

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 30, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Janet R. Hall, Mason District
Kenneth A. Lawrence, Providence District
Laurie Frost Wilson, Commissioner At-Large

//

The meeting was called to order at 8:23 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.

//

COMMISSION MATTERS

Commissioner Byers MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SE 2004-MV-018, PETROLEUM MARKETING GROUP, INC., TO A DATE CERTAIN OF OCTOBER 14, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

//

FS-V04-64 – Nextel, 8101 Lorton Road

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FS-V04-64.

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

//

Commissioner Lusk MOVED THAT THE DECISION ONLY ON 2232-L04-5, T-MOBILE USA, BE DEFERRED TO A DATE CERTAIN OF DECEMBER 1, 2004.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Hall, Lawrence, and Wilson absent from the meeting.

//

FS-L04-55 – T-Mobile, 6700 Springfield Center Drive

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-L04-55, AS SHOWN ON THE CONSENT AGENDA.

[Note: The motion was not seconded.]

The motion carried unanimously with Commissioners Hall, Lawrence, and Wilson absent from the meeting.

//

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2003-DR-049, ROSEWOOD BUILDING & DEVELOPMENT, TO OCTOBER 21, 2004.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioners Hall, Lawrence, and Wilson absent from the meeting.

//

ZONING ORDINANCE AMENDMENT (CLUSTER CLARIFICATION)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON THE ZONING ORDINANCE AMENDMENT ON THE CLUSTER CLARIFICATION TO A DATE CERTAIN OF OCTOBER 14, 2004.

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

//

Commissioner de la Fe announced that he had met with the Park Authority Task Force yesterday on proposed revisions to the Parks element of the Comprehensive Plan.

//

Commissioner de la Fe noted that the School Board was considering disposing of some of their “unnecessary or surplus land.” He suggested that since there were many important land use issues related to this, the Planning Commission’s joint Schools, Parks, and Housing Committees should meet to discuss this issue. Chairman Murphy noted that the Board of Supervisors had scheduled a public hearing on October 18, 2004 to establish the procedures for this proposal; therefore, a meeting should be scheduled promptly.

//

Commissioner Alcorn announced that the Environment Committee had been briefed this evening by staff on proposed amendments to the Comprehensive Plan relating to the Chesapeake Bay which were scheduled for public hearing on October 7, 2004.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-D04-7 - VERIZON WIRELESS
2. PCA C-448-31/FDPA-C-448-31-02-01 and SE 2004-LE-015 - PCC-VAN DORN LLC
3. RZ 2004-BR-017 - GANJI MASSOUMEH

The order was accepted without objection.

//

2232-D04-7 - VERIZON WIRELESS - Appl. to construct a telecommunications facility, including a new 100-ft. tall transmission pole (replacing an existing 90-ft. transmission pole), panel antennas, and equipment shelter, located north of the intersection of Dolley Madison Bv. and Georgetown Pk., McLean. Tax Map 22-3 pt. (Va. Dept. of Transportation right-of-way.) Area II. DRANESVILLE DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, 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.

Responding to Commissioners de la Fe and Hopkins, Mr. Jillson explained this proposal was for a 100 foot replacement pole.

Frank W. Stearns, Esquire, with Venable LLP, stated there had been a need for additional coverage in the area since 1996. He identified alternative sites and explained that they were either unavailable or not in harmony with the Comprehensive Plan. He said there would be

minimal impact because the existing transmission pole would be replaced with one that was only ten feet taller. He explained that the applicant had met frequently with Edwin Kuhn of the Evermay Community Association during the review of this site and had provided him with pertinent documents. He stated that the McLean Citizens Association supported the application and that both the Park Authority and staff agreed that this location was the most appropriate site. He noted that the CIA had no objection to this site as indicated in a letter dated July 23, 2004, a copy of which is in the date file. Mr. Stearns presented slides indicating the anticipated coverage area as well as the view from surrounding areas including the historic district. In conclusion, Mr. Stearns noted that the application was in conformance with the Comprehensive Plan.

Mr. Stearns responded to questions from Commissioner de la Fe regarding existing poles on the alternative sites considered and from Commissioner Hopkins about the location of the pole, the distance between the pole and the entrance to the Evermay community, the height of surrounding trees, and safety concerns.

Mr. Stearns explained the reason for the basket-type antennas as opposed to stacked antennas to Commissioner Byers.

In response to a question from Chairman Murphy, Mr. Jillson stated to qualify as a "feature shown," the antennas would need to be flush-mounted.

Chairman Murphy called for speakers from the audience and recited rules for testimony before the Commission.

Thomas Fritz, 6303 Long Meadow Road, McLean, representing Evermay Community Association, expressed opposition to the application citing the unsightliness of the pole due to its style, width, and proximity to residential property. He said other sites were more suitable and mentioned the safety concerns with additional users and hazards associated with high voltage lines. Mr. Fritz submitted a letter for the record from Edwin A. Kuhn, Sr., President, Evermay Community Association dated September 29, 2004, outlining the Association's position.

