MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 9, 1997

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

ABSENT: John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:29 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 noted that on May 15, 1997, a hearing had been held on SEA-82-V-044-2 and the decision had been deferred indefinitely because the applicant was in violation of the Zoning Ordinance. He stated that he was now satisfied that the applicant had met all these requirements. He then MOVED THAT WE DEFER THE DECISION ONLY ON SEA-82-V-044-2, COAKLEY-BACKLICK ROAD L.P., TO A DATE CERTAIN OF JULY 17, 1997.

Commissioners Alcorn and Koch seconded the motion which passed unanimously; Commissioner Palatiello absent from the meeting.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING THIRTEEN SETS OF MINUTES FOR 1996:

JANUARY 17	JANUARY 18	JANUARY 25	FEBRUARY 1
FEBRUARY 7	FEBRUARY 8	FEBRUARY 22	FEBRUARY 28
MARCH 6	MARCH 13	MARCH 14	MARCH 21
MARCH 28			

Commissioner Byers seconded the motion which passed by a vote of 10-0-1, with Commissioner Alcorn abstaining; Commissioner Palatiello absent from the meeting.

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Commissioner Harsel noted that fourteen sets of minutes for April, May, and June, 1996 had been distributed to the Planning Commissioners this evening. She stated that she would seek approval of those minutes on Thursday, July 31, 1997.

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FS-B97-29 - NEXTWAVE WIRELESS, INC. at 7617 Little River Turnpike

Commissioner Harsel RECOMMENDED THAT THE PLANNING COMMISSION CONCUR WITH MR. ZOOK'S DETERMINATION AND FIND THAT THE PROPOSED FACILITY IS A "FEATURE SHOWN" ON THE COMPREHENSIVE PLAN.

Commissioners Byers and Thomas seconded the motion which passed unanimously, Commissioner Palatiello absent from the meeting.

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97-III-10UP - AREA PLANS REVIEW ITEM
97-III-3BR - AREA PLANS REVIEW ITEM
97-II-8F - AREA PLANS REVIEW ITEM

Commissioner Koch MOVED THAT APR ITEMS APR-97-III-10UP, APR-III-3BR, AND APR-97-II-8F, BE WITHDRAWN.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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Commissioner Koch noted that scheduled for public hearing this evening were applications for a Rezoning and Final Development Plan for Toll Brothers, Inc. He stated that a lot was happening in the area and he and Supervisor Michael Frey agreed that it would be advisable to defer the case. He then MOVED THAT (THE PUBLIC HEARING ON) RZ-1997-SU-012 AND FDP-1997-SU-012, TOLL BROTHERS, INC., BE DEFERRED INDEFINITELY.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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SE-96-Y-024 - MILDRED K. DEBELL, TRUSTEE (Decision Only)
(The public hearing on this item was held on May 28, 1997. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Koch MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-96-Y-024, SUBJECT TO DEVELOPMENT CONDITIONS DATED JULY 2, 1997.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Koch MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE BARRIER REQUIREMENT AND A MODIFICATION TO THE SCREENING REQUIREMENT ADJACENT TO ROUTE 28, IN FAVOR OF THE MODIFIED SCREENING AND BARRIER DEPICTED ON THE SPECIAL EXCEPTION PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Koch MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF PARAGRAPH ONE OF SECTION 9-309 TO ALLOW A PORTION OF THE PLAY AREA TO BE LOCATED IN THE FRONT YARD, AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Koch RECOMMENDED TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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97-II-9M - AREA PLANS REVIEW ITEM (Dranesville District)

Commissioner Downer MOVED THAT WE ACCEPT THE WITHDRAWAL OF APR-97-II-9M AT THIS TIME.

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

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97-II-23V - AREA PLANS REVIEW ITEM (Providence District)

Commissioner Coan MOVED THAT WE ACCEPT THE WITHDRAWAL OF APR-97-II-23V.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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Commissioner Hunter announced that the Transportation Committee had met this evening and would meet again on Thursday, September 4, 1997 at 7:30 p.m. in the Board Conference Room.

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Commissioner Kelso announced his intent to defer PCA-86-L-088, Sky Aim Partnership, from tomorrow evening's agenda, Thursday, July 10, 1997, to a date to be announced later.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PUBLIC STREET FRONTAGE WAIVER #017747
2. ZONING ORDINANCE AMENDMENT (Mobile & Land Based Telecommunication Facilities)
3. ZONING ORDINANCE AMENDMENT (Truck Rental Establishments)
4. SE-97-M-019 - FIRST UNION BANK OF VIRGINIA, MARYLAND & WASHINGTON, DC
5. RZ-1997-MV-010 - STONEPOINT, LC

This order was accepted without objection.

