

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 14, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason 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
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Nancy Hopkins, Dranesville District

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The meeting was called to order at 8:18 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

FS-M04-49 – SPRINT, 6565 Arlington Boulevard

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-M04-49, SPRINT, TO BE LOCATED AT 6565 ARLINGTON BOULEVARD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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FS-M04-62 – FAIRFAX COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY,
5107 Leesburg Pike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-M04-62 TO BE LOCATED ON TOP OF THE TOWER BUILDING IN BAILEYS CROSSROADS.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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SE 2004-MV-018 - PETROLEUM MARKETING GROUP, INC. (Decision Only)

(The public hearing on this application was held on September 8, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2004-MV-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 7, 2004.

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

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHEASTERN/SOUTHWESTERN PROPERTY LINE BE MODIFIED TO THE EXISTING PROPOSED VEGETATION DEPICTED ON THE SE PLAT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE A WAIVER OF THE REQUIREMENT FOR THE BARRIER ALONG THE SOUTHEASTERN PROPERTY LINE.

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

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THE RICHMOND HIGHWAY CORRIDOR STREETScape REQUIREMENTS BE MODIFIED TO PERMIT THE INSTALLATION OF FOUR TWO-INCH CALIBER DECIDUOUS TREES ALONG THE SITE'S FRONTAGE AS DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE SERVICE DRIVE REQUIREMENT ALONG MOUNT VERNON HIGHWAY BE WAIVED.

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

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PCA C-448-31- PCC-VAN DORN LLC, FDPA-C-448-31-02-01- PCC-VAN DORN LLC, SE 2004-LE-015 - PCC-VAN DORN LLC (Decisions Only) (The public hearing on these applications were held on October 7, 2004. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA C-448-31, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 14, 2004.

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

Commissioner Lusk MOVED THE PLANNING COMMISSION APPROVE FDPA-C-448-31-02-01, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA C-448-31.

Commissioners Lawrence and Byers seconded the motion carried unanimously with Commissioner Hopkins absent from the meeting.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-LE-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 14, 2004 WITH CONDITION NUMBER 4 BEING AMENDED TO REFLECT THE HOURS OF OPERATIONS IN THE OCTOBER 13, 2004 PROFFERS.

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

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A REAFFIRMATION OF A WAIVER OF THE BARRIER REQUIREMENT TO THE NORTHEAST AND SOUTHEAST IN FAVOR OF THAT DEPICTED IN THE CDPA/FDPA/SE PLAT.

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

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE ADDITIONAL STANDARDS FOR GOLF DRIVING RANGES, SECTION 9-529 OF THE ZONING ORDINANCE, TO PERMIT NETTING AND THE ASSOCIATED POLES CLOSER THAN 100 FEET TO THE LOT LINE.

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

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON CLUSTER SUBDIVISIONS FROM OCTOBER 14, 2004 TO INDEFINITELY.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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S01-CW-9CP - OUT-OF-TURN PLAN AMENDMENT (Police) (Decision Only)
(The public hearing on this application was held on October 6, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF OUT-OF-TURN PLAN AMENDMENT S01-CW-9CP AS SHOWN ON PAGES 2 THROUGH 6 OF THE STAFF REPORT DATED SEPTEMBER 10, 2004, BUT ALSO INCLUDING THE REVISED FIGURE 2, POLICE FACILITIES, INCLUDED IN THE ADDENDUM TO THE STAFF REPORT DATED OCTOBER 6, 2004.

Commissioner Byers seconded the motion which carried by a vote of 8-1-2 with Commissioner Wilson opposed; Commissioners Alcorn and Hall abstaining; Commissioner Hopkins absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2003-PR-054 AND SE 2003-PR-030, OURISMAN BETHESDA INC., TO A DATE CERTAIN OF JANUARY 27, 2005.

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

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S02-II-V2 - OUT-OF-TURN PLAN AMENDMENT (Providence) (Fairlee) (Decision Only)
(The public hearing on this application was held on July 22, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE OUT-OF-TURN PLAN AMENDMENT TO THE COUNTY MASTER PLAN IDENTIFIED AS SO2-II-V2 NOW DATED OCTOBER 7, 2004.

