

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 14, 1997**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon 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
Alvin L. Thomas, Commissioner At-Large

ABSENT: Carl A. S. Coan, Jr., Providence District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District

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The meeting was called to order at 8:30 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 Byers, at the request of the applicant, announced his intention to defer decision only on RZ-1996-MV-036 and FDP-1996-MV-036, Centex Homes, to a date certain of May 28, 1997, with the record remaining open for written comments, and he SO MOVED.

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

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FS-B96-68 - AMERICAN PERSONAL COMMUNICATIONS, 7617 Little River Turnpike

Commissioner Harsel MOVED (THAT) THE PLANNING COMMISSION CONCUR WITH THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING THAT FS-B96-68 IS INDEED A "FEATURE SHOWN."

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

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In the absence of Commissioner Downer, Commissioner Koch MOVED (THAT) PCA-74-3-087, RICHARD M. ROBERTSON, DRANESVILLE (DISTRICT), BE DEFERRED INDEFINITELY.

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

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FS-H97-9 - AMERICAN PERSONAL COMMUNICATIONS, 10700 Parkridge Boulevard

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING THAT THE PROPOSED FACILITY BY AMERICAN PERSONAL COMMUNICATIONS AT 10700 PARKRIDGE BOULEVARD, APPLICATION FS-H97-9, BE (FOUND) IN CONFORMANCE WITH THE RECOMMENDATION OF THE COMPREHENSIVE PLAN AND BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO SECTION 15.1-456 OF THE *CODE OF VIRGINIA*.

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

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Chairman Murphy reminded the Planning Commissioners that there would be no Commission meetings next week, Wednesday, May 21, 1997, and Thursday, May 22, 1997.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. RZ-1996-BR-040 - HAROLD A. & JANET E. LOGAN
2. FDPA-82-P-069-6-6 - FAIR LAKES DEVELOPMENT, L. C.
 FDPA-82-P-069-14-2 - FAIR LAKES DEVELOPMENT, L. C.
 FDPA-82-P-069-15-5 - FAIR LAKES CENTER ASSOCIATES, L.P.
 FDPA-82-P-069-13-6 - FAIR LAKES CENTER ASSOCIATES, L.P.

This order was accepted without objection.

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RZ-1996-BR-040 - HAROLD A. & JANET E. LOGAN - Appl. to rezone approx. 1 .00 ac. from R-2 to R-3 to permit resident. dev. at a

density of 2.0 dwelling units per acre (du/ac) on prop. located 650 ft. S.E. of the intersection of Wakefield Chapel Rd. & Glen Park Rd. Comp. Plan Rec: 2-3 du/ac. Tax Map 70-3 ((16)) 4. BRADDOCK DISTRICT. PUBLIC HEARING.

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In the temporary absence of Chairman Murphy, Vice Chairman Byers assumed the Chair.

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H. Kendrick Sanders, Esquire, with Gilliam, Sanders & Brown, reaffirmed the affidavit dated April 18, 1997. There were no disclosures by Commission members.

Susan Johnson, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She said that staff believed that, having failed twice to achieve five lots from the original 2.72 acre parcel (which was subsequently subdivided as Loganwood Glen), the applicant had now put forth a third proposal to achieve the same objective. Ms. Johnson said staff continued to believe that the purpose for the rezoning request was to bypass the minimum lot width requirement of 100 feet in the R-2 District, and that the existing four lot subdivision, at 1.47 du/ac, was in harmony with the recommendations of the Comprehensive Plan and met Zoning Ordinance requirements. Therefore, she noted, staff recommended denial of the application.

Mr. Sanders acknowledged that this case required specific attention; however, he said he did not think that it involved a great deal of neighborhood controversy or opposition. Mr. Sanders read portions of a letter he had written to Commissioner Harsel, dated April 16, 1997, explained his observations and gave background information on the application. (A copy of the letter is in the date file.) He asked the Planning Commission for an approval recommendation.

In answer to Commissioner Harsel's query, Mr. Sanders indicated that he did not know when the applicant purchased the property, what the existing zoning on it was, and whether or not the townhouses were existing at the time of purchase.

Commissioner Harsel asked Mr. Sanders to determine when the applicant obtained ownership of the property and what the zoning was at that time. Mr. Sanders said the information requested was already in the staff report.

