MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 19, 2007

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Ronald W. Koch, Sully District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Rodney L. Lusk, Lee District

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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

Chairman Murphy announced that the Planning Commission would meet on Wednesday, July 25, 2007 and Thursday, July 26, 2007 before the August recess. He noted that the Commission would reconvene on Tuesday, September 11, 2007 to hold a special meeting on RZ/FDP 2005-PR-041, Merrifield Mixed Use LLC.

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Commissioner Hart called attention to a memorandum dated July 18, 2007 from Fred Selden, Director of the Planning Division, Department of Planning and Zoning, regarding revisions to the draft Policy Plan amendment addressing air quality and "green building" issues and a summary of the Board of Supervisors' actions on July 9, 2007. He announced that on Wednesday, July 25, 2007, at 7:30 p.m., in the Board Conference Room, the Planning Commission's Environment Committee would meet to discuss refinements to this amendment and develop a timeline that would allow the Board's consideration by the end of this year. Commissioner Hart noted that on July 25, at 6:30 p.m., staff would meet with members of the National Association for Industrial and Office Parks to discuss air quality and "green building" issues. He said everyone was welcome to attend the meetings.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2007-HM-008, PHILLIP AND MELINDA R. PON, TO A DATE CERTAIN OF SEPTEMBER 26, 2007.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Hart abstaining; Commissioner Lusk absent from the meeting.

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SE 2005-MV-017, KEVIN J. O'NEILL, TO A DATE CERTAIN OF JULY 25, 2007, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ 2007-PR-002 AND SEA 84-P-105-03, FLINT HILL SCHOOL, TO A DATE CERTAIN OF JULY 26, 2007, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

MAY 4, 2005	MAY 5, 2005	MAY 12, 2005	MAY 18, 2005
MAY 19, 2005	JUNE 1, 2005	JUNE 2, 2005	JUNE 15, 2005
JUNE 16, 2005	JUNE 29, 2005	JUNE 30, 2005	

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Sargeant abstaining; Commissioner Lusk absent from the meeting.

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Commissioner Hall noted that the Planning Commission's Policy and Procedures Committee would meet on Thursday, July 26, 2007, at 7:00 p.m. in the Board Conference Room, to discuss the Virginia Department of Transportation's new Traffic Impact Analysis requirement for Plan amendments and the timeline for the next Area Plans Review process.

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Commissioner Hall said she had received a memorandum from Gary Chevalier, Director of the Office of Facilities Planning, Fairfax County Public Schools (FCPS), indicating that on May 24, 2007, FCPS received a lump sum transfer of approximately $5.4 million proffered for public schools, with half for specific capital improvements and the remainder for schools at-large.

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FS-P07-35 - SPRINT-NEXTEL, 8380 Greensboro Drive

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT FS-P07-35 IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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FS-B07-25 - FAIRFAX COUNTY PUBLIC SCHOOLS, 9515 Main Street

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-B07-25 IS IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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PCA 1998-SU-009-02 - FAIR RIDGE, LLC
RZ 2007-SU-003 - FAIR RIDGE, LLC
SE 2007-SU-002 - FAIR RIDGE, LLC (Decisions Only)
(The public hearing on these applications was held on July 12, 2007. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1998-SU-009-02.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2007-SU-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 19, 2007.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2007-SU-002, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 27, 2007.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT, AND TO ALLOW THE USE OF EXISTING VEGETATION.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENT TO THE NORTH, IN FAVOR OF THAT PROFFERED.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF ADDITIONAL STANDARD NUMBER 9 OF SECTION 9-306, TO ALLOW A 19.8-FOOT SETBACK

INSTEAD OF THE 30-FOOT ON THE EASTERN BOUNDARY, AS SHOWN ON THE GDP/SE PLAT.

