

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 3, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:20 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 Alcorn announced that after discussions with the Office of the County Attorney, it had been determined that amendments necessary to align existing Ordinances and the Public Facilities Manual with changes to the Chesapeake Bay Preservation Area Designation and Management Regulations would have to be readvertised and another public hearing held to expand the scope of the proposed changes. Therefore, he said that he would distribute a draft of the readvertisement to Commission members for their review and comment.

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FS-H03-2 - FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY
12125 Pinecrest Road

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND THAT FS-H03-2 IS IN ACCORDANCE WITH THE PROVISIONS OF VA CODE SECTION 15.2-2232, AND THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners DuBois and Byers seconded the motion which carried unanimously.

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CAPITAL IMPROVEMENT PROGRAM (CIP) (Decision Only)

(The public hearing on this application was held on March 20, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2004-2008, WITH FUTURE FISCAL YEARS TO 2013.

Commissioners Byers and Hall seconded the motion which carried by a vote of 10-0-1 with Commissioner Wilson abstaining; Commissioner Alcorn not present for the vote.

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PCA-84-D-049-5 - TYSONS II LAND COMPANY LLC

FDPA-84-D-049-6 - TYSONS II LAND COMPANY LLC (Decision Only)

(The public hearing on this application was held on March 26, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF PCA-84-D-049-5 AND DENY FDPA-84-D-049-6.

Commissioner Wilson seconded the motion which carried by a vote of 5-3-4 with Commissioners Alcorn, Harsel, Moon, Smyth and Wilson in favor; Commissioners DuBois, Kelso and Koch opposed; Commissioners Byers, de la Fe, Hall and Murphy abstaining.

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PCA/FDPA-1999-SU-043 - KUSTOM KASTLES LLC (Springfield) (Decision Only)

(The public hearing on this application was held on March 19, 2003. 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 PCA-1999-SU-043, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 28, 2003, AS DISTRIBUTED TO THE PLANNING COMMISSION LAST NIGHT.

Commissioner Koch seconded the motion which carried by a vote of 9-0-2 with Commissioners Byers and Kelso abstaining; Commissioner Wilson not present for the vote.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-1999-SU-043, SUBJECT TO THE BOARD'S APPROVAL OF THE PCA AND THE REVISED PROFFERS.

Commissioner Koch seconded the motion which carried by a vote of 9-0-2 with Commissioners Byers and Kelso abstaining; Commissioner Wilson not present for the vote.

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2232-P02-20 - FAIRFAX COUNTY PARK AUTHORITY (Decision Only)

(The public hearing on this application was held on February 20, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DETERMINE, IN ACCORDANCE WITH SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, THAT THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY, AS AMENDED, FOR A PARK AND RECREATIONAL FACILITIES SIZE AND USE EXPANSION, TO BE LOCATED AT 9350 ARLINGTON BOULEVARD, FAIRFAX, BE FOUND SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Murphy abstaining.

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ZONING ORDINANCE AMENDMENT (CRD/Off-Street Parking) (Decision Only)

(The public hearing on this application was held on March 20, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING COMMERCIAL REVITALIZATION DISTRICTS AREA OFF-STREET PARKING AS ADVERTISED AND SET FORTH IN THE STAFF REPORT DATED FEBRUARY 10, 2003, WITH THE EXCEPTION THAT THE AMENDMENT NOT BE APPLICABLE TO THE MERRIFIELD COMMERCIAL REVITALIZATION AREA OR TO THE RICHMOND HIGHWAY COMMERCIAL REVITALIZATION DISTRICT. THEREFORE, I RECOMMEND THE PROPOSED CHANGES AS SET FORTH IN ATTACHMENT 1, DATED APRIL 3, 2003.

Commissioner Hall seconded the motion which carried by a vote of 7-0-5 with Commissioners Byers, Harsel, Kelso, Murphy, and Wilson abstaining.

Commissioner Alcorn FURTHER MOVED THAT THE PROPOSED AMENDMENTS HAVE AN EFFECTIVE DATE OF 12:01 A.M. THE DAY FOLLOWING ADOPTION AND THAT

REZONINGS, SPECIAL EXCEPTIONS, SPECIAL PERMITS, SITE PLANS, AND PARKING TABULATIONS APPROVED PRIOR TO THE EFFECTIVE DATE, AND SITE PLANS AND PARKING TABULATIONS FILED PRIOR TO THE EFFECTIVE DATE, BE GRANDFATHERED FROM THE PROPOSED AMENDMENT.

Commissioner Hall seconded the motion which carried by a vote of 7-0-5 with Commissioners Byers, Harsel, Kelso, Murphy, and Wilson abstaining.