Vice Chairman Byers and Barbara Byron, Director, ZED, OCP, discussed the current R-2 zoning of the parcel and speculated as to why it had not been suggested during the last Area Plans Review (APR) that it be changed to 4-5 du/ac to conform with the other properties surrounding it.

In reply to Commissioner Alcorn's question, Mr. Sanders said he was not aware of any nominations of the parcel in the current APR process.

Responding to another question from Commissioner Alcorn, Mr. Sanders said his letter referred to Mr. Logan's plan for development as being appropriate, and thought the County's Comprehensive Plan could be viewed as illogical when compared with the surrounding areas.

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

O. Franklin Daniels, President, Townes of Wakefield (aka New Chapel) Homeowners Association, 5 176 Kimscott Court, Annandale, expressed his association's opposition to the application. He said the Association's Board of Directors opposed encroachment upon either the common areas or the private property of the homeowners which would diminish the surrounding buffer zone; and, would prefer to maintain the status quo concerning the County's zoning requirements of property abutting the community. Mr. Daniels advised that the Association concurred with OCP staff's recommendation for denial of the application.

James Chen, 5123 Kenside Court, Annandale, concurred with Mr. Daniels' statement.

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Chairman Murphy resumed the Chair.

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John DiMaina, the next listed speaker, did not respond when called by Chairman Murphy.

Chairman Murphy called for speakers from the audience.

Kathleen Klare, 5109 Kenside Court, Annandale, spoke in opposition to the application noting that 15 to 20 trees would have to be removed and indicated that the proposed new screening would not be adequate, in her opinion.

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

Mr. Sanders said he was confused by statements made by the speakers, since there was nothing in the application that was not in conformance with the Comprehensive Plan. In answer to Commissioner Harsel's question earlier in the meeting, he stated that Mr. Logan acquired the property in 1986 under a corporate name and subsequently transferred it to himself and his wife. He said Mr. Logan was the second owner since 1912 and the property was zoned R-2 when it was purchased. Mr. Sanders refuted the comments made by Mr. Daniels and Ms. Claire, stating that the density requested was 1.83 units per acre; the Circuit Court ruling did not deny the original rezoning request, it upheld the Board of Zoning Appeals ruling; there had never been a rezoning application on the property before now; no trees would be removed except for placement of the houses; and the applicant had proffered for supplemental trees along the border with the townhouses. Mr. Sanders asked the Planning Commission to put aside irrelevant history

and support the application. Commissioner Harsel took exception with Mr. Sanders' comments concerning the Circuit Court ruling and quoted the judgment, given in Appendix 7 of the staff report, which stated: "The facts are not in dispute, and will not be repeated. To the extent necessary to decision, the Court adopts the facts as stated in the Board's Memorandum of Law."

Mr. Sanders and Commissioner Harsel discussed their differences with respect to interpreting the Court's decision.

Mr. Sanders responded to questions from Commissioner Alcorn concerning stormwater management.

Ms. Byron responded to questions from Commissioners Harsel and Kelso concerning the length of frontages for each lot on the Logan's property.

In response to a question from Commissioner Harsel, Ms. Johnson said there were no private streets on the property, only driveways.

Commissioner Harsel entered into the record a memorandum from several homeowners living on Kenside Court, dated March 4, 1997, who stated that they were unilaterally opposed to the application. (A copy of the memorandum is in the date file.)

There being no further comments or questions from the Commission and Ms. Johnson having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for a motion on this case. (A verbatim excerpt is in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY RZ-1996-BR-040.

Commissioner Byers seconded the motion which carried by a vote of 6-3 with Commissioners Hunter, Kelso and Koch opposed; Commissioners Coan, Downer and Hall absent from the meeting.

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FDPA-82-P-069-6-6 - FAIR LAKES RETAIL DEVELOPMENT, L.C. - Appl. to amend the 6th final dev. plan for RZ-82-P-069 to permit office & retail uses on property located N. of Route 1-66 & S. of Fair Lakes Circle on approx. 13.78 ac. zoned PDC and WS. Tax Map 55-2 ((1)) pt.14B. (Concurrent with FDPA-82-P-069-14-2, FDPA-82-P-069-15-5, & FDPA-82-P-069-13-6.) SULLY DISTRICT.

FDPA-82-P-069-14-2 - FAIR LAKES RETAIL DEVELOPMENT, L.C. - Appl. to amend the 1 4th final dev. plan for RZ-82-P-069 to

FDPA-82-P-069-6-6 AND FDPA-82-P-069-14-2 -
FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-15-5 AND FDPA-82-P-069-13-6 -
FAIR LAKES CENTER ASSOCIATES, L.P.