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PUBLIC STREET FRONTAGE WAIVER #017747 - Req. for the Dortzbach Property, Lot 2, Tax Map #36-3-((1))-11 adjacent to 12318 Bennett Rd. SULLY DISTRICT. PUBLIC HEARING.

Basant Sood, Site Review Branch, Department of Environmental Management, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the waiver.

Commissioner Harsel and John Winfield, Deputy Director, Plan Review Division, DEM, discussed the subdivision of the Peter Dortzbach property and the size of the properties to be served by one of the private roads.

Chairman Murphy noted that there were no listed speakers and called for speakers from the audience. He recited the rules for public testimony.

Cody Wood, 12330 Bennett Road, Herndon, the applicant, responded to a question asked by Commissioner Harsel earlier concerning lot designation and stated that he had purchased Lot 11 in 1995 and it had never been changed. (See page 2, paragraph 4 of the "Memo to the Planning Commission" which states that "Lot 2" is identified as Parcel 11 on the Tax Map.) He noted that the plat submitted by the engineer was reflective of the information on the County's Tax Maps.

Mr. Wood, in answer to Commissioner Harsel's question, indicated that the requirements of the Subdivision Ordinance posed an unusual hardship in that the requirement restricted him from subdividing. He asked that he be allowed to have his property subdivided in accordance with the requirements of the R-1 zoning district. Also in answer to another question from Commissioner Harsel, Mr. Wood advised that the other properties had been subdivided prior to the Ordinance change, and he was not aware of the Ordinance when he purchased the property.

In response to Commissioner Koch's query, Mr. Wood said he sent letters to the surrounding property owners advising them of his intentions and had received their support.

There being no further speakers, no rebuttal and no closing staff comments, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action in this case. (A verbatim except is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE REQUEST FOR A WAIVER OF THE PUBLIC STREET FRONTAGE REQUIREMENT FOR THE PROPOSED SUBDIVISION OF THE DORTZBACH PROPERTY, LOT 2, WAIVER #017747, SUBJECT TO THE THREE CONDITIONS STAFF HAS PUT FORTH IN THE STAFF REPORT.

Commissioners Byers and Thomas seconded the motion which carried by a vote of 10-1 with Commissioner Harsel opposed, Commissioner Palatiello absent from the meeting.

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Prior to calling the next case, Chairman Murphy welcomed a new member of the Zoning Administration staff, Daryl Varney.

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ZONING ORDINANCE AMENDMENT (Mobile & Land Based Telecommunication Facilities) - On the matter of an amendment to Chapter 112 (the Zoning Ord.) of the 1976 Code of the County of Fairfax to amend Art. 2 to revise certain regulations related to mobile & land based telecommunication facilities w1regard to the installation of red marker lights on antenna structures, the placement of antennas in utility easements, & alternative color or exterior treatments for monopoles and towers. COUNTYWIDE. PUBLIC HEARING.

Daryl Varney, Zoning Administration Division (ZAD), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He said staff recommended adoption of the proposed Zoning Ordinance Amendment.

Mr. Varney and Michael Congleton, Deputy Zoning Administrator, Ordinance Administration Branch, ZAD, OCP, responded to questions raised by Commissioner Harsel concerning structural analysis of the telecommunications pole and the process required for replacement, should that be necessary. Mr. Varney and Mr. Congleton explained that the applicant was only required to give a number and location of the pole; however, should it have to be replaced, there were regulations concerning the diameter and height of any replacement pole and it could be deemed a "feature shown" on the Comprehensive Plan at the discretion of the Planning Commission.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary.

Commissioner Hunter suggested that there could be a Federal Aviation Administration (FAA) requirement for lighting and the Commission could be doing something that was inconsistent with those requirements. Mr. Congleton advised that the FAA lighting requirements would not be in effect unless a pole was higher than 199 feet. Commissioner Hunter expressed his concern that there could be some FAA prohibitions the proposed Ordinance Amendment might go against and he did not want the Commission to put itself in the position of approving it if that was the case. Mr. Congleton said he would confer with David Mullet, Director, Network and Computing Services Division, Department of Information Technology, and report back to the Commission.

