted without objection.

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RZ-93-Y-017 - B & D TRUCKING CORPORATION - Appl. to rezone from RC and WS to 1-6, NR and WS to permit uses in the 1-6 zoning district w/an overall FAR of 0.50 on property located on the N. side of Rt. 29 approx. 0.5 mi. W. of the Rt. 29 & Rt. 621 intersection on approx. 12.48 ac. Comp. Plan Rec: Industrial/open space. Tax Map 64-1((1))18. SULLY DISTRICT. PUBLIC HEARING.

J. Randall Minchew, Esquire, Hazel and Thomas, attorney for the applicant, reaffirmed the affidavit dated February 6, 1998. There were no disclosures by Commission members.

Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because it was not in conformance with the Comprehensive Plan or with applicable Zoning Ordinance provisions.

In response to a question by Commissioner Koch, Ms. James said that the subject property received the R-C designation as a result of the Occoquan rezoning which occurred in the mid-1980s.

Ms. James responded to a question from Commissioner Alcorn regarding environmental issues raised in the staff report.

Mr. Minchew stated that he represented James Blevins, owner of the B & D Trucking Corporation, who was in the audience. He explained that Mr. Blevins bought the property in 1981 and had run a family-owned trucking operation since that time. He noted that the subject property had been part of the comprehensive Occoquan downzoning which occurred on July 26, 1982, after which its uses became non-conforming. Mr. Minchew said the applicant desired to restrict the 1-6 uses allowed on the subject property to those legitimate uses currently being conducted in accordance with existing intensity levels. He said in addition to locking in the existing intensity levels the applicant would 'proffer out' all other uses. He said it was

RZ-93-Y-017 - B & D TRUCKING CORPORATION March 4, 1998

anticipated that at some time in the future someone with greater financial resources than the applicant would purchase the subject property and seek to establish new or intensified land uses through a proffered condition amendment. He said the applicant was also proposing to provide dedications for rights-of-way on Route 29 and the future Tri-County Connector road. He showed the Commission maps of the area and explained the zoning and uses of adjacent properties.

Mr. Minchew said he was meeting with staff on March 5, 1998 in an effort to resolve outstanding issues and was also meeting with the West Fairfax County Citizens Association on March 17, 1998 to address citizen concerns. Therefore, he requested that the decision on this application be deferred.

In response to a question by Commissioner Koch, Mr. Minchew said the applicant would bear the burden of proof regarding which uses existed on the subject property in 1982, with staff providing some of the resources with which to do so.

Responding to a question from Commissioner Koch, Lorrie Kirst, Zoning Administration Division, Office of Comprehensive Planning, said the property was the subject of an appeal before the Board of Zoning Appeals (BZA) for a notice of violation which was issued in July 1997. She said if the appeal was not granted, the owner would have to bring the property into compliance.

Commissioner Koch and Mr. Minchew discussed the impact that a denial of the BZA appeal would have on his client. They also discussed the possibility of the subject property being used as a quarry.

Commissioner Coan and Mr. Minchew discussed the number of zoning violations which had been issued on the subject property and why the applicant had not complied with the Zoning Ordinance.

Commissioner Harsel and Mr. Minchew discussed past and present tenants on the subject property, their non-conforming uses, and when the application had been reactivated.

Commissioner Alcorn and Mr. Minchew discussed the septic field, the waste crankcase oil storage tank, and a well on the subject property.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. James had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT RZ-93-Y-017, B & D TRUCKING CORPORATION, BE DEFERRED FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT TO APRIL 2, 1998.

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

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FDPA-87-C-060-17 - PULTE HOME CORPORATION - Appl, to amend the final development plan for RZ-87-C-060 to permit residential development on property located in the N.W. quadrant of the intersection of Coppermine Rd. and McNair Farms Dr. on approx. 6.09 ac. zoned PDH-16. Tax Map 16-3((1))38C. HUNTER MILL DISTRICT. PUBLIC HEARING.

Susan Yantis, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, PC, agent for the applicant, reaffirmed the affidavit dated February 19, 1998. There were no disclosures by Commission members.

Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Yantis stated that this application would permit a modification of the approved layout configuration in order to reflect the multi-family building product developed by Pulte. She noted that the number of multi-family units had not changed from 116 shown on the original Final Development Plan and that the new layout reflected a greater amount of open space, landscaping, and visitor parking. She suggested that Development Condition 3 relating to the recreational facilities be tied to residential use permits which would be consistent with the currently approved development condition for this land bay.