Commissioners Alcorn and Lusk seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT, AS PART OF THE OVERALL REVIEW OF THE COUNTY TRANSPORTATION POLICY PLAN, THE FOLLOWING ELEMENTS OR TASKS BE INCLUDED: THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COUNTY EXPLORE AND IMPLEMENT ANY CHANGES OR ADDITIONS TO POLICY WHICH SUPPORT ASSURANCE THAT METRO WILL HAVE THE RESOURCES NEEDED TO OPERATE, MAINTAIN, AND AS NECESSARY, EXPAND THOSE FACILITIES SERVING FAIRFAX COUNTY, WITH THE OBJECTIVE OF CONTINUED FUTURE UNDERPINNING OF COUNTY TRANSIT STATION AREA LAND USE POLICIES.

Commissioners Alcorn and Lusk seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COUNTY DEVOTE PARTICULAR EMPHASIS TO A REVIEW WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION OF PLANS AND PRIORITIES FOR ROAD NETWORK IMPROVEMENTS ON ALL ROADS IMPACTED BY THE IMPLEMENTATION OF TRANSIT STATION AREA LAND USE POLICIES.

Commissioners Lusk and Alcorn seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Lawrence MOVED THAT THE COUNTY EXPLORE AND IMPLEMENT ANY CHANGES OR ADDITIONS TO POLICY WHICH WILL SUPPORT THE ROUTINE DEVELOPMENT AND OPERATION OF ROBUST AND ENFORCEABLE TRAFFIC DEMAND MANAGEMENT PROGRAMS AT EVERY OPPORTUNITY ACROSS THE COUNTY, COVERING NOT ONLY EMPLOYMENT CENTERS BUT ALSO DENSE RESIDENTIAL DISTRICTS, SO THAT ROAD IMPROVEMENTS AND TRAFFIC DEMAND MANAGEMENT BECOME CO-EQUAL TRANSPORTATION SYSTEM MANAGEMENT TOOLS.

Commissioners Lusk and Alcorn seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Hopkins absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COUNTY EXPLORE AND IMPLEMENT ANY CHANGES OR ADDITIONS TO POLICY WHICH WILL SUPPORT CONTINUED FUTURE ACCESS TO COUNTY METRO STATIONS BY COMMUTERS WHO DO NOT LIVE WITHIN WALKING DISTANCE BUT WANT TO USE METRO. SUCH MEASURES MIGHT INCLUDE NOT ONLY PROVISIONS FOR THE PHYSICAL MEANS OF ACCESS BUT ALSO FOR THE PUBLIC EDUCATION AND INCENTIVE PROGRAMS REQUIRED TO HELP ENSURE THEIR BROADEST USE.

Commissioners Lusk and Alcorn seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Hopkins absent from the meeting.

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Commissioner Koch MOVED THAT RZ 2004-SU-015 AND FDP 2004-SU-015, NATIONAL CAPITAL LAND AND DEVELOPMENT, INC., BE DEFERRED UNTIL NOVEMBER 17, 2004.

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

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Commissioner Byers MOVED THAT THE PUBLIC HEARING ON SE 2004-MV-020 AND PCA 80-L-070, COMMONWEALTH CONSTRUCTION MANAGEMENT, BE DEFERRED TO A DATE CERTAIN OF DECEMBER 1, 2004.

Commissioners Lusk and Lawrence seconded the motion which carried unanimously with Commissioner Hopkins 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 (Reconstruction of Certain Single Family Detached Dwellings Destroyed by Casualty)
2. RZ 2004-PR-018 - LANDMARK PROPERTY DEVELOPMENT, LLC

The order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Reconstruction of Certain Single Family Detached Dwellings Destroyed by Casualty) - Appl. to amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Amend the zoning regulations and requirements pertaining to the extent and timing of construction and/or enlargement of certain single family detached dwellings that are destroyed or damaged by any casualty not intentionally caused by the owner or the owner's agent. In addition, the amendment proposes to provide for a special exception to allow the reduction of the yard requirements for the reconstruction of certain single family detached dwellings that are destroyed by casualty, subject to certain timing, causal, structural condition, size and location requirements. The proposed amendment would also allow extensions into required yards for certain access and/or safety features for single family detached dwellings. The amendment also proposes to amend Sect. 18-106 of the Zoning Ordinance to provide that there will be no fee for applications filed for the foregoing special exception.
COUNTYWIDE. PUBLIC HEARING.