Commissioner Thomas called attention to a letter of support dated July 3, 1997 from Terrie G. Spiro, Chairman, Fairfax County Chamber of Commerce, a copy of which is in the date file.) He also noted that the staff report indicated that the proposed Amendment had been reviewed and endorsed by the Telecommunications Task Force.

Mr. Varney had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Thomas for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Thomas MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ORDINANCE AMENDMENT DATED JUNE 9, 1997, ARTICLE 2, LIMITATION OF MOBILE AND LAND BASED TELECOMMUNICATIONS FACILITIES, AS STATED IN THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

Commissioner Thomas RECOMMENDED THAT THE STAFF DETERMINE WHETHER OR NOT THIS PROHIBITS OR DOES NOT SUPPORT THE FAA'S REQUIREMENT; AND IF SO, THE CHANGES WOULD BE MADE AT THE BOARD (MEETING) SCHEDULED FOR AUGUST 4, 1997.

Commissioner Hunter seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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> ZONING ORDINANCE AMENDMENT (Truck Rental Establishments) - On the matter of an amendment to Chapter 112 (the Zoning Ord.) of the1976 Code of the County of Fairfax to amend Arts. 4, 5, 7, 9, 11, 13, & 20 to define a new use to be known as truck rental establishments & to allow such use by right in the I-5 and I-6 Districts & by special exception as an ancillary use in the C-5, C-6, C-7, & C-8 Districts. COUNTYWIDE. PUBLIC HEARING.

Michael Congleton, Zoning Administration Division, Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He said staff did not recommend approval of the proposed Amendment because it believed that in many instances the use might pose significant impacts to adjacent commercial and residential areas due to the size and bulk of the trucks and trailers.

Commissioner Hunter asked how many acres were presently zoned industrial and how they were distributed. Mr. Congleton cited a report received from the County's Office of Research and Statistics (ORS) listing 1996 Industrial and Commercial figures as follows: 3,489 acres zoned I-

5, 961 acres zoned I-6, 255 acres zoned C-5, 1246 acres zoned C-6, 564 acres zoned C-7, and 1267 acres zoned C-8. (A copy of the report is in the date file.) He said the I-5 and some of the

C-5 Districts were fairly well distributed throughout the Magisterial Districts. Commissioner Alcorn requested that the Planning Commissioners be provided with a copy of the ORS report.

Mr. Congleton, in answer to Commissioner Harsel's question, said OCP did not have a specific number of truck rental facilities presently operating in the County. He said a survey had been done through the telephone directory's "Yellow Pages" and there were listings for approximately 39 locations which were evenly distributed between the Industrial and Commercial Districts. He said the proposed Ordinance Amendment would allow any type of use permitted in the Commercial Districts to serve as the principal use and would not be limited to service stations. Mr. Congleton indicated that OCP staff had looked at the sites of the rental locations in violation of the current Ordinance and found that, in most circumstances, waivers of landscaping or open space would be required in order to fit the existing use on the sites. He informed Commissioner Harsel that the lots ranged in size from 20,000 square feet to one or two acres, and that none of the major chain service stations were renting trucks.

In response to Commissioner Coan's question, Mr. Congleton advised that the Board of Supervisors had asked staff to prepare an amendment to the Ordinance that would allow for the rental of trucks and trailers. He said the industry had indicated that a 26-foot box length was common and essential to their businesses.

Commissioner Murphy called the first listed speaker and recited the rules for public testimony.

David Minyard, 605 Truman Circle, Vienna, spoke in favor of allowing U-Haul businesses to operate.

Sandra Hall, 13311 Jasper Road, Fairfax, co-owner/operator of Cedar Park Citgo, stated that she had not been aware that she was in violation of the existing Ordinance until she received a notice. Chairman Murphy, Commissioners Coan, Downer, Alcorn, and Byers and Ms. Hall discussed where the station was located; the number of trucks and trailers for rent, how many were stored on site on a daily basis; the smallest and largest trucks they had on any given day (17 feet to 26 feet); and how many times a week the 26-foot truck was rented. She said a F-350 tow truck was available as a part of the service station operation. In response to Commissioner Hunter's question, she said she had not received any complaints.

In answer to Commissioner Kelso's question, Ms. Hall said she was aware of the fact that if the proposed Ordinance Amendment was adopted, she would be required to come before the Planning Commission for Special Exception approval. Ms. Hall submitted a petition in support of the station's U-Haul business, a copy of which is in the date file.)