Commissioner Lawrence seconded the motion which carried by a vote of 9-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (FEMA REFERENCES)
2. ZONING ORDINANCE AMENDMENT (RESIDENTIAL TEMPORARY PORTABLE STORAGE CONTAINERS)
3. PCA 1999-MV-025-04 - MARKETPLACE CAR WASH, LLC
   SE 2007-MV-005 - MARKETPLACE CAR WASH, LLC
4. RZ 2006-MV-031/FDP 2006-MV-031 - KB HOME VIRGINIA INC. D/B/A KB HOME MID-ATLANTIC
   SEA 2004-MV-035 - KB HOME VIRGINIA INC. D/B/A KB HOME MID-ATLANTIC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (FEMA REFERENCES) - To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Replaces references to the "Federal Insurance Administration" with references to the "Federal Emergency Management Agency" in Sections 2-904, 8-011, 8-922, 8-923, 8-924, 9-011, 9-615, 9-622, 16-303, 16-501, 16-502, 18-202, 18-403, and within the floodplain definition in Article 20 of the Zoning Ordinance. COUNTYWIDE. PUBLIC HEARING.

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this item. There being none, he asked that the presentation by staff be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING FEDERAL EMERGENCY MANAGEMENT AGENCY

REFERENCES, AS PRESENTED AND RECOMMENDED IN THE STAFF REPORT DATED JUNE 18, 2007, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioners Alcorn and Flanagan seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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ZONING ORDINANCE AMENDMENT (RESIDENTIAL TEMPORARY PORTABLE STORAGE CONTAINERS) - To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: To allow temporary portable storage containers (which are purpose-built, fully enclosed, box-like containers with signage on one or more of their outer surfaces and designed for temporary storage of household goods and/or equipment, and are uniquely designed for ease of loading to and from a transport vehicle) with a height to be determined by the Board of Supervisors that will be not greater than 8 ½ feet to be placed in any yard on any lot developed with a dwelling unit as follows: (A) On lots developed with single family detached dwellings, allow temporary portable storage containers not exceeding a cumulative gross floor area to be determined by the Board of Supervisors that will be not less than 40 square feet or more than 260 square feet for a time period to be determined by the Board of Supervisors that will be not less than 2 consecutive days or more than 90 consecutive days within a 6 month period. (B) On lots developed with single family attached or multiple family dwellings, allow temporary portable storage containers not exceeding a cumulative gross floor area to be determined by the Board of Supervisors that will be not less than 40 square feet or greater than 260 square feet for a time period to be determined by the Board of Supervisors that will be not less than 2 consecutive days or more than 60 consecutive days within a 6 month period. (C) Where a dwelling has been destroyed or damaged by casualty and when the dwelling is to be rebuilt or repaired, by temporary special permit, allow temporary portable storage containers not exceeding a cumulative gross floor area to be determined by the Board of Supervisors that will be not less than 40 square feet or more than 260 square feet for a time period to be determined by the Board of Supervisors that will be not less than 3 months or more than 12 months or for the period of an active Building Permit, whichever is shorter in duration. Pursuant to authority granted by *Virginia Code* Sect. 15.2-2286(A)(6), establish a temporary special permit application fee to be determined by the Board of Supervisors that is within a range of $0 to $130 for such temporary portable storage containers. (D) All temporary portable storage containers shall

not be located in any required open space, landscaped area, or on any street, sidewalk or trail, and such containers shall meet the sight distance requirements on corner lots and shall not be placed in a location that blocks or interferes with vehicular or pedestrian circulation; such containers shall be located in accordance with all applicable Building Code and Fire Code regulations. (E) A sign that provides the contact information of the provider shall appear on all temporary portable storage containers. However, such signs shall not include the advertisement of any other product or service. The size of such signs shall not exceed an area to be determined by the Board of Supervisors that will be not less than one square foot per container. COUNTYWIDE. PUBLIC HEARING.

Jack Reale, 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 Zoning Ordinance Amendment.

In response to a question from Commissioner Alcorn, Mr. Reale explained that after discussions with Zoning Enforcement staff, it was concluded that enforcement would be facilitated if the permitted time period for the placement of portable storage containers on residential properties was designated in terms of consecutive days within a six-month period, which would be less difficult for staff to track than cumulative days. He said staff would monitor implementation of the proposed amendment to determine the need for additional changes.

Chairman Murphy pointed out that the Fairfax County Police Department responded to complaints about portable storage containers located on public streets, but not on residential properties.

Responding to questions from Commissioner Hart, Mr. Reale stated that zoning inspectors would request information from customers or industry representatives to verify the length of time a storage container had been placed on a particular property when investigating a potential violation. He indicated that if the date of placement was unknown, the time limitation would begin from the first knowledge of placement. He said that over the course of the past few years, staff had received 30 to 40 complaints per year regarding the location of storage containers on residential properties, a majority of which were resolved quickly, and no notice of violation had ever been appealed.