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ORDER OF THE AGENDA

Secretary Harsel set the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (ELDERLY HOUSING)
2. ZONING ORDINANCE AMENDMENT (CONTRACTOR SIGNS)
3. PCA-C-448-27 - KINGSTOWNE SHOPPING CENTER I, LP
4. RZ-2002-PR-031 - ERNESTO V. AND NILA M. CASTRO
5. SEA-81-P-021-4 - GESHER JEWISH DAY SCHOOL

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (ELDERLY HOUSING) -
Appl. to amend Chapter 112 as follows: Revisions relating to the housing for the elderly special exception use and other related provisions. PUBLIC HEARING.

Ms. Maggie Stehman, Zoning Administration 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.

At the request of Commissioner Alcorn, Ms. Stehman reviewed staff's efforts to obtain input on this amendment from representatives of County agencies, industry, non-profit groups, and citizens.

In response to a question from Commissioner Alcorn, Ms. Stehman said that Version 1 of the proposed amendment represented revisions to the existing Zoning Ordinance as of February 24, 2003, and Version 2 represented revisions to the proposed Affordable Dwelling Unit Zoning Ordinance Amendment as authorized on November 18, 2002, but not yet approved. Commissioner Alcorn said it was his intent to move on Version 1.

Responding to a question from Commissioner Byers, Ms. Stehman said the 62 year age limit was an additional standard in the current Zoning Ordinance and could be modified.

In response to questions from Commissioner Harsel, Ms. Stehman said assisted living was defined as the inability to perform three activities of daily living, and that handicapped persons would be eligible to live in such facilities regardless of their age. Ms. Stehman also responded to another question from Commissioner Harsel about the method used to calculate allowable density for these types of facilities.

Responding to a question from Commissioner Smyth, Ms. Stehman compared the criteria for elderly housing developments to that of age-restricted communities, and said that if a development met all the criteria of housing for the elderly, except for meeting the age restriction, a modification to that requirement could be granted by the Board of Supervisors.

Chairman Murphy called for speakers from the audience but received no response. There were no further questions or comments from the Commission and staff had no closing remarks, therefore, he closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim transcript is in the date file.

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE HOUSING FOR THE ELDERLY ZONING ORDINANCE AMENDMENT, AS ADVERTISED AND SET FORTH IN VERSION 1 OF THE STAFF REPORT DATED FEBRUARY 24, 2003, WITH AN EFFECTIVE DATE OF 12:01 AM ON THE DAY FOLLOWING ADOPTION BY THE BOARD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote.

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ZONING ORDINANCE AMENDMENT (CONTRACTOR SIGNS) -

Appl. to amend Chapter 112 as follows: Revision to the temporary construction/contractor sign provisions. PUBLIC HEARING.

Mr. Michael Adams, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed amendment.

In response to a question from Commissioner Wilson, Ms. Eileen McLane, ZAD, DPZ, said that the amendment sought to clarify that new commercial or industrial developments could have temporary signs advertising new development, and it would also allow for temporary construction signs for additions or alterations. Responding to another question from Commissioner Wilson, Ms. McLane said that the Sign Task Force only considered signs in rights-of-way.

Chairman Murphy called for speakers from the audience but received no response. There were no further questions or comments from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Wilson for action on this item. (A verbatim transcript is in the date file.

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON TEMPORARY CONSTRUCTION/CONTRACTOR SIGNS TO A DATE CERTAIN OF APRIL 10, 2003, WITH THE RECORD TO REMAIN OPEN UNTIL THEN.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote.

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PCA-C-448-27 - KINGSTOWNE SHOPPING CENTER I, LP - Appl.
to amend the proffers for RZ-C-448 for the previously approved shopping center to permit multiple eating establishments with an overall Floor Area Ratio (FAR) of 0.176. Located in the S.W. quadrant of the intersection of S. Van Dorn St. and Kingstowne Blvd. on approx. 23.25 ac. of land zoned PDH-4. Comp. Plan Rec: Mixed use. Tax Map 91-2 ((1)) 32A. LEE DISTRICT. PUBLIC HEARING.

Erika Byrd, Esquire, with McGuire Woods, LLP, reaffirmed the affidavit dated March 21, 2003. There were no disclosures by Commission members.

Ms. 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. Byrd said approval of the application would allow for multiple eating establishments in Building D of the Kingstowne Shopping Center. After noting that the proposed development had the recommendation of the Lee District Land Use Committee, she requested a favorable recommendation.

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

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-448-27, SUBJECT TO THE PROFFERS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Hall and de la Fe seconded the motion which carried unanimously with Commissioners Koch and Wilson not present for the vote.