Michael Hall, 13311 Jasper Road, Fairfax, co-owner/operator of Cedar Park Citgo, reiterated his wife's statements. In response to Commissioner Hall's question, Mr. Hall said a U-Haul operation had been on the site for at least five years. He said he had a license, passed down from

the former owner, for operating a U-Haul business. Mr. Hall agreed to send Commissioner Hall a copy of the license.

Christopher J. Copans, 216 Park Street, N.E., Vienna, spoke in support of the Hall's U-Haul operation.

Darryl A. Gray, 14511 N. Lee Jackson Memorial Highway, Chantilly, owner of PGW Sales & Services, stated that he had been in the U-Haul business for five years and operated out of an office in the Chantilly Park Shopping Center, servicing the Chantilly and Centreville areas. He said that to his knowledge there had been no complaints about his operation. In response to Chairman Murphy's and Commissioner Harsel's questions,

Mr. Gray said he used the spaces assigned to him by the owner of the shopping center to park approximately 8 trucks and 3 trailers. In answer to questions from Chairman Murphy and Commissioners Hall and Coan, Mr. Gray said he did not have a license to rent U-Haul vehicles. He stated that in addition to renting U-Hauls, he sold all types of boxes and packaging supplies; was in support of the proposed Zoning Ordinance Amendment; and, was vaguely aware of the expense and lengthy process involved if it was approved.

Roberta Vasquez, 719 Tamrick Lane, Herndon, spoke in support of the Mr. Gray's U-Haul business. She submitted a petition in support of PGW Sales & Services' U-Haul business, a copy of which is in the date file.)

William M. Baskin, Jr., Esquire, with Baskin, Jackson & Hansbarger, P. C., 301 Park Avenue, Falls Church, represented Ms. Michelle Willis-Dawson, Dawson's Auto Care, an appellant of the zoning violations issued recently. He gave a brief history of the use of the site since the 1950's; stated that the Dawson's had been operating a U-Haul business since 1985; the lot was just under 40,000 square feet; the trucks ranged in size from 14 to 17 feet; that approximately 11 to 12 trucks were on site at any given time, and, that trailer rental was limited. Mr. Baskin said he supported the proposed Amendment in general; however, he would prefer to have one that had a more generous allocation to the use of U-Hauls and which would not severely restrict the owner/operators. In answer to Commissioner Hall's query, Mr. Baskin said his client did not have a license that specifically mentioned U-Haul or truck rentals. At Commissioner Hall's request, Mr. Baskin said he would provide the Commissioners with copies of the documentation handed to the Clerk, a petition in support of Dawson's U-Haul services. (Copies of the documents are in the date file.)

Responding to Commissioner Downer's question, Mr. Baskin said the Dawson's were able to continue with the U-Haul business while they were in litigation.

Mr. Congleton, in answer to Commissioner Downer's question, said a decision had not been made as to whether the companies found in violation would have to cease operation until a special exception application had been approved. He said most likely the course would be the same as retail in the I-District that allowed companies to stay in operation as long as an application was submitted and actively being pursued.

In response to Commissioner Byers' question, Mr. Congleton said that a company that rented items such as tools, chairs, and tents was not authorized to rent trucks if they were on a commercially zoned property.

Mr. Congleton, in answer to Commissioner Thomas' question, said 6 of the 38 sites were under notices of violation of the present Ordinance.

There being no other listed speakers, Chairman Murphy called for speakers from the audience.

Ebrahim Babazadeh, P.O. Box 25008, Washington, DC, owner of an antique shop on property located at 13101 and 13928 Lee Highway, Centreville, advised that he had a Special Exception application pending before the Planning Commission for a used car lot on Lee Highway. He contested the notice of violation he received to cease operating his U-Haul business, claiming that he was the only one asked to do so, and maintained that the proposed Zoning Ordinance Amendment was too strict. Mr. Babazadeh, in answer to Commissioner Hall's question, said he had a license for an antique shop, not for the U-Haul business. Mr. Babazadeh and Commissioner Harsel discussed where the car dealership would be located if the application was approved. Commissioner Koch advised that the antique shop and proposed used car dealership were located at two different sites.