In response to a question from Commissioner Sargeant, Mr. Reale noted that the proposed amendment had an advertised range that would permit the time limitation to be less than 30 consecutive days within a six-month period.

Responding to another question from Commissioner Sargeant, Lorrie Kirst, ZAD, DPZ, stated that the amendment would need to be readvertised if it was modified to address parking restrictions imposed by residential cluster developments.

In response to a question from Commissioner Hopkins, Mr. Reale said that no additional time allowance for the placement of portable storage containers would be granted for residential lots that were greater than 36,000 square feet.

Responding to a question from Commissioner Harsel, Mr. Reale noted that portable storage containers would typically be placed in the customer's reserved parking space in single-family attached and multi-family dwelling developments. He said that in response to public input, the amendment had been revised to allow storage containers for a limited period of time, not to exceed seven consecutive days in those types of residential developments.

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

Bruce Jennings, 11021 Merion Lane, Fairfax, President of the Virginia Self-Storage Association and owner of Fairfax City Self Storage, noted that he had distributed his position statement and a document entitled "Zoning Issues with PODS," which had been prepared by James T. Davis, the Zoning Administrator for the City of Chesapeake, copies of which are in the date file. He recommended that the time restriction be less than 30 days, signage be limited to four square feet per storage container, a permit be required each time a container was placed on a residential lot, and that the permit be displayed on the container. Mr. Jennings expressed concerns about containers blocking emergency access to a water or gas valve and compromising sight distance. He commented that storage containers eliminated parking spaces, especially in high density neighborhoods.

Mr. Jennings replied to questions from Chairman Murphy regarding the average rental length of his business's storage units.

In response to a question from Commissioner Hart, Mr. Reale explained that the proposed amendment incorporated language requiring that portable storage containers be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire prevention. He indicated that if there was a violation, the Zoning Enforcement staff would coordinate with the Fire and Rescue Department or the Police Department to have the container immediately removed.

Aubrey L. Stowell, President of Box Carts of Virginia, Inc., 14790 Flint Lee Road, Chantilly, noted that he had distributed a package of documents, copies of which are in the date file. He said he would provide information to the County regarding the dates of placement and pick-up of his business's storage containers for regulatory purposes. He suggested that the proposed signage regulations for non-construction uses of portable storage containers be eliminated.

Responding to a question from Chairman Murphy, Ms. Kirst indicated that a typical County parking space was 9 feet wide, 18 feet long from the center of the white line.

In response to another question from Chairman Murphy, Mr. Reale noted that storage containers used in residential developments typically measured five feet by eight feet. He explained that the proposed 130-square foot provision would allow three of these size containers within a single parking space, but an adjacent parking space would need to be empty to permit access to the containers. He indicated that a parking space would also accommodate a container measuring 8 feet by 16 feet.

Responding to a question from Commissioner Hart, Mr. Reale said that although vehicles would not be prevented from parking next to a storage container, access would be difficult.

In response to more questions from Commissioner Hart, Mr. Stowell pointed out that 8 feet by 10 feet containers were only used for construction-related projects and those that that measured 5 feet by 8 feet were typically used in multi-family developments and did not interfere with access to adjacent parked vehicles. Mr. Stowell said he would not recommend placing three containers in one parking space unless the adjacent space was vacant. He stated that his employees would verify the availability for parking with the customer and homeowners association and would refuse to lease the container if certain criteria were not met. He noted that the average length of time his containers were used in single-family and multi-family attached developments did not exceed two weeks.

Responding to a question from Chairman Murphy, Mr. Stowell said there was no industry standard for the construction materials and dimensions of portable storage containers.

Chairman Murphy recommended that the multi-family and townhouse section of the Zoning Ordinance define the parking space requirements and specify the placement of portable storage containers in parking spaces, including a requirement for only one container per space. He also suggested that the Ordinance indicate the absence of an industry standard for portable storage containers. Mr. Stowell pointed out that his business would abide by the regulations adopted by the County.

Commissioner Alcorn commented that most townhouse and multi-family developments were governed by an association and the proposed Ordinance provisions would not preclude a homeowners association from establishing its own restrictions regarding portable storage containers. Commissioner de la Fe added that potential violations were usually solved by the homeowners association without the involvement of Zoning Enforcement staff.

