

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 17, 2003**

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Ilryong Moon, Commissioner At-Large
Laurie Wilson, Commissioner At-Large

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy announced that due to the scheduled closing of the Fairfax County Public Schools and the Fairfax County Government on Thursday, September 18, 2003 because of approaching Hurricane Isabel, the Planning Commission meeting, the Budget and Personnel Committee meeting, and the Environment Committee meeting scheduled for that date had also been cancelled.

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Commissioner Murphy introduced the new Clerk to the Planning Commission, Karen Everett.

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Commissioner Kelso announced that the public hearings on applications RZ 2003-LE-001, RZ 2003-LE-006, MVHRC Holding, Inc., and SEA 85-L-001-2, Calvary Road Baptist Church, scheduled for Thursday, September 18, 2003 would be deferred to Wednesday, October 8, 2003.

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Commissioner Smyth suggested, as a possible substitute for a meeting, those on the Budget and Personnel Committee could review the draft Strategic Plan, located in their packets tonight, and

forward their comments, if any, to Barbara Lippa, Executive Director of the Planning Commission.

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Commissioner Smyth reminded the Commission that the Policy and Procedures Committee would meet on Wednesday, September 24, 2003 at 7:00 p.m. in the Board Conference Room.

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Commissioner Smyth announced that the public hearing on applications PCA 75-7-004-2, RZ 2003-PR-008 and FDP 2003-PR-008, Lincoln Property, would be deferred to Wednesday, December 3, 2003.

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Commissioner DuBois complimented staff from the Department of Planning and Zoning for the new brochure entitled "Guide to Fairfax County Lighting Standards" distributed tonight.

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Chairman Murphy announced that the Fall for Arts event would be held on the grounds of the Fairfax County Government Center from Friday, September 26 to Sunday, September 28, 2003 after which a short promotional video was shown.

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Commissioner Harsel MOVED THAT THE ZONING ORDINANCE AMENDMENT ON CIVIL PENALTIES BE DEFERRED TO A DATE CERTAIN OF SEPTEMBER 25, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ 1999-PR-035, BBV BUILDING COMPANIES, INC., BE FURTHER DEFERRED TO A DATE CERTAIN OF SEPTEMBER 24, 2003, WITH THE WRITTEN RECORD TO REMAIN OPEN.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. S03-IV-MV1 - OUT-OF-TURN PLAN AMENDMENT
2. S03-IV-MV3 - OUT-OF-TURN PLAN AMENDMENT
3. RZ 2003-LE-010 – J & C ENTERPRISES
4. PCA 86-C-029-9/FDPA 86-C-029-5/SE 2003-HM-014 - PRENTISS PROPERTIES ACQUISITION PARTNERS, L.P.
5. PCA 84-P-101-3/FDPA 84-P-101-3 - CAMDEN U.S.A., INC.

This order was accepted without objection.

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S03-IV-MV1 - OUT-OF-TURN-PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County concerning approx. 8.89 ac. generally located on the northeast corner of Richmond Highway and Arlington Drive (92-4 ((1)) 94, 94A) in the Mount Vernon Supervisor District. The area is planned for office/hotel use at .50 FAR with an option for office/hotel at .70 FAR with conditions. The Plan Amendment will consider adding text that states a drive-thru bank may be appropriate if the area develops as a shopping center. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Ed Schriener, Planning Division (PD), 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 text as contained in the staff report.

Chairman Murphy called for speakers from the audience and outlined the rules for testifying before the Planning Commission.

Steven Lee, address unknown, owner of a small auto repair business in the area, spoke in opposition to the Plan amendment citing concerns about the safety of clients entering and exiting his business as well as others traveling along Richmond Highway.

In response to questions from Commissioner Byers and Chairman Murphy, Marianne Gardner, PD, DPZ, indicated that transportation issues, including ingress and egress, would be carefully reviewed as part of the special exception process for the bank to ensure that improvements along Richmond Highway were in accordance with an ongoing Virginia Department of Transportation study.

Keith Martin, Esquire, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, representing Provident Bank and the developer of the shopping center, noted that staff, the Southeast Fairfax Development Corporation, and the Mount Vernon Council supported the proposed Plan amendment. He said that the special exception application for the bank was under review by staff and that the public hearing would be held in the near future at which time all transportation issues would be addressed.