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RZ-2002-PR-031 - ERNESTO V. AND NILA M. CASTRO - Appl. to rezone from R-1 to R-2 to permit residential development at a density of 1.58 dwelling units per acre (du/ac). Located on the S. side of Arlington Blvd. between Barkley Dr. and Chichester La. on approx. 2.53 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 48-4 ((1)) 40. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Terpak, reaffirmed the affidavit dated February 24, 2003. There were no disclosures by Commission members.

Ms. Mavis Stanfield, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Commissioner Smyth announced her intent to defer the decision on this matter after the close of the public hearing.

Ms. Strobel stated that the two major issues associated with this application were access and design. To address design concerns, she said the number of lots had been reduced from five to four, and that the proposed proffers addressed setbacks, plantings, building materials, and noise attenuation. Addressing access concerns, she explained that although both the Fairfax County Department of Transportation and the Virginia Department of Transportation preferred a service drive, the community was strongly opposed to one, therefore, the applicant continued to propose direct access from Route 50 with proffers addressing sight distance, turn lanes and interparcel access. She said other concerns of citizens had been addressed by the applicant through an agreement to construct of an off-site trail extension to Eakin Park; provide additional screening and buffering; place the tree preservation area in a conservation easement; make a monetary contribution to Woodson High School; allow adjacent property owners to connect to the utilities of the project; and improve stormwater drainage. She noted that the applicant was willing to follow up on any outstanding issues. She said the application was in compliance with the Comprehensive Plan recommendations and satisfied the residential development criteria, and requested a favorable recommendation.

Ms. Strobel responded to questions from Commissioner Smyth about the utility and stormwater management easements along the property line of the Fairfax Circle Baptist Church.

In response to a question from Commissioner Byers, Ms. Strobel said that the contribution to schools had been reduced because the applicant had agreed to construct the off-site trail.

Ms. Leslie Johnson, ZED, DPZ, added that the residential development criteria allowed for flexibility in determining how contributions for public facilities could be used. Commissioner Smyth also pointed out that because the number of lots had been reduced, the estimate of the number of students generated by the development had also been reduced.

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

Ms. Ruth Knee, 8809 Arlington Boulevard, owner of Lot 41, expressed opposition to the proposed development, citing concerns about tree loss, density, and access to her property. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Smyth, Ms. Stanfield said that the proposed interparcel access was not meant to replace access to Ms. Knee's property.

Mr. John Nicholas, 3123 Barbara Lane, Fairfax, speaking on behalf of Barbara Lane residents, said they could not support the application because of the following unresolved issues: stormwater drainage, access, tree loss, and design layout. (A copy of his remarks is in the date file.)

Ms. Kerry Adams, 8758 Copeland Pond Court, Fairfax, President, Copeland Pond Community Association, said the Association owned Copeland Pond, a natural resource. She expressed concern about possible adverse environmental impacts the proposed development could have on their pond.

In response to a question from Commissioner Byers, Commissioner Smyth said that the stormwater outfall from the surrounding area flowed into Copeland Pond and that stormwater management system of the adjacent church was not effective.

Ms. Fran Wallingford, 3311 Mantua Drive, Fairfax, Mantua Citizens Association, said the Association voted not to support the rezoning request as currently presented due to unresolved issues relating to stormwater management, access, trails, tree preservation and the school contribution. She said erosion was a problem on her property and that she had been told by County officials that it was losing a foot of land a year. She noted that the Pineridge Civic Association recommended that the Planning Commission also deny the application. She submitted for the record a letter from Janet Snyder, 3125 Chichester Lane, Fairfax, expressing concern about the impact the development would have existing drainage problems on her property. (A copy of this letter is in the date file.)

Responding to a question from Commissioner Byers concerning the existing erosion problem in the neighborhood, Ms. Johnson said the applicant was committed to either improving the stormwater management facility of the church, or providing onsite stormwater management

which would have to satisfactorily demonstrate to the Department of Public Works and Environmental Services (DPWES) that it would not exacerbate stormwater runoff.

Ms. Linda Hansen, 8815 Arlington Boulevard, Fairfax, expressed concern about the density of and access to the proposed development and requested that the application be denied. (A copy of her remarks is in the date file.)

Ms. Jamie Valentine, 3122 Barbara Lane, Fairfax, said a traffic count conducted by the Mason District Police Station for 51 hours beginning at 12:00 p.m. on March 31, 2003 showed that there was a total of 10,203 northbound and southbound trips on Barkley Drive and 2,513 vehicle northbound and southbound trips on Chichester Lane. She said these two roads bordered and served as the only entry and exit for 162 houses.

Commissioner Smyth pointed out the County typically estimated that single family detached neighborhoods generated an average of 10 vehicle trips per day per house including trips made for deliveries, trash pickup, mail delivery, school buses, etc. Therefore, she said 162 homes would generate approximately 1,600 trips in a 24 hour period, with the rest assumed to be due to cut-through traffic.

