MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 28, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District

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The meeting was called to order at 8:24 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 Alcorn noted that the Planning Commission's Environment Committee had met earlier this evening with the Environmental Quality Advisory Committee (EQAC) to host a public information meeting on the proposed Public Facilities Manual Amendment regarding drainage divides. He announced that the Environment Committee and EQAC would meet again on Wednesday, October 19, 2005, at 7:30 p.m. in the Board Conference Room, to continue discussion on stream protection strategies and tools.

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Commissioner Wilson MOVED THAT THE PUBLIC HEARING ON THE PUBLIC FACILITIES MANUAL AMENDMENT REGARDING DRAINAGE DIVIDES BE DEFERRED TO A DATE CERTAIN OF OCTOBER 5, 2005.

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

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Commissioner Hart stated that the Board of Supervisors had indefinitely deferred consideration of a proposed Zoning Ordinance Amendment related to the Virginia Supreme Court decision in *Donald H. Cochran, et al. v. Fairfax County Board of Zoning Appeals*, dated April 23, 2004. He noted that prior to the readvertisement of the amendment, County staff would continue to hold public work sessions on potential issues such as setbacks, fence and wall height, lot width, and building height. Commissioner Hart announced that the remaining public meetings were as follows:

- September 29, 2005 at 7:00 p.m. in the North County Governmental Center, Community Room, 12000 Bowman Towne Drive, Reston, Virginia;
- October 6, 2005 at 7:30 p.m. in the Fairfax County Government Center, Conference Rooms 9 and 10, 12000 Government Center Parkway, Fairfax, Virginia; and
- October 11, 2005 at 7:30 in Braddock Hall (Kings Park Library), 9002 Burke Lake Road, Burke, Virginia.

Commissioner Hart pointed out that Commissioners would be able to attend the October 11th meeting since there was no scheduled Commission meeting that night. Barbara Lippa, Executive Director, Planning Commission Office, indicated that the full list of information meetings was posted on the Department of Planning and Zoning website.

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Chairman Murphy announced that Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, and Charlie Strunk, Fairfax County Department of Transportation, would be married on Saturday, October 1, 2005. On behalf of the Planning Commission, he wished them and their families the best.

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RZ 2004-MA-038 - MOON SIK PARK (Decision Only)
(The public hearing on this application was held on July, 13, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-MA-038, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 16, 2005.

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT AND MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTH PROPERTY LINE.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. CSPA 87-S-039-3 - CUSTOM SIGNS TODAY - GLENN McGEE
2. RZ 2005-SU-013/FDP 2005-SU-013 - RENAISSANCE HOUSING CORP. A/K/A RENAISSANCE HOLDINGS CORPORATION
   RZ 2005-SU-011 - RENAISSANCE AT RUGBY ROAD II, LLC
3. SE 2005-DR-016 - BRANCH BANKING & TRUST COMPANY OF VIRGINIA

This order was accepted without objection.

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The next case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Secretary Harsel.

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CSPA 87-S-039-3 - CUSTOM SIGNS TODAY - GLENN McGEE - Appl. to amend the previously approved Comprehensive Sign Plan for RZ 87-S-039 to permit a revised comprehensive sign plan for mixed use development. Located N. of Monument Dr., S. side of Random Hills Rd. and E. of Summit Heights Wy. on approx. 45.35 ac. of land zoned PDC. Tax Map 56-2 ((1)) 1C. SPRINGFIELD DISTRICT. PUBLIC HEARING.

At the request of Secretary Harsel, Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, introduced a new staff member, John David Moss.

Commissioner Murphy asked that Secretary Harsel ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 87-S-039-3, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 28, 2005.

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

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

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RZ 2005-SU-013/FDP 2005-SU-013 - RENAISSANCE HOUSING CORP. A/K/A RENAISSANCE HOLDINGS CORPORATION - Appls. to rezone from R-1 and HC to PDH-3 and HC to permit residential development at a density of 3.6 dwelling units per acre (du/ac), including bonus density for ADUs and approval of the conceptual and final development plans. Located on the N. side of Lee Jackson Memorial Hwy approx. 675 ft. W. of Rugby Rd. on approx. 30.56 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 45-2 ((1)) 1A. SULLY DISTRICT.