In response to a question from Commissioner Sargeant, Mr. Stowell noted that his employees would notify staff within 24 hours of the placement of a storage container on a particular property and would make all pertinent information accessible to staff.

Responding to more questions from Commissioner Sargeant, Mr. Reale said industry representatives had agreed to provide information to Zoning Enforcement staff to verify the length of time a storage container had been placed on a specific property. He explained that a zoning inspector would first visit the property to investigate the complaint, contact the

homeowner to obtain information regarding the placement of the container, and verify the information with the portable storage business.

John Tompkins, President of Atlantic Coast Portable Storage (PODS), 8422 Wellington Road, Manassas, indicated that the Fairfax County Police Department had never received any complaints about portable storage containers. He recommended a 90-day time period to allow the placement of containers on residential lots during house constructions or major renovations.

Clay Davidson, representing 1-800-Pack-Rat, LLC, 3900 Stonecroft Boulevard, Suite R, Chantilly, aligned himself with the remarks of Mr. Tompkins. He expressed opposition to the proposed signage restrictions.

Commissioner Hopkins pointed out that the McLean Citizens Association supported a longer time limitation and the Great Falls Citizens Association supported a 60-day time limitation.

There being no more speakers, Chairman Murphy called for concluding staff remarks from Mr. Reale and Ms. Kirst, who declined.

In response to a question from Commissioner Hart, Mr. Reale explained that some portable storage businesses were considering changes to their signage that would be amenable to different jurisdictions.

Commissioner Flanagan said that the Mount Vernon Council (MVC) would submit for the record a resolution requesting that portable storage container signage be limited to four square feet and also noting that the color of these containers and their distance from curbs be regulated. He also indicated that the South County Federation (SCF) would submit a resolution expressing concern about certain residential types not being incorporated in the amendment, such as cluster developments.

Chairman Murphy commented that it would be difficult to standardize the color and sign dimensions of portable storage containers that were transported between regions.

Commissioner Sargeant requested that staff meet with industry representatives to ensure that the delivery of their storage containers would comply with County building and fire code regulations.

Commissioner Alcorn also requested that staff review comments received from the Western Fairfax County Citizens Association, MVC, and SCF and that Commissioners provide him with their recommended changes prior to the decision date.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING RESIDENTIAL TEMPORARY PORTABLE STORAGE CONTAINERS TO A DATE CERTAIN OF JULY 25, 2007, WITH THE RECORD REMAINING OPEN FOR ADDITIONAL COMMENT.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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PCA 1999-MV-025-04 - MARKETPLACE CAR WASH, LLC - Appl. to amend the proffers for RZ 1999-MV-025 previously approved for commercial development to permit a car wash and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.13. Located on the W. side of Lorton Market St., approx. 250 ft. from its intersection with Lorton Rd. on approx. 1.04 ac. of land zoned C-6. Comp. Plan Rec: Mixed Use. Tax Map 107-4 ((23)) C. (Concurrent with SE 2007-MV-005.) MOUNT VERNON DISTRICT.

SE 2007-MV-005 - MARKETPLACE CAR WASH, LLC - Appl. under Sect. 4-604 of the Zoning Ordinance to permit a car wash. Located on the W. side of Lorton Market St., approx. 250 ft. from its intersection with Lorton Rd. on approx. 1.04 ac. of land zoned C-6. Tax Map 107-4 ((23)) C. (Concurrent with PCA 1999-MV-025-04.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Sack, Harris & Martin, PC, reaffirmed the affidavit dated June 7, 2007. There were no disclosures by Commission members.

Commissioner Flanagan commented that the revised development conditions dated July 19, 2007 addressed all of his concerns.

Cathy Lewis, 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 applications.