There were no further speakers, questions from the Commission, or staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on the amendment. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE OTPA S03-IV-MV1.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

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S03-IV-MV3 - OUT-OF-TURN-PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County concerning parcel 83-4((1))11A, located in the southwest quadrant of the intersection of Richmond Highway and the Capital Beltway (I-495/I-95). The amendment would increase the planned intensity for hotel use from 0.50 FAR to 0.60 FAR. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Commissioner Byers asked Chairman Murphy to ascertain whether there was anyone present who wished to address this Out-of-Turn Plan Amendment. Receiving no response, Chairman Murphy waived the staff report, closed the public hearing, and recognized Commissioner Byers for action. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF S03-IV-MV3.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

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RZ 2003-LE-010 - J & C ENTERPRISES - Appl. to rezone from R-1 to I-5 to permit industrial development with an overall Floor Area Ratio (FAR) of 0.30. Located on the E. side of Cinder Bed Rd., approx. 1,000 ft. N. of its intersection with Hill Park Dr. on approx. 7.12 ac. of land. Comp. Plan Rec: Industrial. Tax Map 99-2 ((1)) 25 – 28. LEE DISTRICT. PUBLIC HEARING

Robert Lawrence, Esquire, with Reed Smith, reaffirmed the affidavit dated September 5, 2003. There were no disclosures by Commission members.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is contained in the date file. She noted that staff recommended denial because the application was not in conformance with the Comprehensive Plan.

Commissioner Kelso stated that proffers were received that night that addressed the oil containment system.

Ms. Lewis stated that the revisions were satisfactory to staff.

Mr. Lawrence indicated that this application, if approved, would help to regenerate new development. He elaborated on several issues where he felt this application met the intent of the Comprehensive Plan in every respect, and commented on the extensive set of proffers provided.

Commissioner Kelso said the applicant had agreed to move loading docks from Building A, as depicted on the map shown, to the rear of Building D.

Mr. Lawrence concurred and indicated that he would revise the plan accordingly prior to the Board of Supervisors' public hearing.

When queried by Commissioner Kelso whether this would soften her denial, Ms. Lewis replied that it would help.

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

In response to a question from Commissioner Harsel, Ms. Lewis said that she would determine, before the Board heard this application, if the relocation of the loading area would change staff's recommendation of denial. She explained that it would most likely help the situation due to staff's concern about noise and odor emanating from the loading area. Ms. Lewis also noted staff's concern about Proffer Number 4 concerning hazardous materials, specifically if a self-contained oil containment system in a vehicle light service establishment would adversely impact groundwater quality.

Ms. Lewis responded to Commissioner Hall's question regarding the length of time it would take staff to re-evaluate their recommendation. Ms. Lewis stated that the application would have to be restaffed, but that she could have it done by next week.

While Commissioner Byers was not present, Ms. Hall cited her concern regarding the receipt of changes on the night of the hearing and requested additional time, particularly since the application had a recommendation of denial. She stated that she hoped Commissioner Kelso took that into consideration prior to making a motion.

In response to Commissioner Kelso's inquiry of her schedule, Ms. Lewis assured the Commissioners that she would be available as necessary.

Commissioner Kelso reminded everyone that this area has been worked on for the past four years. He noted that the applicant, in good faith, had cleaned up most of his zoning violations and planned to reforest the EQC area with only one other violation to resolve.

Commissioner Kelso stated this property had previously been subject to a plan amendment and had been changed from existing residential to I-5 with many restrictions regarding outdoor storage. He stressed the applicant has done everything asked of him to date.

Commissioner Hall queried Ms. Lewis regarding the other applications that Commissioner Kelso mentioned, particularly if they had been given favorable staff recommendations.

Ms. Lewis stated that one of the applications was first denied and eventually approved and noted the difference between the applications and that an additional application was also approved, but was not surrounded by residential property.

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 Kelso for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ 2003-HM-LE-010 BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 17, 2003 AND WITH THE PROVISION THAT THE LOADING DOCK AREA WILL BE RELOCATED AS STATED.

Commissioner Koch seconded the motion which carried by a vote of 6-2, with Commissioners Smyth and Hall opposed; Commissioner Byers not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENT OF 50 FEET ALONG THE EASTERN PROPERTY LINES TO A 25 FOOT WIDE TRANSITIONAL SCREENING YARD WITH LANDSCAPE OF EVERGREEN TREES AND EXISTING VEGETATION SHOWN ON THE GDP.

Commissioner Koch seconded the motion which carried by a vote of 5-3, with Commissioners Harsel, Smyth and Hall opposed; Commissioner Byers not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENT OF 50 FEET ALONG THE NORTHERN PROPERTY LINE TO A 16 FOOT WIDE TRANSITIONAL SCREENING YARD LANDSCAPED WITH EVERGREEN TREES AND EXISTING VEGETATION AS SHOWN ON THE GDP.

Commissioner Koch seconded the motion which carried by a vote of 5-3, with Commissioners Harsel, Smyth, Hall opposed; Commissioner Byers not present for the vote Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE MODIFICATION OF BARRIER REQUIREMENTS ALONG THE EASTERN PROPERTY LINE TO PERMIT THE SIDE OF PROPOSED BUILDING A TO SERVE AS A BARRIER.

Commissioner Koch seconded the motion which carried by a vote of 5-3, with Commissioners Harsel, Smyth, Hall opposed; Commissioner Byers not present for the vote Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS WAIVER OF THE TRAIL REQUIREMENT ALONG CINDER BED ROAD IN FAVOR OF THE PROPOSED FIVE FOOT WIDE CONCRETE SIDEWALK AS SHOWN ON THE GDP.