Michelle Willis-Dawson, 10406 Kenmore Drive, Fairfax City, Dawson's Auto Care, said U-Haul rentals were vital for many people. She said her husband and mother-in-law had been in the U-Haul business for 12 years and she couldn't understand why there was such a controversy now. Ms. Willis-Dawson said she was not aware of any complaints against the business. She noted that Home Depot and Hechinger's were allowed to rent trucks on commercial property.

Commissioner Hall and Ms. Willis-Dawson discussed the location of the service station and its ownership. In response to Ms. Willis-Dawson's previous comment, Commissioner Hall stated that the property was the subject of a "Notice of Complaint." Ms. Willis-Dawson said she was not aware of it. Commissioner Kelso asked if Ms. Willis-Dawson was in favor of the proposed Zoning Ordinance Amendment. She said she thought the businesses now in operation should be grandfathered.

William Byrd, 2024 Shell Street, McLean, spoke in favor of leaving the U-Haul locations where they were. In answer to Commissioner Coan's question, Mr. Byrd said he rented his U-Haul trucks from Dawson's Auto Care.

Ken Douglas, 6737 Richmond Highway, Alexandria, owner of Groveton Carwash, stated that they rented between 500 and 600 U-Haul vehicles a week and, to his knowledge, they had not received any complaints.

In response to questions by Chairman Murphy, Commissioners Hall, Alcorn, Harsel, and Kelso,

Mr. Douglas said they had four to eight trucks and double trailers that were well concealed from the highway; they did not have a license or permit for U-Haul use; their largest truck was 17 feet

long; they operated as a car wash and truck rental; and the U-Haul company had not advised them of any local licensing requirements.

In answer to Commissioner Thomas' question, Mr. Congleton said the companies in violation were not grandfathered because they were not legally established.

Commissioner Coan asked Mr. Douglas who made the initial approach to rent U-Haul vehicles. He replied that he had responded to a solicitation received in the mail.

Billie Jo Davis, an employee of Mr. Douglas', said they had four local rentals. She spoke in favor of retaining the U-Haul business. Commissioner Harsel and Ms. Davis discussed the size of the lot, the company's reason for limiting themselves to four trucks, landscaping, and upkeep of the property.

In response to Commissioner Kelso's question, Ms. Davis said they were prohibited by law from parking their trucks on the highway to advertise their business.

Randy Carlin, Director of Development, U-Haul International Inc., 2727 N. Central, Phoenix, Arizona, responded to questions and comments earlier this evening by the Commissioners and citizens as follows: the nature of U-Haul's association with local dealers; the largest truck available was 26 feet long, was not a locally assigned vehicle, and was more commonly used in a one-way move; the logistics of consumer demands; two company-owned facilities were located in Fairfax County; U-Haul has had difficulty finding locations that were zoned correctly for truck rentals; 3500 acres of 1-5 zoning availability did not reflect the market to be served; most of the property abutted Dulles Airport and other areas similar to it which was not easily accessible to their clientele; and in 1996 there were 27,000 U-Haul truck/trailer transactions in the County, 4000 of which were one-way moves. Mr. Carlin said U-Haul International Inc. supported the amendment as written; however, they did not agree with staff's recommendation for denial based on their presumption that the use may pose significant impacts to adjacent commercial and residential areas. He said their representative, Mr. Arthur Anderson, Esquire, with Winstead, Sechrest & Minick, in Dallas, Texas, would address that issue later this evening.

Mr. Carlin and Chairman Murphy discussed financial support; by right and site plan requirements for use of certain properties; types of restrictions placed on dealers with respect to the number of trucks allowed on a site; utilization of the sites; and maintenance of the vehicles.

Mr. Carlin, replying to Commissioner Coan's question, said U-Haul seldom advised its dealers about land use requirements in the community where they did business. He clarified his position as being Director of Development for new company-owned stores. Mr. Carlin advised that a separate division dealt with independent dealers.

Ray Smith, 8180 South Quay Road, Suffolk, Virginia, District Vice President for U-Haul in the

Middle Atlantic States, told Commissioner Coan that the company did not specifically advise its independent dealers of local land use issues. He said their contract called for the dealer to

procure whatever was required on his own and they did not ask any questions concerning the legality of their operations.

In response to a question from Commissioner Byers, Mr. Carlin said the company-owned businesses in the County were licensed for the rental of trucks, trailers, and the sale of accessories.

Commissioner Harsel and Mr. Carlin discussed the type of land U-Haul's two sites were on; which site had a license and which was in the process of permit review; and what, if any, advice their legal department gave to its contractors. Commissioner Harsel suggested that U-Haul International consider including advice on permit review.