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permit office & retail uses on property located N. of Route 1-66 & S. of Fair Lakes Circle on approx. 2.01 ac. zoned PDC and WS. Tax Map 55-2 ((1)) pt.14B. (Concurrent with FDPA-82P-069-6-6, FDPA-82-P-069-15-5, & FDPA-82-P-069-13-6.) SULLY DISTRICT.

FDPA-82-P-069-15-5 - FAIR LAKES CENTER ASSOCIATES, L.P.
- Appl. to amend the 15th final development plan for RZ-82-P-069 to permit reduction to max. sq. footage permitted w/in Land Bay IV-C on property located N. of Route 1-66 & S. of Fair Lakes Pkwy. on approx. 12.11 ac. zoned PDC and WS. Tax Map 55-1 ((14)) C1, 4C2, 4C3, & 4C4. (Concurrent with FDPA-82-P-069-6-6, FDPA-82-P-069-14-2, & FDPA-82-P-069-13-6.) SULLY DISTRICT.

FDPA-82-P-069-13-6 - FAIR LAKES CENTER ASSOCIATES, L.P.
- Appl. to amend the 13th final development plan for RZ82-P-069 to permit reduction to max. sq. footage permitted Win Land Bay IV-A & B on prop. located N. of Route 1-66 & S. of Fair Lakes Circle on approx. 87.44 ac. zoned PDC and WS. Tax Map 55-1 ((14)) 5-7; 55-2 ((4)) 1, 3, 4, 7, 8, 12-21 A, 22A, 23-28. (Concurrent with FDPA-82-P-069-6-6, FDPA-82P-069-14-2, & FDPA-82-P-069-15-5.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Francis A. McDermott, Esquire, Hunton & Williams, reaffirmed the affidavit dated April 14, 1997. There were no disclosures by the Planning Commission.

Susan Johnson, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of FDPA-82-P-069-13-6 and FDPA-82-P-069-15-5, subject to the proposed development conditions. Ms. Johnson stated that staff recommended denial of FDPA-82-P-069-6-6 and FDPA-82-P-069-14-2, as submitted, because it was their opinion that the proposed development was not in conformance with the Comprehensive Plan or the Zoning Ordinance.

Ms. Johnson confirmed Commissioner Koch's statement that both retail stores would be two stories high.

Commissioner Koch and Barbara Byron, Director, ZED, OCP, discussed the OCP's definition of "big box" companies and why staff did not consider the proposed retail stores as department stores.

Commissioner Koch and Ms. Byron also discussed staff's conclusion that the only type of operation appropriate for development of the Land Bay would be office support retail.

FDPA-82-P-069-6-6 AND FDPA-82-P-069-14-2 -
FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-15-5 AND FDPA-82-P-069-13-6 -
FAIR LAKES CENTER ASSOCIATES, L.P.

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Commissioner Palatiello and Ms. Byron discussed the definition of "office/mix" and whether or not it included commercial development; the intent of the original application was primarily for office use with residential being the primary secondary use; staff's opinion that retail use was secondary and would be inappropriate even though there was no prohibition of retail; whether there were any limits defining the "commercial" category should the Final Development Plan Amendments (FDPAs) be approved; why staff had taken the position that it would be impossible to successfully integrate office/office retail/mixed use development as referenced in the application; and, whether or not architectural treatments were associated with the application.

Mr. McDermott distributed a brochure from Galyan's, one of two department stores proposed by the applicant, a copy of which is in the date file.) He indicated that the applicant did not have a contract with Galyan's sporting and equipment store at the present time and that was why they were not listed in the affidavit. With respect to FDPA-82-P-069-1 5-5 and FDPA-82-P-069-1 3-6, Mr. McDermott said there were no major issues between the applicant and staff concerning Land Bays 4A, B, and C; and, the applicant had agreed to the Development Conditions shown in Appendix 1A of the staff report. He noted that there were significant differences between the applicant and staff concerning Land Bay 5. He said the applicant had submitted many Final Development Plans on Land Bay 5 and stressed that they had gone out of their way to avoid any potential problems with respect to a potential HOV flyover. Addressing FDPA-82-P-069-6-6 and FDPA-82-P-069-14-2, Mr. McDermott stressed that the applicant was proposing to do more today than when the applications had originally been filed.

