

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 6, 2004**

PRESENT: 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
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District
Nancy Hopkins, Dranesville District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:20 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 Hart MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR OUT-OF-TURN PLAN AMENDMENT S04-CW-3CP TO A DATE CERTAIN OF THURSDAY, OCTOBER 21, 2004.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

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On behalf of Commissioner Hall, Chairman Murphy MOVED THAT THE PUBLIC HEARING ON SE 2002-MA-013, ABDULELAH AL-KELIDDAR, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 20, 2004.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. S01-CW-9CP - OUT-OF-TURN PLAN AMENDMENT (Police)
2. S01-CW-10CP - OUT-OF-TURN PLAN AMENDMENT (Animal Control)
3. S01-CW-11CP - OUT-OF-TURN PLAN AMENDMENT (Sheriff)
4. RZ 2004-SU-014 - TRUSTEES FOR OX HILL BAPTIST CHURCH
SE 2004-SU-012 - OX HILL BAPTIST CHURCH, TRUSTEES
5. SEA 80-P-135-04 - MCDONALD'S CORPORATION

This order was accepted without objection.

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S01-CW-9CP - OUT-OF-TURN PLAN AMENDMENT - To update information in the Police section of the Countywide Policy Plan Element of the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan amendment also proposes alternative patrols, a centralized police vehicle storage center, and an expanded public safety presence in the southeastern part of Fairfax County. COUNTYWIDE. PUBLIC HEARING.

Andrea Dorlester, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the file. She noted that staff recommended approval of the proposed Plan amendment.

Commissioner Hart stated that he had received a request from the South County Federation to defer the public hearing on this amendment, but pointed out that it had a Board of Supervisors public hearing date of October 18, 2004. Without objection, he requested to go forward with the public hearing.

Responding to inquires made by Commissioner Hart, Ms. Dorlester agreed that there was already text dealing with a police station in the adopted Plan for the Laurel Hill sector and that this amendment would complement it, any future site for a police station or other facility would require a 2232 application and a public hearing, and text addressing a helicopter facility to be located in the southeastern portion of the County was not linked to any particular sector or area at the present time.

At Commissioner Hart's request, Major Shawn Barrett explained that the proposed Medivac helicopter facility in the southeastern portion of the County would meet the population growth needs in the area. He said that if the heliport was placed in the Laurel Hill area, he felt that it should be placed near the landfill close to the I-95 corridor where it could respond quickly to calls in the Springfield Interchange area. Major Barrett acknowledged that once the site was identified, it would require approval of a 2232 application.

Replying to questions from Commissioner Hart, Ms. Dorlester clarified that in reference to the police docking facility described in Objective 17, Policy e. of the Policy Plan, the phrase "coastal boundaries" represented the area between the Prince William County line and the City of Alexandria line and that the centralized police vehicle storage center and the horse-mounted unit both had no specific locations identified at the present time.

In response to a question from Chairman Murphy, Major Barrett explained that the proposed helicopter facility would feature a setup similar to the heliport facility located on West Ox Road, which was in a strictly commercial area near a landfill.

Responding to questions from Commissioner Harsel, Major Barrett said that the Fairfax County Police were looking at newer model helicopters that would have specifically designed tail rotor blades that would be quieter than the current County and State Police models.

Chairman Murphy called for speakers from the audience, but received no response. 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 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 DEFER DECISION ON OUT-OF-TURN PLAN AMENDMENT S01-CW-9CP TO A DATE CERTAIN OF THURSDAY, OCTOBER 14, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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S01-CW-10CP - OUT-OF-TURN PLAN AMENDMENT - To update information in the Animal Control section of the Countywide Policy Plan Element of the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. COUNTYWIDE. PUBLIC HEARING.

Andrea Dorlester, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the file. She noted that staff recommended approval of the proposed Plan amendment.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; 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 DEFER DECISION ON OUT-OF-TURN PLAN AMENDMENT S01-CW-10CP TO A DATE CERTAIN OF THURSDAY, OCTOBER 21, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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S01-CW-11CP - OUT-OF-TURN PLAN AMENDMENT - To update information in the Sheriff section of the Countywide Policy Plan Element of the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. COUNTYWIDE. PUBLIC HEARING.

Andrea Dorlester, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the file. She noted that staff recommended approval of the proposed Plan amendment.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; 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 OUT-OF-TURN PLAN AMENDMENT S01-CW-11CP, AS SHOWN ON PAGES 2 THROUGH 4 OF THE STAFF REPORT DATED SEPTEMBER 10, 2004.

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

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RZ 2004-SU-014 - TRUSTEES FOR OX HILL BAPTIST CHURCH -
Appl. to rezone from R-1, HC, and WS to R-12, HC, and WS to permit the expansion of an existing church with a child care center, nursery school, and public uses. Located approximately 200 ft. S.E. of the intersection of Lee Jackson Memorial Hwy and Elmwood St. on approx. 5.76 ac. of land. Comp. Plan Rec: Industrial with an option for 16-20 du/ac. Tax Map 34-4 ((1)) 54A and 34-4 ((6)) 46. (Concurrent with SE 2004-SU-012.) SULLY DISTRICT.

