

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 21, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank 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 Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8: 15 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 Harsel announced that the School Facilities Committee meeting scheduled for tonight had been postponed until Thursday, April 22, 2004, at 7:30 p.m. in the Board Conference Room.

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Commissioner Alcorn indicated that a workshop would be held on May 6, 2004, to review the implementation of the residential development criteria following the scheduled public hearing agenda.

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Commissioner de la Fe noted that architectural and landscape plans for The Metropolitan at Reston Town Center had been distributed tonight. He announced his intent to review the information on Thursday, April 29, 2004.

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Chairman Murphy announced that the Planning Commission would not meet on Wednesday, April 28, 2004.

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2003-SP-041, COX COMMUNICATIONS INC. D/B/A COX COMMUNICATIONS OF NORTHERN VIRGINIA, TO A DATE CERTAIN OF MAY 26, 2004.

Commissioner Byers seconded the motion which carried unanimously.

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FS-P04-15 – OMNIPOINT (T-MOBILE), 7389 Lee Highway

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-15.

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

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FS-P04-17 – OMNIPOINT (T-MOBILE), 2751 Prosperity Avenue

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-17.

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

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FS-M04-8 – OMNIPOINT (T-MOBILE), 7830 Rebel Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-M04-8.

Commissioner Byers seconded the motion which carried unanimously.

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FS-M04-12 – OMNIPOINT (T-MOBILE), 6560 Braddock Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-M04-12.

Commissioner Byers seconded the motion which carried unanimously.

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FS-M04-14 – OMNIPOINT (T-MOBILE), 5827 Columbia Pike

Commissioner Hall MOVED THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-M04-14.

Commissioner Byers seconded the motion which carried unanimously.

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FS-S04-22 – OMNINPOINT (T-MOBILE), 4201 Stringfellow Road

Commissioner Murphy MOVED THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S04-22.

Commissioner Byers seconded the motion which carried unanimously.

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Chairman Murphy announced that a workshop would be held tonight on amendments to the Zoning Ordinance, the Subdivision Ordinance, and the Public Facilities Manual on cluster subdivisions after the scheduled public hearings. He noted that the public hearing on these amendments would be held tomorrow night, Thursday, April 22, 2004.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for agenda:

1. RZ 2003-MV-065 - BOARD OF SUPERVISORS' OWN MOTION
2. RZ 2004-PR-003 and SE 2004-PR-007 - ARLINGTON BOULEVARD CONSOLIDATION LLC
3. RZ 2003-DR-063, SE 2003-DR-039, and PCA 95-D-040 – THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. JOHN CATHOLIC CHURCH)

4. WORKSHOP – PROPOSED ZONING ORDINANCE, SUBDIVISION ORDINANCE, AND PUBLIC FACILITIES MANUAL AMENDMENTS ON CLUSTER SUBDIVISIONS

This order was accepted without objection.

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RZ 2003-MV-065 - BOARD OF SUPERVISORS', OWN MOTION -
Appl. to rezone from R-8, C-8, and HC to R-8, C-8, HC, and CRD to include the parcel in the Commercial Revitalization Overlay District. Located in the S.E. quadrant of Radford Ave. and Richmond Hwy. on approx. 22,292 sq. ft. of land. Comp. Plan Rec: Mixed Use. Tax Map 101-3 ((3)) 1. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Arthur Genuario, representative for Genuario Properties, reaffirmed the affidavit dated April 8, 2004. There were no disclosures by Commission members.

Commissioner Byers asked Chairman Murphy to ascertain whether there were any speakers present for this application. Chairman Murphy called for speakers but received no response. Therefore, Commissioner Byers 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 Byers for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ 2003-MV-065.

Commissioner Lusk seconded the motion which carried unanimously.

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RZ 2004-PR-003 - ARLINGTON BOULEVARD CONSOLIDATION
LLC - Appl. to rezone from C-3 and R-1 to C-3 to permit commercial development with an overall Floor Area Ratio (FAR) of 0.65. Located in the S.W. quadrant of the intersection of Arlington Blvd. and Williams Dr. and N. and S. sides of Pennell St. on approx. 10.74 ac. of land. Comp. Plan Rec: Office. Tax Map 49-3 ((1)) 135, 49-3 ((9)) 1B, 2, 2A, 3, 4, 7A and 11A. (Concurrent with SE 2004-PR-007.)

SE 2004-PR-007 - ARLINGTON BOULEVARD CONSOLIDATION
LLC - Appl. under Sects. 9-607 and 4-307 of the Zoning Ordinance to

permit an increase in building height. Located at 8401 Arlington Blvd.
on approx. 2.63 ac. of land zoned C-3. Tax Map 49-3 ((9)) 11A pt.
(Concurrent with RZ 2004-PR-003.) PROVIDENCE DISTRICT.
JOINT PUBLIC HEARING.