Mr. Carlin advised Commissioner Hall that his company based its site determinations on marketability. Commissioner Hall expressed her dismay that U-Haul did not take local zoning regulations into consideration or at least advise its contractors to do so.

In response to Commissioner Kelso's query, Mr. Smith said U-Haul had eleven dealers in Fairfax County, five of whom were in violation of the County's Zoning Ordinance.

Chairman Murphy voiced his opinion that U-Haul's regional offices had a responsibility to its contractors to notify them of local zoning regulations.

In answer to Commissioner Coan's question, Mr. Carlin said U-Haul had been in business for fifty years. Commissioner Coan noted that the right to regulate land use through zoning and similar types of restrictions was approved by the United States Supreme Court's Euclid Decision in the 1920's.

Arthur J. Anderson, Esquire, with Winstead, Sechrest & Minick, 5400 Renaissance Tower, Dallas, Texas, said his firm represented U-Haul International, Inc. on land use issues. He addressed comments and questions raised earlier by Chairman Murphy and Commissioners Downer, Harsel, and Hall. He said that since the zoning violations had been imposed on five of their contractors, the company had decided that it would not open any more stores in Fairfax County. Mr. Anderson said they were addressing and attempting to remedy the issues raised by OCP staff; however, the industry needed some geographical flexibility. He said U-Haul had requested that the five companies currently in violation be grandfathered.

Mr. Anderson, in answer to Commissioner Hall's question, said U-Haul would help the dealers who were cited.

Commissioner Kelso asked Mr. Anderson to inform U-Haul's corporate headquarters of the Planning Commission's concern that they advise future dealers to investigate their local zoning ordinances.

Mr. Anderson indicated that U-Haul was generally in favor of the proposed Amendment, and suggested that they would be in complete agreement if the County dropped the requirement for five per cent maximum lot coverage for trucks stored on site. He said he thought that should come under the special exception (SE) process and would provide the County with sufficient protection. He said they disagreed with staff's recommendation

Mr. Anderson responded to a question posed earlier by Commissioner Hunter stating that it was his view that almost all of the County's I-5 and I-6 zoned land was not conducive to truck/trailer rental use, which he considered to be consumer/retail use as opposed to industrial use.

Mr. Anderson requested approval of the proposed Zoning Ordinance Amendment, as drafted by OCP staff, with a change in lot coverage, as he had mentioned earlier.

Commissioner Coan, Mr. Anderson, and Mr. Carlin discussed the feasibility of limiting the length of trucks stored on neighborhood/commercial lots to 17 feet.

In response to Commissioner Hall's question, Mr. Anderson said U-Haul owned the trucks and rented them out to the dealers. Commissioner Hall suggested that the application be tabled to allow OCP staff to determine how long a truck could stay on a site for transfer.

Commissioner Hunter announced that he intended to defer decision on this application.

Commissioner Kelso said it was his opinion that if a person drove many miles to reach his destination, it was not unreasonable to require them to drop the truck off in an I-5 or I-6 zone.

Chairman Murphy thanked Mr. Anderson for his work on behalf of his client and their dealers. He advised that neither the County nor the Planning Commission were opposed to truck rental dealerships. However, he said it was the responsibility of the corporations and their independent dealers to find out what the rules and regulations were before the dealerships were allowed to operate. He commended Mr. Anderson for his commitment to write to corporate headquarters with recommendations. He asked Mr. Anderson to let him know what the corporate response was. Mr. Anderson agreed to do so.

Commissioner Byers asked OCP staff to find a way to keep the cited dealerships in operation while they were going through the special exception process. He suggested that when the proposed Amendment was approved, the dealerships be given one month to submit their applications, for which they would be grandfathered; and, after one month they would be in violation. He said he was concerned about businesses operating without licenses and suggested that staff address that issue as well. He asked OCP staff to make a recommendation for the solution of the problem that when the decision was brought back before the Commission.

Commissioner Hall asked OCP staff to notify the Commission of any dealerships that had been

in violation for a long period of time. She said she thought that issue should be addressed separately and not combined with those dealers who were ignorant of this process.