Using the overhead projector, Mr. McDermott located the site of BJs discount store in the Fair Lakes Shopping Center for Chairman Murphy, and also showed him the 850,000-square foot Fair Lakes Center site immediately to the west of the Fairfax County Parkway.

Mr. McDermott said the applicant differed significantly with OCP staff's assertion that the Comprehensive Plan was relevant to approval of the applications. He reviewed the facts leading up to submission of the applications being heard this evening, noting that when the Conceptual Development Plan (CDP) and Conceptual Development Plan Amendments (CDPAs) had been approved, various land units within the Fairfax Center area had been approved for principal and secondary uses. He emphasized that the Proffered Development Conditions (PDC) had always included retail as a principal use. Mr. McDermott assured the Commission that the Galyan's store was not "big box" and referred to the document handed out earlier. He also addressed the conformity of architectural treatment, landscaping, buffering, a contribution toward the installation of a traffic signal, and the applicant's opposition to dedicating additional land.

Commissioner Alcorn and Ms. Byron discussed office/retail uses and staff's views as they pertained to the applications.

FDPA-82-P-069-6-6 AND FDPA-82-P-069-14-2 -
FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-15-5 AND FDPA-82-P-069-13-6 -
FAIR LAKES CENTER ASSOCIATES, L.P.

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Commissioner Alcorn and Mr. McDermott discussed shopping center dependency on automobiles; and, how the applicant intended to make the Fair Lakes Center accessible to pedestrian traffic.

Commissioner Alcorn, Ms. Byron, and Mr. McDermott discussed traffic impact during morning and afternoon peak hours.

Commissioner Koch and Mr. McDermott talked about retail vacancy in the Fairfax Center area.

Commissioner Koch referred to page 24 of the staff report which stated: "Since the mid1980s, the present locations of the Fair Lakes Shopping Center and the Shoppes at Fair Lakes have been the only retail centers within the Fair Lakes development." In response to Commissioner Koch's question, Ms. Byron said that there had never been a suggestion that those would be the only two retail centers in the area.

Referring to a previous question posed by Commissioner Alcorn, Mr. McDermott pointed out that "big box" retail had a footprint of 50,000 square feet. He said that because the footprint of the proposed site was limited to 50,000 square feet, it would be necessary to go up a story to accommodate the user's requirement for 195,000 square feet of space.

In response to a question posed by Commissioner Harsel, Ms. Byron said the CDP #5, as referenced in the staff report, was the one that governed the current applications.

Commissioner Harsel, Ms. Byron, and Mr. McDermott discussed support retail. Ms. Byron indicated that the original proffer was still in effect. Commissioner Harsel said it was her opinion that the square footage projected for the site was not support retail. Citing Proffer 2 of the 1987 CDPA for Land Bays 4 and 5, Mr. McDermott said that to his knowledge there had never been an understanding on his part that the retail that could be placed in Land Bays 4 or 5 was simply support retail. He also said that the gross number, as defined within the proffer, explained all of the retail uses; and, he remembered clarifying support retail as it related to office space.

Mr. McDermott agreed with Chairman Murphy's observation that the design of the skywalks connecting office buildings on Wilson Boulevard, in Arlington, Virginia, with the Ballston Commons complex, could be considered support retail.

There being no listed speakers and none from the audience, and no further questions or comments by staff or the Commission, Chairman Murphy closed the public hearing and turned to Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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FDPA-82-P-069-6-6 AND FDPA-82-P-069-14-2 -
FAIR LAKES RETAIL DEVELOPMENT, L.C.
FDPA-82-P-069-15-5 AND FDPA-82-P-069-13-6 -
FAIR LAKES CENTER ASSOCIATES, L.P.

May 14, 1997

Commissioner Koch MOVED THAT WE DEFER FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, APPLICATIONS FDPA-82-P-069-13-6, FDPA-82-P-069-15-5 (FAIR LAKES CENTER ASSOCIATES, L.P.), FDPA82-P-069-6-6, AND FDPA-82-P-069-14-2 (FAIR LAKES RETAIL DEVELOPMENT, L.C.), UNTIL MAY 28, 1997.

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

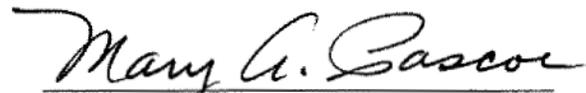
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The meeting was adjourned at 10:27 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: Mary A. Pascoe

Approved on: November 11, 1998

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