Timothy Sampson, Esquire, with Walsh, Colucci, Emrich, Lubeley, and Terpak, reaffirmed the affidavit dated March 30, 2004.

Commissioner Hart disclosed that his law firm, Hart and Horan, P.C., had one case with Walsh, Colucci, Emrich, Lubeley, and Terpak, who were listed on the affidavit as an agent for the applicant, but that the matter was unrelated to these applications and would not preclude his participation in these cases.

William Mayland, 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 applications.

Mr. Sampson stated that a rezoning application had been approved by the Board of Supervisors last fall to provide a home for Life With Cancer, a non-profit affiliate of the INOVA Health Care System. He explained that parcel 4, south of Pennell Street, had not been consolidated at that time due to title issues which were in the process of being resolved. He said approval of the application would allow the construction of a commercial building on that site consisting of approximately 11,700 square feet. Mr. Sampson noted that all issues had been addressed except for stormwater management. He said although no changes to the previously approved plan were being requested, if the stormwater management plan was not approved by DPWES, a proffer required the applicant to seek approval, through a proffered condition amendment (PCA) application, of an alternate plan.

In response to questions from Commissioners Alcorn and Harsel, Mr. Sampson said there was a case pending in Circuit Court to resolve issues associated with the ownership of parcel 4.

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

Tom Christensen, 3609 Prosperity Avenue, Fairfax, President, Pine Ridge Civic Association, said the proposed stormwater management plan would not be able to be implemented if a pending Public Facilities Manual (PFM) amendment was not approved. He requested that the applications be deferred until the amendment had been approved so that citizens would know exactly how stormwater management would be handled.

Fran Wallingford, 3230 Wynford Drive, speaking on behalf of the Mantua Citizens Association, pointed out that although the staff report indicated that there were no outstanding environmental issues, the stormwater management plan could not be implemented unless the PFM was amended

as indicated by Mr. Christensen. She also requested that the decision on the applications be deferred.

Sarah Hall, Esquire, Blankenship and Keith, 4020 University Drive, representing Irene Bettius, Trustee, owner of property to the west of the subject property on Route 50, expressed concern about the location of the proposed building because the setback would not provide for adequate buffering. She asked that the building be set back 15 feet instead of 9 feet so a row of trees could be planted.

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

Addressing the issue raised by Ms. Hall, Mr. Sampson pointed out that zoning regulations did not require a sideyard setback and he thought that adequate landscaping could be provided with the proposed setback. He said if the proposed stormwater management plan could not be implemented as proposed, a proffer required that the applicant file a PCA application for approval of an alternate plan.

In response to questions from Commissioner Harsel, Mr. Sampson said when the application had originally been approved, it was possible to obtain a waiver from DPWES to cross a natural drainage divide. Since that time he said the County had decided not to grant waivers until the PFM was amended to include specific criteria for granting waivers. He said the applicant was hopeful that the proposed plan would be able to be implemented because it would remove water from backyards and divert it to a regional pond.

Responding to a question from Commissioner Lawrence, Mr. Sampson reiterated that the applicant would file another PCA application if a waiver to cross the drainage divide was not granted.

In response to a question from Commissioner Lawrence, Mr. Sampson said the transportation demand management (TDM) proffer required the designation of a transportation coordinator who would be responsible for implementing TDM strategies, one of which was a 15 percent mode split. He said if this condition was not met, the applicant would be required to make a monetary contribution to a TDM fund to be used by the transportation coordinator to reinforce and strengthen the plan.

Responding to a question from Commissioner Lawrence, Mr. Mayland said there was no sideyard setback requirements in a C-3 district.

Responding to a question from Commissioner Lawrence, Mr. Mayland reiterated that stormwater drainage would be diverted underground to a regional pond off site or the applicant would file a PCA application for approval of an alternate plan.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE RZ 2004-PR-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 15, 2004.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Lawrence MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2004-PR-007, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 7, 2004, AND CONTAINED IN APPENDIX 2 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Lawrence MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN FAVOR OF THE LANDSCAPING DEPICTED ON THE GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT.

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

Commissioner Lawrence MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE LOADING SPACE REQUIREMENTS TO PERMIT THREE LOADING SPACES FOR BUILDING "A" INSTEAD OF THE REQUIRED FIVE SPACES.

Commissioner Byers seconded the motion which carried unanimously.