John McGranahan, Jr., Esquire, with Hunton and Williams, 1751 Pinnacle Drive, Suite 1700, McLean, attorney for Ryder Trucks introduced Christina Glorioso, a Ryder representative, and said she would be available to answer any questions the Commissioners might have. He commented on the testimony heard this evening in support of the Ordinance change, and also questioned whether those advocating change understood all if its implications. Mr. McGranahan stressed the convenience of renting trucks and agreed with other speakers that those businesses needed to be located conveniently to the people using them. He also commented on rental dealerships in C-District locations; the need to have a new definition for truck rental establishments; by-right options; and the length of trucks. Mr. McGranahan mentioned the process used by Ryder to identify their sites in the County. He stated that, with the exception of two sites, Ryder's dealers were located in the I-5 and I-6 Districts. Mr. McGranahan called attention to a letter he had written, dated July 16, 1997, which included three specific requests for revisions to the language provided in the staff report. (A copy of the letter is in the date file.)

Commissioner Kelso asked Mr. McGranahan to advise Ryder's corporate headquarters of the Planning Commission's concern that they advise future dealers to investigate their local zoning ordinances. Mr. McGranahan agreed to do so.

Mr. McGranahan, in response to Commissioner Hall's question, said Ryder did not have any dealerships operating in violation at this time.

In answer to Commissioner Hall's question, Mr. Congleton explained that the issues raised earlier concerning the I-4 and I-3 Districts would have to be readvertised because it was outside the scope of the currently proposed Amendment.

Mr. McGranahan responded to Commissioner Harsel's question stating that Ryder had 10 sites in Fairfax County, and all were located on industrial sites.

There being no further speakers or comments or questions from the Commission, and no closing staff remarks from Mr. Congleton, Chairman Murphy closed the public hearing and recognized Commissioner Hunter for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Hunter MOVED THAT THE COMMISSION DEFER FOR DECISION ONLY THE PROPOSED ZONING ORDINANCE AMENDMENT ON ARTICLES 4, 5, 7, 9, 11, 13, AND 20, TRUCK RENTAL ESTABLISHMENTS, UNTIL A DATE CERTAIN OF THURSDAY, JULY 17, 1997, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote, Commissioner Palatiello absent from the meeting.

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RECESS July 9, 1997

The Commission went into recess at 11:01 p.m. and reconvened in the Board Auditorium at 11:24 p.m.

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SE-97-M-019 - FIRST UNION BANK OF VIRGINIA, MARYLAND & WASHINGTON, DC - Appl. under Sects. 4-604 & 7-607 of the Zoning Ord. to permit a drive-in bank in a Hwy. Corr. Overlay Dist. on property located at 4260 John Marr Dr. on approx. 0.62 ac. of land zoned C-6, HC, & SC. Tax Map 71-1 ((1)) 102C. MASON DISTRICT. PUBLIC HEARING.

Jo Anne Bitner, Esquire, with Hazel & Thomas, P.C., 3110 Fairview Park Drive, Falls Church, attorney for the applicant, reaffirmed the affidavit dated June 16, 1997. Commissioner Coan disclosed that his daughter-in-law was a First Union Vice President; however, it would not affect his participation in this case. There were no other disclosures by Commission members.

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

Ms. Bitner said the applicant was proposing the renovation of an existing drive-in bank facility. She said they had worked with OCP staff, and met with the Mason District Land Use Committee and the Annandale Central Business District Planning Committee, and had addressed all of their concerns. She noted that each of the groups had recommended approval of the application subject to the conditions suggested by OCP staff. Ms. Bitner stated that the application was in harmony with the Comprehensive Plan and in conformance with the provisions of the Zoning Ordinance. She requested a favorable recommendation by the Commission.

There being no further comments or questions from the Commission, Chairman Murphy called for speakers from the audience but received no response. Mr. Russ had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE-97-M-019 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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RZ-1997-MV-010 - STONEPOINT, L.C. - Appl. to rezone from R-1 and R-3 to R-3 to permit residential development at a density of 2.28 dwelling units per acre (du/ac) on property located on the E. side of Hooes Rd., approx. 1,000 ft. S. of its intersection w/Silverbrook Rd. on approx. 7.03 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 97-4 ((1)) 22 & 23. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, attorney for the applicant reaffirmed the affidavit dated May 8, 1997, as reaffirmed with the County Attorney on June 11, 1997. 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. Strobel gave a brief history of actions taken concerning the property. She addressed two issues raised by the surrounding community concerning locations of the proposed access to Hooes Road and the proposed stormwater management pond. Ms. Strobel said the applicant had presented the request to the Mt. Vernon Council, the Federation of Lorton Communities, and the Crosspointe Board of Trustees. She said it was her understanding that the groups mentioned had decided not to take a position due to the two issues she discussed previously. She noted that the applicant had agreed to a deferral of a decision on the application.