Mr. Martin stated that the subject property was zoned to the C-6 District and the previously-approved special exception for a fast food restaurant with a drive-through window had not been established and subsequently expired. He said the proposed use would generate less than one-third of the daily trips that would had been generated by the fast food use. He explained that the subject applications proposed to develop a full-service car wash with a 110-foot tunnel and modern conveyor belt system, a water recycling system that would recycle a minimum of 80 percent of the waste water generated from the car wash, and one detailing bay and would provide adequate on-site stacking and efficient vehicular circulation. Mr. Martin noted that the applications were supported by the Lorton Station Homeowners Association, the South County Federation (SCF) and its Land Use Committee, and the Mount Vernon Council's (MVC) Planning and Zoning Committee. He said the applicant had worked with Ms. Lewis, Commissioner Flanagan, and Mount Vernon District Supervisor Gerald Hyland to address two minor concerns expressed by the SCF about the northern entrance along Lorton Market Street that would be shared with Pad Site A to the north by adding two development conditions and a proffer. He stated that the applicant had agreed to close the northern entrance and use the southern entrance only until such time as a use was operating on Pad Site A and had also agreed to widen the southern curb cut along Lorton Market Street to allow one vehicle to enter, one vehicle to exit left or through, and one vehicle to exit right simultaneously. Mr. Martin indicated that the applicant acknowledged that at such time as the use on Pad Site A was developed, the northern entrance along Lorton Market Street could be reconfigured to prohibit vehicles to access the subject site and the applicant would grant necessary permission to make such improvements. He said that the applicant had addressed all concerns and would meet with the MVC and SCF to brief them on the two new conditions and proffer.

Commissioner Flanagan pointed out that the MVC had voted 30-0 to table the motion to support the applications.

In response to a question from Commissioner Flanagan, Mr. Martin indicated that a travel aisle provided Pad Site A with its sole access across the subject site to a median break along Lorton Market Street.

Responding to a question from Commissioner Sargeant, Mr. Martin pointed out that the curb, gutter, and entrances to the subject site had been installed. He said the applicant had addressed concerns expressed by the community by agreeing to relinquish use of the shared entrance until such time as Pad Site A was developed.

In response to a question from Commissioner Hall, Chuck Almquist, Fairfax County Department of Transportation, explained that the northern access was not critical to the operation of the subject site, but when Pad Site A was developed, that access would be desirable to provide a right-in, right-out ingress/egress and route less traffic along the frontage of the car wash.

Responding to more questions from Commissioner Hall, Mr. Martin said the applicant had agreed to grant permission to the developer of Pad Site A to reconfigure the northern access to both sites.

Chairman Murphy called the first listed speaker and noted that the rules for public testimony previously cited still applied.

Calvin Smith, 8490 Sullenberg Court, Lorton, Chair of the SCF's Land Use Committee, noted that both the committee and SCF supported the applications. He stated that the SCF had requested that the applicant install two exit lanes from the car wash onto Lorton Market Street to prevent stacking. He said the proposed use was less intense than the fast food use.

In response to a question from Commissioner Hall, Mr. Smith said he supported the proposed closure of the northern entrance.

Mr. Smith replied to a question from Commissioner Sargeant about the median break along Lorton Market Street.

John Byers, 8218 Chancery Court, Alexandria, spoke in favor of the applications. He said the applicant had addressed all issues and the proposed development was in harmony with the Comprehensive Plan, met all applicable requirements of the Zoning Ordinance, and had received the unanimous support of the SCF and the MVC's Planning and Zoning Committee.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Martin, who declined.

Mr. Almquist suggested the addition of a development condition or proffer that stated that at such time as Pad Site A was developed, the developer of that site would be granted the right to access the existing service drive to facilitate on-site construction. Mr. Martin and Ms. Lewis both agreed that proffer language to that effect would be more appropriate.

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 Flanagan for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON PCA 1999-MV-025-04 AND SE 2007-MV-005, TO A DATE CERTAIN OF JULY 25, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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RZ 2006-MV-031/FDP 2006-MV-031 - KB HOME VIRGINIA INC. D/B/A KB HOME MID-ATLANTIC - Appls. to rezone from PDH-8,

R-4 and HC to PDH-8 and HC to permit residential development at a density of 6.70 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located in the N.W. quadrant of the intersection of Huntington Ave. and Hunting Creek Rd. on approx. 14.04 ac. of land. Comp. Plan Rec: 3-4 du/ac with option for 16-20 du/ac. Tax Map 83-1 ((1)) 56, 56A, 57, 57B, 62A, 62B, 63, 64, 65, 67, 68, 68A, 69, 69A, 70, 70A, 71, 71A, 72, 72A, 73, 73A, 74, 74A, 76, 76A, 78, 79, 80, 82, 83, 85, 88; 83-1 ((18)) 1, 1A, 2, 2A, 3, 4; 83-3 ((1)) 93, 94, 95, 96, 97, 98, 99. (Concurrent with SEA 2004-MV-035.) MOUNT VERNON DISTRICT.