RZ 2005-SU-011 - RENAISSANCE AT RUGBY ROAD II, LLC - Appl. to rezone from R-1, HC, and WS to R-5, HC, and WS to permit residential development at a density of 4.9 dwelling units per acre (du/ac). Located in the N.E. quadrant of the intersection of Rugby Rd. and Lee Jackson Memorial Hwy. on approx. 6.93 ac of land. Comp. Plan Rec: 1-2 du/ac with an option for 4-5 du/ac. Tax Map 45-2 ((2)) 2, 3, 4 and 30. SULLY DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegle, Esquire, with McGuire Woods LLP, reaffirmed the affidavits for RZ/FDP 2005-SU-013 and RZ 2005-SU-011, both dated August 26, 2005. There were no disclosures by Commission members.

Tracy Swagler, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report on RZ/FDP 2005-SU-013, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Aaron Shriber, ZED, DPZ, presented the staff report on RZ 2005-SU-011, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to a question from Commissioner Hart, Mr. Shriber explained that the right-of-way that needed to be acquired to permit road improvements along Rugby Road was located on the frontage along the vacant parcel, which was owned by the Fairfax Church of Christ.

Responding to another question from Commissioner Hart, Ms. Swagler noted that the applications would provide frontage improvements for both properties. She said she was not sure when condemnation would occur if it was needed.

In response to further questions from Commissioner Hart, Michael Davis, Fairfax County Department of Transportation (DOT), stated that DOT would have recommended denial if the condemnation language had not been included in the proffers, noting that the road improvements could not be completed unless the applicant acquired the church property.

Responding to questions from Commissioner Alcorn, Mr. Davis indicated that the improvements to Rugby Road were in the Comprehensive Plan and were not funded by the Capital Improvement Program.

Mr. Riegle said the applicant did not expect condemnation due to discussions with the church to acquire their property. He noted that staff had encouraged the applicant to incorporate condemnation language in the proffers as a precaution. He explained that the applications were compatible with the established character of the area; provided significant offsite road improvements; and integrated three projects through committed street frontage treatments, architecture, and landscaping concepts to function as one community. Mr. Riegle stated that the applicant had addressed issues affecting the existing development by providing excess visitor parking and residential amenities at locations that were proximate, linked to pathways, and integrated under one homeowners association to ensure reciprocal rights of access. He indicated that the applications had received the support of the Sully District Council.

In response to a question from Commissioner Hall, Mr. Riegle said the applicant anticipated that the issue regarding the right-of-way acquisition would be resolved shortly.

Commissioner Hall recommended that the phrase, “the applicant shall request the Board of Supervisors to condemn the necessary land and/or easements” be removed from Proffer Number 44 under RZ 2005-SU-013 and Proffer Number 33 under RZ 2005-SU-011. Kristen Abrahamson, ZED, DPZ, replied that this phrase had been evaluated by the County Attorney’s Office over 15 years ago to be used as a contingency plan.

Responding to questions from Commissioner Hall, Ms. Abrahamson explained that the applicant was responsible for the road improvements but did not have the ability to condemn the church property and the proffers did not obligate the Board of Supervisors to do so. She said cases where condemnation was necessary to achieve a public benefit were common. She stated that language was needed in the proffers to allow condemnation as a possibility if the applicant was not able to acquire the right-of-way that would serve a public need and purpose. Commissioner Hall requested that staff determine whether this language was still valid.

In response to a question from Commissioner Koch, Ms. Abrahamson indicated that staff could request further information regarding the condemnation language from the County Attorney.

Commissioner Hart suggested that condemnations be performed sparingly and the proffer language be revised after further discussions. Chairman Murphy recommended that the County Attorney, DPZ staff, and the Planning Commission's Policy and Procedures Committee address this issue.

Responding to concerns expressed by Commissioner Wilson and Chairman Murphy, Ms. Abrahamson noted that if the right-of-way had not been acquired after one year, the applicant would need to demonstrate what the landowner had offered and the Board of Supervisors could choose not to pursue condemnation and request that the applicant fulfill their obligations in another manner.

In response to a question from Commissioner Wilson, Ms. Abrahamson stated that the applicant would need to request an interpretation if the right-of-way had not been acquired and the Board of Supervisors did not elect to condemn the land. Commissioner Wilson expressed concern about who would make the interpretation and what it would be.