Responding to a question from Commissioner Coan, Ms. James said that affordable dwelling units would be located in Land Bay 1 within the elderly housing component.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Ms. James had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-87-C-060-17, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 4, 1998, PROVIDED THAT DEVELOPMENT CONDITION NUMBER 3 BE REVISED TO READ AS FOLLOWS: "THE RECREATIONAL FACILITIES TO BE PROVIDED IN LAND BAY 7 SHALL BE COMPLETED AND OPERATIONAL PRIOR TO THE ISSUANCE OF RESIDENTIAL USE PERMITS (RUPs) FOR MULTI-FAMILY UNITS IN LAND BAY 1.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE A MODIFICATION OF THE SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS IN FAVOR OF THAT PROVIDED ON THE FDPA, PURSUANT TO PARAGRAPH 1 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600-FOOT LIMITATION ON THE LENGTH OF PRIVATE STREETS IN THE SUBJECT PROPERTY.

Commissioners Koch and Hunter seconded the motion which carried by a vote of 9-0-1 with Commissioner Coan abstaining, Commissioners Byers and Thomas absent from the meeting.

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RZ-1997-SU-030 - CHANTILLY AMUSEMENTS, LLC - Appl. to rezone from I-3 and WS to I-5 and WS to permit commercial recreation park w/an overall FAR of 0.125 on property located E. of Sully Rd., S. of Willard Rd. and W. of Brookfield Corporate Dr. on approx. 1.27 ac. Comp. Plan Rec: Office/Industrial flex. Tax Map 44-1((6))3B pt. (Concurrent w/PCA-79-S-1 13.) SULLY DISTRICT.

PCA-79-S-113 - CHANTILLY AMUSEMENTS, LLC - Appl. to amend the proffers for RZ-79-S-113 to permit a commercial recreation park w/an overall FAR of 0.125 on property located at the terminus of Brookfield Corporate Dr. and on the E. side of Sully Rd., approx. 250 ft. S. of its intersection w/Willard Rd. on approx. 5.0 ac. zoned I-5 and WS. Comp. Plan Rec: Office/industrial flex w/a max. FAR of 0.35. Tax Map 44-1((6))3B. (Concurrent w/RZ-1997-SU-030.) SULLY DISTRICT. JOINT PUBLIC HEARING.

RZ-1997-SU-030 AND PCA-79-S-113 -
CHANTILLY AMUSEMENTS, LLC

March 4, 1998

William Thomas, Esquire, Fagelson, Schonberger, Payne, & Deichmeister, PC, attorney for the applicant, reaffirmed the affidavit dated February 17, 1998. There were no disclosures by Commission members.

Susan Johnson, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Commissioner Koch said he intended to defer decision on this application to March 5, 1998 so that the Commission could review the revised proffers.

At Commissioner Koch's request, Ms. Johnson explained that the document entitled "Proffers of Development Conditions" dated March 3, 1998, addressed the types of issues which would normally be addressed in development conditions, such as signage, exterior building materials, and lighting.

Mr. Thomas said this application had been looked upon favorably by nearby residential communities and the West Fairfax County Citizens Association. He noted that the concern of commercial neighbors about the need for a traffic signal at the corner of Willard Road and Daly Drive had been resolved. He said there were several minor issues which would be addressed by revised proffers either before the decision scheduled for March 5, 1998 or before the Board hearing.

Chairman Murphy called the first listed speaker.

Hank Gordon, 4501 Daly Drive, Ste 200, Chantilly, speaking on behalf of the six other listed speakers, said their concern had been satisfied with the proffer of the applicant to install a traffic signal at the intersection of Willard Road and Daly Drive.

There being no further speakers, no rebuttal statement by Mr. Thomas and no closing staff comments, Chairman Murphy closed the public hearing and recognized Commissioner Koch for a deferral motion.

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Commissioner Koch MOVED THAT WE DEFER DECISION, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, ON PCA-79-S-113, WHICH IS CONCURRENT WITH RZ-1997-SU-030 AND SP-97-Y-028, UNTIL MARCH 5, 1998.

RZ-1997-SU-030 AND PCA-79-S-113 -
CHANTILLY AMUSEMENTS, LLC

March 4, 1998

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

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The meeting was adjourned at 9:36 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. Gibson

Approved on: September 22, 1999

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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