<u>SEA 2004-MV-035 - KB HOME VIRGINIA INC. D/B/A KB HOME MID-ATLANTIC</u> - Appl. under Sect. 2-904 of the Zoning Ordinance to amend SE 2004-MV-035 previously approved for uses in a floodplain to permit modifications to site design and associated development conditions. Located in the N.W. quadrant of the intersection of Huntington Ave. and Hunting Creek Rd. on approx. 14.04 ac. of land. Comp. Plan Rec: 3-4 du/ac with an option for 16-20 du/ac. Tax Map 83-1 ((1)) 56, 56A, 57, 57B, 62A, 62B, 63, 64, 65, 67, 68, 68A, 69, 69A, 70, 70A, 71, 71A, 72, 72A, 73, 73A, 74, 74A, 76, 76A, 78, 79, 80, 82, 83, 85, 88; 83-1 ((18)) 1, 1A, 2, 2A, 3, 4; 83-3 ((1)) 93, 94, 95, 96, 97, 98, 99. (Concurrent with RZ/FDP 2006-MV-031.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Inda Stagg, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits dated June 18, 2007. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. Stagg's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Cathy Lewis, 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 applications.

Ms. Lewis replied to questions from Commissioner Hart regarding the potential redevelopment of unconsolidated parcel 77 and the orientation of its residential dwellings and the proposed reservation for a possible easement to provide access to that parcel.

In response to questions from Chairman Murphy, Ms. Lewis explained that the applications sought to consolidate two of those three parcels (parcels 93 and 94) that had not been included in the previous rezoning application. She indicated that the remaining parcel (parcel 77) was permitted to be redeveloped at only three to four residential dwelling units per acre, as defined under the Comprehensive Plan.

Ms. Stagg stated that the subject applications sought to incorporate two unconsolidated parcels, continue the development pattern that had been established along Huntington Avenue, and add a vehicular connection from Foley Street to Hunting Creek Road. She noted that the floodplain line on the site had been moved, which impacted 13 of the single-family attached dwellings that had been approved under the previous layout. She explained that the applicant had met frequently with the Mount Vernon Council's Environment and Planning and Zoning Committees and the Huntington community and addressed their issues by reducing the proposed density, adding nine dwellings, moving the development further away from the floodplain, and increasing the water storage capacity on the property. She indicated that the community groups had voted not to oppose the applications.

Ms. Stagg replied to questions from Commissioner Flanagan regarding the orientation, design elements, and balcony of the proposed dwellings.

Responding to questions from Commissioner Hart, Ms. Stagg explained that the applicant had eliminated the previously-proposed site entrance and proposed to relocate some of the dwellings out of the floodplain area in the southwest corner of the site, which caused the initially-proposed retaining wall to be reduced in height and linear length. John Levtov, civil engineer with Christopher Consultants, Ltd., pointed out that the proposed retaining wall would reach a maximum height of six feet in the southwestern corner of the site and taper off, be located adjacent to the alley access, and have railing along the top.

In response to a question from Commissioner Harsel, Ms. Stagg said the two-car garage and balcony of the units would face the alleyway at the rear of the lot.

Responding to a question from Commissioner Sargeant, Mr. Levtov indicated that the 24-foot wide alleyway would provide appropriate emergency vehicle access and parking would be prohibited along the alleyway.

In response to more questions from Commissioner Sargeant, Ms. Stagg explained that the proposed goal of 15 percent reduction in peak hour vehicular trips was based on a standard defined by the Institute of Transportation Engineers and had been included in the Transportation Demand Management (TDM) proffers from the previous rezoning application. She stated that the applicant would revise Proffer 2i(i) to clarify that the homeowners association would be responsible for hiring a professional transportation consultant to conduct an annual survey. Ms. Stagg noted that the applicant would also clarify the TDM strategies in the disclosure package that contained the homeowners association documentation. She said the applicant would install a sidewalk system as depicted in Proffer 2i(iv) and on the plat. Ms. Lewis pointed out that the TDM strategies listed under Proffer 2i would all be implemented by the applicant.

Responding to another question from Commissioner Sargeant, Ms. Lewis said the last sentence in Proffer 2i(s) would be revised to clarify that the homeowners association, through its designated transportation coordinator, would implement additional strategies that had not been listed.