Commissioner Hopkins commented that the visual impact of the pole would not be significant.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Stearns for rebuttal remarks.

Mr. Stearns said he understood the objections of the Evermay community; however, he reiterated the fact that this was the most suitable site according to the guidelines of the Comprehensive Plan. Addressing Mr. Fritz's concern for safety, he stated that the replacement pole would be much stronger and safer than the existing pole.

Commissioner de la Fe pointed out that the request was for replacement and relocation of an existing pole and was in compliance with the County's policy of co-location when possible.

There were no further comments or questions from the Commission; therefore, Chairman Murphy called upon Mr. Jillson for closing staff remarks.

Mr. Jillson noted that Objective 42, Policy J, of the Comprehensive Plan recommended increasing the height of or replacing existing structures to reduce the need for another structure as a means of mitigating the impact of proposed telecommunications structures. He also pointed out that the National Park Service had denied the use of the Langley Fork Park, one of the alternative sites considered.

Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this item. (A complete verbatim transcript of the decision made is in the date file.)

//

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION FIND 2232-D04-7, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

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

//

PCA C-448-31/FDPA-C-448-31-02-01 - PCC-VAN DORN LLC -
Appls. to amend the proffers and final development plan for RZ-C-448 and FDP-C-448 previously approved for a golf driving range, ancillary miniature golf course and an eating establishment to permit a change in approved hours of operation and site modifications. Located in the N.E. quadrant of South Van Dorn St. and its intersection with Kingstowne Village Pkwy. on approx. 6.40 ac. of land zoned PDH-4. Comp. Plan Rec: 3-4 du/ac. Tax Map 91-2 ((1)) 35A pt. and 35B. (Concurrent with SE 2004-LE-015.) LEE DISTRICT.

SE 2004-LE-015 - PCC-VAN DORN LLC - Appl. under Sect. 3-104 of the Zoning Ordinance to permit a golf driving range, ancillary miniature golf course and site modifications. Located at 6601 and 6625 S. Van Dorn St. on approx. 11.00 ac. of land zoned R-1. Tax Map 91-2 ((1)) 35A pt. (Concurrent with PCA-C-448-31 and FDPA-C-448-31-02-01.) LEE DISTRICT. JOINT PUBLIC HEARING.

Erika Byrd, Esquire, with McGuire Woods LLP, reaffirmed the affidavit for SE 2004-LE-015 dated August 19, 2004, and the affidavit for PCA C-448-31/FDPA C-448-31-02-01 dated September 2, 2004.

Commissioner Hart disclosed that his law firm had a pending case with Ms. Byrd's law firm but it would not affect his ability to participate in this case.

Lindsay Shulenberger, 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. Byrd explained that the applications had two components, the first of which was approval of extended hours of operation and site modifications to an existing driving range in a mixed-use development. She noted that the applications had the support of the Kingstowne Residential Owners Corporation (KROC) and the Lee District Land Use Committee. She described the surrounding development and said the new hours would mirror those of an adjacent restaurant. Ms. Byrd pointed out that the Final Development Plan showed an extensive landscaping commitment and that the facility complied with the recently adopted Zoning Ordinance Amendment on outdoor lighting. She said the second component was a request for site modifications which were needed to allow the installation of a new technology developed by Top Golf of England whereby identifier microchips would be planted in golf balls which would let golfers know where their balls had landed. Ms. Byrd said these modifications would necessitate excavating a portion of the existing driving range and fill it with four to six inches of gravel where the sensor system would be installed. She said proffered condition amendment approval was necessary to increase the amount of artificial surfaces and pointed out that a reduction in the natural grass area would reduce the amount of insecticides, fertilizers, and pesticides needed. She noted that the new technology would have no negative stormwater management impacts. Ms. Byrd submitted for the record a letter dated July 7, 2004 from Kathleen Snyder, President, KROC, to Lee District Supervisor Dana Kauffman, expressing support for the applications. She read into the record, at the request of Ms. Snyder, a condition whereby the applicant agrees to maintain all landscaping in a neat and tidy manner. (Copies of this letter and the condition are in the date file.) She said the proposal had the support of the community who was delighted that Top Golf had chosen this location to establish its foothold in North America.

In response to a question from Commissioner de la Fe, Commissioner Lusk explained the Lee District Land Use Committee supported the extended hours, which would have no appreciable negative impact on the surrounding area.

Chairman Murphy called the first listed speaker.

Dwight Borgstrand, 5171 Ballycastle Circle, Alexandria, representing Faith Evangelical Presbyterian Church, expressed concern that the increase in patronage would exacerbate the existing problem of a large number of errant golf balls falling onto the church property. He said this problem had not been addressed.

In response to a question from Chairman Murphy, Mr. Borgstrand identified the location of the church.