Responding to further questions from Commissioner Wilson, Mr. Riegle explained that the applicant had justified the use of private streets in the single-family detached development by providing the fixed access point off Route 50, a tree save area that included jurisdictional wetlands, and a park and amenity spaces. He pointed out that the adjacent Highland Oaks community had a mixture of public and private streets. Mr. Riegle said the use of public streets for the detached houses would not be reasonable due to the physical constraints on the site, loss of density, funding of a major road improvement, and design-related issues. He noted that the homeowners association documents would disclose that a public access easement was placed on the private streets, such as the entrance off Lee Highway.

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

James Tobin, 12753 Lavender Keep Circle, Fairfax, suggested that language regarding the homeowners association merger of the three properties be added to the proffers, overall parking spaces for visitors in the general community be increased, the service road entering the detached housing development be widened and parallel parking be permitted, the parking lot located near the recreation facility be expanded, a permanent barricade be erected during construction of the Kensington Manor community to prohibit any construction vehicle traffic entering the site from Rugby Road and all construction traffic be required to enter and exit on Route 50, and the proffered total amount toward the road maintenance fund be greatly increased. He expressed concern about the narrowness of the driveways in the Kensington Square community.

In response to a concern expressed by Commissioner Koch, Mr. Tobin recommended that additional parking be limited to the south side of the entrance because there would not be recreation facilities on that parcel. Commissioner Koch suggested that the applicant consider this possibility.

John Guevara, 3913 Collis Oak Court, Fairfax, President of the Fair Woods Homeowners Association, thanked the applicant for working with the community. He said the proposed widening of Rugby Road failed to accommodate the proposed homes in Kensington Square and the homes in the existing community and suggested that this issue be addressed. He requested that the Commission apply the necessary resources and identify viable solutions to relieve the growing traffic problem for both communities.

Paul Johnson, 12744 Lavender Keep Circle, Fairfax, spoke in favor of the homeowners association merger because it would encourage residents to share the responsibility of the private streets. He also indicated his support of the condemnation language because it would allow the construction of road improvements.

Dave Golden, 13732 Rosetree Court, Chantilly, representing the Fairfax Church of Christ, said the church had been in discussions with the applicant concerning the approximate 2,500 square feet of land that would be impacted by the Rugby Road expansion, noting that the church preferred that it not be condemned.

Rodney Hardman, 12975 Ridgemist Lane, Fairfax, expressed concerns about increased traffic congestion on Route 50 and construction traffic entering the site off Route 50 causing more hazardous conditions and traffic accidents.

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

Mr. Riegle stated that the applicant agreed to add a proffer regarding the incorporation of the homeowners association and to reexamine the site design to determine if any parking opportunities had been missed. He noted that the applicant had discussed the construction access issue with Commissioner Koch and Sully District Supervisor Michael Frey's Office and would revise the associated proffers. He said he believed that the proposals improved traffic circulation by adding considerable capacity in the area.

Responding to questions from Commissioner Wilson, Mr. Riegle said the size of the driveways had been related to the parking issue. He indicated that the applicant had received an administrative interpretation from staff to widen the entrance on Rugby Road to ease the traffic way. He agreed to add "and" between "right-of-way" and "easements" in the fifth line of Proffer Number 44 under RZ/FDP 2005-SU-013 and Proffer Number 33 under RZ 2005-SU-011.

In response to a question from Chairman Murphy, Mr. Riegle explained that the applicant would provide the appropriate turn lanes in and out of the site off Route 50 along with new pedestrian connections and design the entrance to prohibit left-hand turns exiting eastbound from the site.

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

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER DECISIONS ON RZ 2005-SU-013, FDP 2005-SU-013, AND RZ 2005-SU-011, TO A DATE CERTAIN OF OCTOBER 5, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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SE 2005-DR-016 - BRANCH BANKING & TRUST COMPANY OF VIRGINIA - Appl. under Sect. 4-804 of the Zoning Ordinance to permit a drive-in bank. Located at 2148 Centreville Rd. on approx. 1.14 ac. of land zoned C-6. Tax Map 16-1 ((1)) 7B pt. DRANESVILLE DISTRICT. PUBLIC HEARING.