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RZ 2003-DR-063 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. JOHN CATHOLIC CHURCH) - Appl. to rezone from R-1 and R-2 to R-2 to permit building additions and site modifications to an existing place of worship with a private school of general education with an overall Floor Area Ratio (FAR) of 0.15. Located at 6422 Linway Ter. and 1608 Carlin Lane on approx. 12.55 ac. of land. Comp. Plan Rec: 2-3

du/ac. Tax Map 31-3 ((1)) 25B, 25C, 27A and 31B. (Concurrent with SE 2003-DR-039 and PCA 95-D-040.) DRANESVILLE DISTRICT.

PCA 95-D-040 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. JOHN CATHOLIC CHURCH) - Appl. to amend the proffers for RZ 95-D-040 previously approved for a convent and residential development to permit a reduction in land area to allow incorporation into RZ 2003-DR-063. Located on the W. side of Carlin Lane approximately 400 ft. N. of its intersection with Linway Ter. on approx. 1.20 ac. of land zoned R-2. Comp. Plan Rec: 2-3 du/ac. Tax Map 31-3 ((1)) 27A. (Concurrent with RZ 2003-DR-063 and SE 2003-DR-039.) DRANESVILLE DISTRICT.

SE 2003-DR-039 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (ST. JOHN CATHOLIC CHURCH) -Appl. under Sect. 3-204 of the Zoning Ordinance to permit building additions and site modifications to an existing place of worship with a private school of general education. Located at 6422 Linway Ter. and 1608 Carlin Lane on approx. 12.55 ac. of land zoned R-2. Dranesville District. Tax Map 31-3 ((1)) 25B, 25C, 27A and 31B. (Concurrent with RZ 2003-DR-063 and PCA 95-D-040.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

Timothy Sampson, Esquire, with Walsh, Colucci, Emrich, Lubeley, and Terpak, reaffirmed the affidavits dated March 22, 2004.

Commissioner Hart disclosed that his law firm, Hart and Horan, P.C., had one case with Walsh, Colucci, Emrich, Lubeley, and Terpak, listed on the affidavit as an agent for the applicant, but that the matter was unrelated to these applications and would not preclude his participation in these cases.

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 applications.

Responding to questions from Commissioner Wilson, Mr. Braham said the existing outdoor lighting was not in conformance with the recently adopted Zoning Ordinance lighting amendment, but noted that all new lighting would have to meet the current standards. Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Harry Bacas, 1534 Poplar Place, McLean, Brookhaven Forest Villa Civic Association, requested deferral of the decision to allow time for all issues to be addressed. He expressed concerns about the electronic amplification system, the schedule for the ringing of the church bells, and stormwater runoff.

James Robertson, 7209 Evans Mill Road, McLean, McLean Citizens Association, spoke in support of the applications. He noted that the Church had agreed to establish a schedule for ringing the church bells.

Commissioner Hopkins noted that the applicant would meet with citizens to address their concerns before a decision was made on these cases.

There were no other speakers; therefore, Chairman Murphy called upon Mr. Sampson for rebuttal remarks. Mr. Sampson said he did not wish to make a rebuttal statement.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS FOR PCA 95-D-040, RZ 2004-DR-063, AND SEA 2003-DR-039 TO A DATE CERTAIN OF MAY 13, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioners Byers and Lawrence seconded the motion which carried unanimously.

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Chairman Murphy noted that the next item on the agenda was a workshop on the proposed Zoning Ordinance Amendment for cluster subdivisions to provide the Commission with an opportunity to discuss the proposal before the public hearing was held. He noted the following schedule:

- Thursday, April 22, 2004 at 8:15 p.m. – Planning Commission Public Hearing
- Monday, May 3, 2004, at 7:00 p.m. – Public Workshop, Government Center in Conference Room 2 and 3.
- Thursday, May 13, 2004, 8:15 p.m. – Mark-up on amendments
- Monday, May 24, 2004 – Board of Supervisors public hearing

WORKSHOP – PROPOSED ZONING ORDINANCE, SUBDIVISION
ORDINANCE, AND PUBLIC FACILITIES MANUAL AMENDMENTS
ON CLUSTER SUBDIVISIONS

April 21, 2004

The following staff members responded to questions from the Commission about the proposed amendments:

- Regina Murray, Zoning Evaluation Division, (ZED), Department of Planning and Zoning, (DPZ);
- Barbara Byron, ZED, DPZ;
- William Shoup, Zoning Administration Division, DPZ;
- John Friedman, Department of Public Works and Environmental Services;
- Karen Harwood, Esquire, Office of the County Attorney.

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The meeting was adjourned at 11:20 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: Heidi Baggett and Linda Rodeffer

Approved on: November 9, 2006

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