Donna Pesto, Zoning Administration 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 amendment.

In response to questions from Commissioners de la Fe, Wilson, and Byers, Ms. Pesto defined "casualty" and "habitable" and if the Cochran litigation applied to this 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 Alcorn for action on this amendment.

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION FORWARD TO THE BOARD OF SUPERVISORS A RECOMMENDATION FOR ADOPTION OF THE ZONING ORDINANCE AMENDMENT AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 13, 2004.

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RZ 2004-PR-018 - LANDMARK PROPERTY DEVELOPMENT,
LLC - Appl. to rezone from R-1 to R-5 to permit residential
development at a density of 4.66 dwelling units per acre (du/ac) and a
waiver of minimum district size. Located on the E. side of Sutton Rd.
approximately 900 ft. S. of its intersection with Courthouse Rd. on
approx. 1.94 ac. of land. Comp. Plan Rec: Res. 4-5 du/ac.
Tax Map 48-1 ((1)) 80. PROVIDENCE DISTRICT. PUBLIC
HEARING.

John Thillmann, Landmark Property Development, LLC, reaffirmed the affidavit dated
September 13, 2004. There were no disclosures by Commission members.

Cathy Belgin, 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
application.

Mr. Thillmann explained that the proposed development would be similar to that of the adjoining
property with slightly less density and slightly larger townhouses. He pointed out that the new
development would be accessed through the Marywood community and become part of their
homeowners association. Mr. Thillmann noted that the applicant had agreed to add trees,
supplement vegetation, repair mailboxes, and put up a new entry feature at the request of the
association. He said the proposed development was in keeping with the Comprehensive Plan
and would be compatible with the existing neighborhood.

In response to a question from Commissioner Lawrence, Mr. Thillmann said that a waiver of
stormwater management had been requested to avoid the necessity of having another pond along
Sutton Road.

Mr. Thillmann responded to a question from Commissioner de la Fe about the ownership of
parcels abutting Nottoway Park.

Responding to questions from Commissioner Hart, Mr. Thillmann said that the applicant had
offered to construct a trail from Sutton Road to the Park Authority property, subject to the
approval of the Park Authority and any other parties who would benefit from the outlet road.
Ms. Belgin added that because half of the outlet road was part of the application property, the
option for the trail had to be shown on the plan in order for the applicant to proffer to an outside
improvement. She said this should not be an issue as long as there was consent of all owners and
beneficiaries of the outlet road. Mr. Thillmann noted that Proffer Number 16 addressed this
issue.

Mr. Thillmann and Ms. Belgin replied to Commissioner Wilson's concern about the retention of
the existing asphalt driveway near the emergency turnaround as shown on the plan.

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

Peter Somerville, 2709 Courthouse Oaks Road, Vienna, spoke in opposition to the application due to concerns about the density and area traffic.

Shawn MacDonald, 2729 Sutton Road, Vienna, also expressed opposition to the proposal due to concerns about the requested density.

Chairman Murphy explained that the proposal was in accordance with the Comprehensive Plan and compatible with the density of surrounding development.

Patricia Small, President of Marywood Homeowners Association, 9660 Glendevy Ct., Vienna, expressed support for the application because the appearance of the area would be improved.

Chairman Murphy called for a rebuttal statement from Mr. Thillmann, who declined.

Commissioner Hart commented that prior to decision, it should be determined if approval of a variance would be required for additions to the units, such as decks.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this item.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2004-PR-018, LANDMARK PROPERTY DEVELOPMENT, LLC, TO A DATE CERTAIN OF NOVEMBER 18, 2004.

Commissioners Lusk and Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Hopkins absent from the meeting.

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ADJOURNMENT

October 14, 2004

The meeting was adjourned at 9:53 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: Susan M. Donovan

Approved on: February 28, 2007

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