SE 2004-SU-012 - OX HILL BAPTIST CHURCH, TRUSTEES -
Appl. under Sect. 3-104 of the Zoning Ordinance to permit a church with child care center, nursery school, and public uses. Located at 4101 Elmwood St. and 13910 Westmore St. on approx. 5.76 ac. of land zoned R-12, HC and WS. Tax Map 34-4 ((1)) 54A and 34-4 ((6)) 46. (Concurrent with RZ 2004-SU-014.) SULLY DISTRICT. JOINT PUBLIC HEARING.

William Baskin, Jr., with Baskin, Jackson, Hansbarger & Duffet PC, reaffirmed the affidavit dated September 2, 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 applications.

Mr. Baskin stated that the trustees for Ox Hill Baptist Church and the community's neighbors met with and resolved the concerns of the West Fairfax County Citizens Association Land Use Committee and the Sully District Land Use Committee.

Chairman Murphy called for speakers from the audience, but received no response. He noted that a rebuttal statement was not necessary. There were no 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 RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-SU-014, SUBJECT TO THE PROFFERS DATED SEPTEMBER 21, 2004.

Commissioners Byers and Lusk seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-SU-012, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 28, 2004, WITH A MODIFICATION TO THE LANGUAGE OF CONDITION 23 AS FOLLOWS: "IRRESPECTIVE OF THAT SHOWN ON THE GDP/SE PLAT, ALL NEW SIDEWALK CONSTRUCTION TO BE INSTALLED NORTH OF THE PROPOSED SITE ENTRANCE LOCATED ON PARCEL 54A, SHALL BE LOCATED APPROXIMATELY TWO FEET BEHIND THE FACE OF THE CURB IN ORDER TO ENHANCE THE SAFETY OF PEDESTRIANS. ALL NEW SIDEWALK CONSTRUCTION CONNECTING TO THE EXISTING SIDEWALK MAY CONTINUE THE EXISTING ALIGNMENT, SUBJECT TO THE APPROVAL OF DPWES."

Commissioners Byers and Lusk seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson 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 ALONG THE SOUTHERN AND A PORTION OF THE WESTERN PROPERTY BOUNDARIES.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN AND A PORTION OF THE WESTERN PROPERTY BOUNDARIES.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson 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 ALONG THE EASTERN PROPERTY BOUNDARY.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

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SEA 80-P-135-04 - MCDONALD'S CORPORATION - Appl. under Sect. 5-504 of the Zoning Ordinance to amend SE 80-P-135 previously approved for a fast food restaurant with drive-thru to permit site modifications. Located at 3009 Gallows Rd. on approx. 42,222 sq. ft. of land zoned I-5. Tax Map 49-4 ((1)) 17A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Inda Stagg, land use planner with Walsh, Colucci, Lubeley, Emrich & Terpak PC, reaffirmed the affidavit dated September 16, 2004. There were no disclosures by Commission members.

William Mayland, Zoning Evaluation Division, 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.

Ms. Stagg explained that the application was requesting an increase in height and minor site modifications, which would provide a higher quality facade than what had been previously approved.

Responding to questions from Commissioner Harsel, Ms. Stagg stated that there would be no roof lights on the structure and no changes had been made to the previously approved conditions.

Commissioner Hart noted that there had been prior Board of Zoning Appeals cases regarding McDonald's and an addition of a "tick-tock," which was a large European vending machine that sold various items and food for 24 hours a day outside the building. He added that there had been disagreement on whether the existing development conditions allowed that.

Commissioner Hart requested that a "tick-tock" vending machine not be permitted under the development conditions. Kevin Shree, representing the McDonald's Corporation, responded by saying that the applicant had no plans at the present time to install one at this location.

In response to a question from Chairman Murphy, Mr. Mayland explained that the installation of an outside vending machine would require a SEA application and that it was not specifically prohibited by the development conditions.

Commissioner Hart suggested that something be written in the development conditions prohibiting a "tick-tock" at this McDonald's site.

Andrea Dorlester, Planning Division, DPZ, recalled that there was a "tick-tock" at the McDonald's in Kings Park in the Braddock District and added that this type of vending machine would need to be shown on the SEA Plat.

Mr. Mayland pointed out that Development Condition Number 16 stated: "There shall be no outdoor storage or display of goods permitted on-site." He noted that staff could also add language regarding an outside vending machine to this condition.

Commissioner Harsel told Ms. Dorlester that "tick-tocks" were located in the Dranesville District and in the Braddock District.

Chairman Murphy called for speakers from the audience, but received no response. He 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 Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE SEA 80-P-135-04, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1, AS AMENDED AND NOW DATED OCTOBER 6, 2004.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A REAFFIRMATION OF A WAIVER OF ADDITIONAL STANDARDS 5A AND 5D FOR A FAST FOOD RESTAURANT.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Hopkins, and Wilson absent from the meeting.

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The meeting was adjourned at 8:50 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: February 28, 2007

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