Commissioner Byers referred to sight distance as noted on the site plan. He and Ms. Strobel discussed requirements for minimum sight distance as cited in the Public Facilities Manual (PFM), page 7-17. Ms. Strobel said the applicant would correct any discrepancies with respect to Ordinance requirements.

Commissioner Byers announced his intention to defer decision on this application.

Commissioner Byers requested that Ms. Strobel provide him with a site plan that would show the sight distance at the access road currently on the site plan, as well as the proposed southern-most access, and show how they would meet the County's minimum standards. He was making the request, he said, because he had recently been made aware of another off site problem that would impact sight distance. Commissioner Byers then asked Mr. Chuck Almquist, Department of Transportation, to brief the Commission on the potential sight distance problem.

Mr. Almquist said that south of the site, between the site property line and Dudley Drive, Hooes Road had a slight vertical curve with a five foot shift in elevation as well as a horizontal curve with the road shifting over approximately the width of one lane, approximately 12 feet. He also said the embankment along the federal property was such that he did not believe the applicant would be able to provide adequate sight distance to the south for traffic exiting the property because of the horizontal and vertical curves. Mr. Almquist advised that the distances referenced in the table for sight distance, based on speed, was from the County's PFM. He said the Virginia Department of Transportation (VDOT), not the County, would grant the entrance permit and make the final determination. Commissioner Byers, Mr. Almquist, and Ms. Strobel agreed that if clearing was not done at the entrance of the site there would be no way to obtain adequate sight distance and that would preclude obtaining an entrance.

Commissioner Harsel and Ms. Strobel discussed the AT&T easement that bisected the site.

Skip Costin, with Stonepoint, advised that the current easement serviced a GTE line that passed overhead through the property. He said it was the applicant's intention to have the line placed underground.

In answer to Commissioner Harsel's questions concerning placing homes over an underground power line and the size of the lots, Mr. Costin said the line would be rerouted to be consistent with the actual subdivision of the property; and, the lots were approximately one-third of an acre.

Commissioner Kelso pointed out that the development as shown had no pipestems and he commended the applicant.

Chairman Murphy called for speakers from the audience.

Robert Lundy, 8828 Ox Road, Lorton, represented the Federation of Lorton Communities. He said the Federation thought the access and stormwater management issues should be addressed more fully before they took any action. He also stressed the need to save trees.

Tim Sargeant, 8803 Cross Chase Circle, Lorton, representing the Crosspointe Board of Trustees, said the Board and residents of Crosspointe were concerned about saving trees, the safety of drivers at the intersection and turn lane at the current site, staff's comments concerning the possibility of VDOT requiring additional right-of-way, and access to the site.

Mr. Sergeant, in response to a question from Commissioner Byers, said the community was aware that providing adequate sight distance might require the removal of a significant number of trees.

Laurie A. Frost, Esquire, 8950 Hooes Road, Lorton, explained that she owned parcel 20B located directly across the street from the proposed entrance to the project. She said she was not

opposed to the development but was very concerned about the removal of trees and the lack of sight distance and the dangers associated with exiting on to Hooes Road. She suggested that the

entrance be moved further to the south. Using the overhead projector, Ms. Frost showed photographs of various sections of Hooes Road. (Copies of the photographs are in the date file.)

James Delaney, 8519 Century Oak Court, Lorton, agreed with the comments made by the previous speakers.

Jonathan A. Billings, 8523 Century Oak Court, Lorton, agreed with the comments made by previous speakers.

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

Ms. Strobel confirmed that the trees referred to earlier were in the VDOT right-of-way and the applicant could not commit to saving or removing them. She also said the applicant would continue to work with staff and the community to resolve outstanding issues.

There being no further comments or questions, Chairman Murphy closed the public hearing and recognized Commissioner Byers for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT WE DEFER THE DECISION ONLY ON RZ-1997-MV-010, TO A DATE CERTAIN OF JULY 23, 1997, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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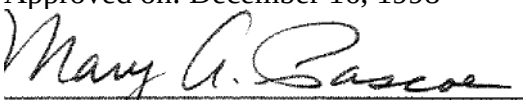
The meeting was adjourned at 12:03 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: December 16, 1998



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