Benjamin Tompkins, Esquire, with Reed Smith LLP, reaffirmed the affidavit dated August 25, 2005. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had had a financial relationship with the applicant within the last 12 months; therefore, he would not participate in this case.

Jonathan Papp, Zoning Evaluation Division (ZED), 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 application.

Commissioner Hopkins reported that the proposed development conditions dated September 27, 2005, contained revisions to Conditions Numbers 5, 6, 8, 13, and 14. She said the changes to Development Conditions Numbers 13 and 14 were minor and that she would address the changes to 5, 6, and 8.

Concerning Development Condition Number 8, Commissioner Hopkins stated that the applicant had proposed to transform the bypass lane into an ATM lane and erect appropriate signage.

In response to questions from Commissioner Hopkins, Kristen Abrahamson, ZED, DPZ, said she assumed that the easement along the Elden Street frontage would be used for ongoing maintenance due to its size. She indicated that there was potential for the property owner to have an agreement with the Virginia Department of Transportation (VDOT) to maintain the easement, which the applicant could further address.

Ms. Abrahamson explained that Condition Number 12 was a standard condition that notified the applicant that a Special Exception Amendment would be required if the stormwater management and Best Management Practice (BMP) requirements were not met.

Mr. Tompkins stated that the application would permit the demolition of a dated branch bank and replace it with a more attractive facility, noting that the relocation would improve the internal circulation within the shopping center, eliminate potential hazardous conflicts between the existing drive through lanes and a side entrance, and close an existing access point onto Elden Street. He noted that the proposal would also enhance the parking lot landscape and decrease the amount of impervious surface due to the relocation of existing mature trees. He recommended that Condition Number 8 be revised to require that the third drive through lane be for ATM use only and appropriate signage indicating the drive through lanes and access points be provided. Mr. Tompkins noted that the applicant agreed to modify Condition Number 6 to indicate that the easement would be up to four and a half feet in width as determined by VDOT. He stated that the Department of Public Works and Environmental Services had accepted the stormwater management and BMP program presented by the applicant; however, he said if it was needed, the applicant would provide additional riprap in the existing channels during site plan review.

Commissioner Hopkins commented that due to the coordination of the landscaping and the streetscaping with the Town of Herndon, the applicant had facilitated a lot of road improvements on Elden Street. She thanked the applicant for adding Condition Number 5, which stated that the applicant would provide landscaping on the Fairfax County side of the traffic island.

Responding to a question from Commissioner Hopkins, Richard Prosser, representing the applicant, stated that the canopy extension over the ATM lane would be approximately three feet and would not cover the lane entirely.

Mr. Tompkins agreed to the revision proposed by Commissioner Hopkins to Condition Number 8 regarding the ATM lane.

Commissioner Hopkins recommended that “up to four and a half feet in width” be added after “frontage” in Condition Number 6, noting that it could be changed to “one foot in width” as determined by VDOT. Mr. Tompkins said the applicant accepted this recommendation.

There being no speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, he closed the public hearing and recognized Commissioner Hopkins for action on this case. (A verbatim excerpt is in the date file.)

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SE 2005-DR-016 - BRANCH BANKING & TRUST COMPANY OF VIRGINIA September 28, 2005

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2005-DR-016, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 27, 2005 AND AMENDED AS FOLLOWS:

- REPLACE CONDITION NUMBER 8 WITH A CONDITION TO READ: "THERE SHALL BE A MAXIMUM OF THREE DRIVE THROUGH LANES FOR THE BANK AS SHOWN ON THE SE PLAT, ONE OF WHICH WILL BE USED FOR AN ATM ONLY. THE APPLICANT SHALL INSTALL ONSITE DIRECTIONAL SIGNAGE THAT INDICATES THE LOCATION OF THE DRIVE THROUGH LANES, ENTRANCE, AND EXIT TO HELP PATRONS DESIRING TO EXIT FROM UNINTENTIONALLY ENTERING THE DRIVE THROUGH LANES."

Commissioners de la Fe and Hall seconded the motion which carried unanimously with Commissioner Hart not present for the vote; Commissioners Byers, Lawrence, and Lusk absent from the meeting.

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The meeting was adjourned at 10:04 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: September 11, 2007

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