In response to a question from Commissioner Harsel, Ms. Valentine said that the 162 homes she referred to represented only the northern portion of the Mantua subdivision.

Ms. Elizabeth Coe, 3122 Barbara Lane, Fairfax, said that stormwater pooled at the rear of the church parking lot and expressed concern that the removal of a berm and the trees planted on top of it would exacerbate this problem. She also said she did not see how the church's stormwater management facility could be enlarged.

Commissioner Smyth said that she shared Ms. Coe's concern about how the church's stormwater management facility could be improved.

Rev. David Magnet, Associate Pastor, Fairfax Circle Baptist Church, said he was concerned about the lack of communication on the part of the applicant with the church. He requested details about the proposed improvement of their stormwater management pond, and said that the church would be strongly opposed to losing any parking spaces or trees. He also said removal of trees would cause the light from the church's parking lot to spillover into the yards of adjacent property owners.

Commissioner Smyth noted that she had unsuccessfully tried to contact church representatives to ask about their concerns, and she requested that Rev. Magnet call her.

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

Ms. Strobel stated that interparcel access was required because there would be no service drive and pointed out that if a public street connection was constructed, the size of the street would be

larger than necessary with more impervious surface. She also said that if a service drive was required, there would be no direct connection between Barkley Drive and Chichester Lane. She noted that if sight distance on Route 50 was not adequate, the applicant would be required to construct a service drive from the subject property only to either Chichester Lane or to Barkley Drive, not the entire length, which would address concerns about cut-through traffic. She explained that the church's stormwater pond was currently connected to an 8 inch plastic pipe which the applicant proposed to replace with a 15 or 18 inch concrete pipe, improving the drainage for the church and nearby properties, and pointed out that the plan would be subject to a stringent review by DPWES at the time of subdivision approval. Ms. Strobel referred to a letter received by the Castros from Ronald Painter, Chairman, Administrative Council and Trustee of the Fairfax Circle Baptist Church, stating that the church would grant necessary easements for sewer, stormwater management and gas, if necessary, in return for the church being connected to the gas line. (A copy of this letter is in the date file.) She said a noise analysis was performed by Polysonics Corporation based on traffic volumes to ensure that the fence would be adequate for noise attenuation, noting that the applicant had proffered to conduct a refined acoustical analysis at the time of subdivision. She stated that the applicant was strongly committed to the construction of a trail, but in the event of unforeseen circumstances, wanted to reserve the right to contribute \$15,000 to the Providence District Trail Fund. She said a conservation easement would be placed on the property to ensure that trees were saved and that the applicant had proffered to replace the berm located between the church property and the adjacent neighborhood and to replace any trees that were damaged along the shared property line as well as those in proximity to the limits of clearing and grading.

Commissioner Smyth called upon Mr. Allen Kessler, Fairfax County Department of Transportation, to address access issues associated with the proposed development. Mr. Kessler stated that interparcel access to lot 41 had been included in the plan in the event it developed and no service drive was available, and that access aligned with Chichester Lane along Route 50 was acceptable as long as it met the sight distance profiles on Route 50. He said at the time of subdivision, up-to-date information would be available to ensure that sight distance was adequate at Route 50.

In response to a question from Commissioner Smyth, Ms. Strobel said the sight distance study should be completed very shortly.

At Commissioner Smyth's request, Ms. Strobel agreed to contact the Copeland Pond Homeowners Association if any part of a drainage system involved Copeland Pond.

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 Smyth for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ-2002-PR-031, TO A DATE CERTAIN OF MAY 7, 2003.

Commissioner Byers seconded the motion which carried unanimously.

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SEA-81-P-021-4 - GESHER JEWISH DAY SCHOOL OF
NORTHERN VIRGINIA JEWISH COMMUNITY CENTER OF
NORTHERN VIRGINIA - Appl. to amend SE-81-P-021 previously
approved for a private school of general education and public benefit
association to modify the development conditions to permit extension
of the school use. Located at 8900 Little River Tnpk. on approx. 6.21
ac. of land zoned R-1. Tax Map 58-4 ((1)) 65A. MASON
DISTRICT. PUBLIC HEARING.

Ms. Marie Travesky, Travesky and Associates, reaffirmed the affidavit dated March 13, 2003. Commissioner DuBois recused herself from this application because she was employed by Travesky and Associates.

Commissioner Hall asked Chairman Murphy to ascertain whether or not there were any speakers present for this application. Chairman Murphy called for speakers, but received no response. Therefore, Commissioner Hall requested that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL, SUBJECT TO THE DEVELOPMENT CONDITIONS SET FORTH IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners DuBois and Smyth not present for the vote.

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The meeting was adjourned at 11:11 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: March 31, 2005

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