Commissioner Sargeant suggested that the applicant clarify under Proffer 2i that the listed TDM strategies would be implemented by the applicant and not the homeowners association. Ms. Stagg concurred with this suggestion.

Commissioner de la Fe recommended that the applicant indicate under Proffer 2g that the pedestrian signal head would be a countdown signal.

Commissioner Lawrence recommended that the applicant add proffer language stating that the homeowners association could seek the help of the County in devising the survey instrument to conduct the annual TDM surveys. Ms. Stagg agreed with this recommendation.

Chairman Murphy called the first listed speaker and noted that the rules for public testimony previously cited still applied.

John McGraw, 2025 and 2027 Arlington Terrace, Alexandria, requested that a turning circle be installed at the end of Arlington Terrace within the Resource Protection Area (RPA) on the subject property to address the problem of vehicles having to back up 400 feet down the narrow street in order to turn around. He expressed concerns about the maintenance of the proposed eight-foot wide trail at the end of Arlington Terrace and sufficient parking for visitors of the proposed park area.

Commissioner Hart suggested that Mr. McGraw meet with staff to discuss the procedures to obtain permission for the installation of a turning circle within a RPA.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Stagg.

Ms. Stagg stated that the proposed development met the new parking requirement for 2.7 spaces per single-family attached dwelling unit. She noted that the proposed pedestrian trail would connect to the Huntington Metro station from the adjacent community and people would not drive and park to use the trail. Addressing Mr. McGraw's concerns, she explained that the trail would be composed of stone dust, the applicant would remove noxious weeds and plant materials from the trail and park area before they were dedicated to the Fairfax County Park Authority (FCPA), and FCPA would be responsible for removing any noxious plants that regrew. Ms. Stagg said the applicant agreed to grant an easement that would permit right-of-way for a cul-de-sac to be located in the area described by Mr. McGraw and indicate the potential easement on the plan. She pointed out that FCPA would need to be involved in the negotiation and a RPA exception or exemption would be required to allow the easement to occur.

In response to questions from Commissioner Flanagan, Ms. Stagg noted the area that had been dedicated to FCPA was 6.5 acres. She said the percentage of this area that would be needed to install a cul-de-sac or turnaround would not be less than the acreage previously proffered to FCPA.

Responding to a question from Commissioner Flanagan, Mr. Levtov said he would verify the amount of square footage permitted by the Chesapeake Bay Preservation Ordinance for a cul-de-sac to be located within a RPA.

Commissioner Alcorn suggested that staff and the applicant verify with the Fire and Rescue Department regarding any long-term plans for a turnaround for emergency vehicles to service this neighborhood.

In response to a question from Chairman Murphy, Mr. Levtov said the subject property was located within one mile of the Huntington Metro station.

Commissioner de la Fe expressed concern that the applicant was imposing a significant commitment onto the homeowners association by proffering it to designate a committee to implement additional TDM strategies and conduct annual surveys.

Responding to a question from Commissioner Flanagan, Mr. Levtov explained that parallel parking would be provided along some of the streets and parking spaces were distantly scattered throughout the site, which were composed of pervious pavers that exceeded the minimum water quality requirements. He indicated that parking was permitted on public streets, such as Foley Street and Hunting Creek Road.

In response to another question from Commissioner Flanagan, Ms. Stagg said the applicant had met the requirement for additional parking for the new homes and parking for the remaining homes had been established for the previous rezoning application. She noted that this configuration would allow parking within the floodplain area and, therefore, increase the parking ratio.

Responding to a question from Commissioner de la Fe, Ms. Lewis said staff would verify if the standard popsicle sign language had been included in the proffers.

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 Flanagan for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2006-MV-031 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Hall seconded the motion.

After discussion, Commissioner Flanagan MOVED THAT THE MOTION BE WITHDRAWN. Without objection, Chairman Murphy SO ORDERED.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER ITS DECISION ON RZ/FDP 2006-MV-031, SEA 2004-MV-035, AND RPA EXCEPTION NUMBER 7995-WRPA-004-1, UNTIL A DATE CERTAIN OF JULY 25, 2007.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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The meeting was adjourned at 11:15 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: Kara A. DeArrastia

Approved on: April 16, 2009

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