Commissioner Koch seconded the motion which carried by a vote of 6-2 with Commissioners Smyth and Hall opposed; Commissioner Byers not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

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PCA 86-C-029-9/FDPA 86-C-029-5 - PRENTISS PROPERTIES ACQUISITION PARTNERS, L.P. - Appls. to amend the proffers and final development plan for RZ 86-C-029 previously approved for mixed use development to permit site modifications and increase in building height at an overall Floor Area Ratio (FAR) of 0.73.

Located W. of Sunrise Valley Dr., between the W. terminus of Dulles Corner La. and Loudoun County Line on approx. 11.05 ac. of land zoned PDC. Comp. Plan Rec: Mixed use. Tax Map 15-4 ((1)) 1B1. (Concurrent with SE 2003-HM-014.). HUNTER MILL DISTRICT.

SE 2003-HM-014 - PRENTISS PROPERTIES ACQUISITION PARTNERS, L.P. - Appl. under Sect. 2-904 of the Zoning Ordinance to permit uses in a floodplain. Located W. of Sunrise Valley Dr., between the W. terminus of Dulles Corner La. and Loudoun County Line on approx. 11.05 ac. of land zoned PDC. Tax Map 15-4 ((1)) 1B1. (Concurrent with PCA 86-C-PDC. Tax Map 15-4 ((1)) 1B1. (Concurrent with PCA 86-C-029-9 and FDPA 86-C-029-5.). HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, a planner with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the applicant's affidavit dated August 20, 2003. There were no disclosures by Commission members.

William Mayland, Zoning Evaluation Department, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Ms. Baker mentioned a slight modification to the already-approved plan. She said that part of the development was planned for office at up to .7 floor ratio area (FAR). She noted that there were no changes to the intensity of the development, only modifications to the Final Development Plan.

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

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Commissioner de la Fe MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 86-C-029-9, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED AUGUST 26, 2003.

Commissioner Dubois seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner de la Fe MOVED TO APPROVE FDPA 86-C-029-5, SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS DATED SEPTEMBER 3, 2003 AND THE BOARD OF SUPERVISORS' APPROVAL OF PCA 86-C-029-9.

Commissioner Dubois seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner de la Fe MOVED TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2003-HM-014, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED SEPTEMBER 3, 2003.

Commissioner DuBois seconded the motion which carried unanimously with Commissioners Alcorn, Moon and Wilson absent from the meeting.

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The next case was in the Springfield District, therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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PCA 84-P-101-3/FDPA 84-P-101-3 - CAMDEN U.S.A., INC. -
Appls. to amend the proffers and final development plan for RZ 84-P-101 previously approved for mixed use development to permit residential and mixed use development at a density of 54 dwelling units per acre (du/ac). Located in the N.E. quadrant of the intersection of Fair Lakes Pkwy. and Monument Dr. on approx. 7.45 ac. of land zoned PDC and WS. Comp. Plan Rec: Fairfax Center Area: Residential as an option. Tax Map 46-3 ((1)) 36E.
SPRINGFIELD DISTRICT. PUBLIC HEARING.

Antonio Calabrese, Esquire, of Cooley Godward, on behalf of the applicant, reaffirmed the affidavit dated August 22, 2003. There were no disclosures by Commission members.

William Mayland, Zoning Evaluation Department, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Calabrese stated there would be significantly less impact on the transportation network than the existing approved office development. He described the parking situation and said contributions would be made to County Schools and Parks and Recreation. He said the applicant had proffered to provide five percent of the units under the Affordable Housing Program.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. There were no comments or questions from the Commission or closing staff remarks, therefore he closed the public hearing and recognized Commissioner Murphy for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE PCA 84-P-101-03, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED AUGUST 12, 2003.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 84-P-101-3, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS DATED SEPTEMBER 3, 2003 AND THE BOARD OF SUPERVISORS' APPROVAL OF PCA 84-P-101-3.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PDC DISTRICT STANDARDS FOR THE PERCENTAGE OF RESIDENTIAL DEVELOPMENT TO PREVENT A MAXIMUM OF 955,000 SQUARE FEET OF RESIDENTIAL USE PRIOR TO THE APPLICATION OF AN ADU ORDINANCE FOR RZ 83-P-101 AND 1,850,000 SQUARE FEET OF RESIDENTIAL USES FOR THE ENTIRE CENTENNIAL GATEWAY DEVELOPMENT, RZ 84-P-101, AND RZ 83-P-107, AS AMENDED.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 600 FOOT PRIVATE STREET LENGTH REQUIREMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A MODIFICATION OF THE LOADING SPACE REQUIREMENT TO PERMIT FOUR SPACES INSTEAD OF FIVE.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Moon and Wilson absent from the meeting.

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At the conclusion of this case, Chairman Murphy resumed the Chair and adjourned the meeting.

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The meeting was adjourned at 9:22 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Heidi E. Baggett

Approved on: April 19, 2006

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