Responding to a question from Commissioner Lusk, Ms. Byrd said she knew of no technology that would allow the identification of errant golf balls. Responding to another question from Commissioner Lusk, Mr. Borgstrand said the church desired to be a good neighbor and wanted to see the applicant succeed, but said the number of errant golf balls did have a negative impact on the church.

In response to a question from Commissioner Byers, Mr. Borgstrand said the two existing net fences did not keep errant golf balls off church property and that the church would have no objection to increasing the height of these fences. Mr. Borgstrand also said that the applicant had not aggressively sought a solution to this long-standing problem.

Ms. Byrd responded to questions from Commissioner Lusk about steps taken by the driving range to mitigate the problem of errant golf balls.

Responding to a question from Commissioner Lusk, Ms. Byrd explained that steps taken by the driving range to mitigate the problem of errant golf balls included netting along the edge of the driving range, the use of only irons on the upper deck, and positioning a staff person along the shared property line to ensure that golf balls did not go into the parking lot during church services. She said the new technology would focus target areas with fewer mis-hits. She added that there had been few incidents of errant golf balls over the years.

In response to question from Commissioner Koch, Ms. Shulenberger said two proffers would be carried forward with this application requiring safety netting along the boundary of the church property. She said staff could work with the applicant to impose other conditions as well. Commissioner Koch said he could not support this proposal unless steps were taken to protect the church property and its users.

Commissioner Hart commented that the Board of Zoning Appeals, in dealing with similar situations, had determined that putting a fence farther away from the property line was more effective in dealing with errant balls than making the fence higher.

Commissioner Harsel said that because the driving range would be used by non-professional golfers for practice, it was very likely that there would be errant golf balls.

Chairman Murphy said he thought that the proposal was innovative and exciting but needed to be fine tuned so that the property rights of the church would be protected.

There were no further speakers; therefore, Chairman Murphy called for a rebuttal statement from Ms. Byrd.

Ms. Byrd said that the applicant had not been aware that errant golf balls were an issue of this magnitude until this afternoon, but said that she would work with the Planning Commissioner and the church to address it. She then questioned whether this issue was related to the application. Chairman Murphy assured her that it was.

The Commission had no further comments or questions and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON PCA C-448-31, FDPA-C-448-31-02-01, AND SE 2004-LE-015, PCC-VAN DORN LLC, TO A DATE CERTAIN OF OCTOBER 7, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

//

RZ 2004-BR-017 - GANJI MASSOUMEH - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.0 dwelling units per acre (du/ac). Located on the E. side of Sideburn Rd. approximately 125 ft. S. of Fyfe Ct. on approx. 1.00 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 77-2 ((1)) 7. BRADDOCK DISTRICT. PUBLIC HEARING.

Paul Hoofnagle, Alexandria Surveys International, LLC, reaffirmed the affidavit dated September 20, 2004. There were no disclosures by Commission members.

Aaron Shriber, Zoning Evaluation Division, 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.

In response to questions from Commissioner Harsel, Mr. Shriber said Proffers Number 8, 9, 10, 11, and 12 pertained to the preservation of an existing 20 inch red maple tree in the front yard and that a five foot sidewalk would be provided in lieu of a trail.

Mr. Hoofnagle stated that the applicant had originally proposed to rezone the subject property to R-2 and then request a variance from the Board of Zoning Appeals (BZA) because one of the lots would not have met the required R-2 District lot width. Upon staff's recommendation and due to the fact that it would be difficult to get a variance approval by the BZA due to recent litigation, he said the applicant had decided to request R-3 zoning with the stipulation that only two lots would be developed. He noted that the proposal was compatible with surrounding development and that all residential development criteria had been met.

Chairman Murphy called for speakers from the audience.

John Ruttencutter, 5419 Sideburn Road, Fairfax, asked what kind of houses were going to be built and expressed concern about property values decreasing.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Hoofnagle for rebuttal remarks.

Addressing Mr. Ruttencutter concerns, Mr. Hoofnagle said two-story colonial homes would be built on the two lots with 3,500-4,000 square feet of living area. He said they would be compatible with surrounding residential development and would not have a negative impact on property values.

Commissioner Harsel noted that a concern about the water table which had been raised at a citizens' meeting had been satisfactorily addressed by the applicant.

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 Harsel for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-BR-017, SUBJECT TO EXECUTION OF PROFFERS DATED SEPTEMBER 30, 2004.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hopkins not present for the vote; Commissioners Hall, Lawrence, and Wilson absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE MINOR PAVED TRAIL ALONG SIDEBURN ROAD IN FAVOR OF THE SIDEWALK CONNECTING ON EITHER SIDE OF THE PROPERTY.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hopkins not present for the vote; Commissioners Hall, Lawrence, and Wilson absent from the meeting.

//

The meeting was adjourned at 10:19 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

CLOSING

September 30, 2004

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: Susan M. Donovan

Approved on: January 31, 2007

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