MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 29, 1998

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

ABSENT: John B. Kelso, Lee District

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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.

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COMMISSION MATTERS

Commissioner Coan referred to 98-II-6V, an Area Plans Review item in the Providence District, scheduled for decision only tonight. He noted that more time was needed and MOVED THAT WE DEFER ACTION FURTHER TO A DATE CERTAIN OF NOVEMBER 5, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Hunter stated that the Zoning Ordinance Amendment regarding bed and breakfast establishments required further review and MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON BED AND BREAKFASTS UNTIL WEDNESDAY, NOVEMBER 4, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Downer explained that four housing Policy Plan Amendments had been scheduled for decision only tonight, but were not quite ready. She therefore MOVED THAT WE FURTHER DEFER DECISION ONLY PY-96-HO-01, PY-96-HO-02, PY-96-HO-03, AND PY-96-HO-04 TO A DATE CERTAIN OF NOVEMBER 5, 1998, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Coan and Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Downer announced her intention to take action on 98-III-12UP, an Area Plans Review item that had been deferred, for decision only, indefinitely. She therefore MOVED THAT THE DECISION ONLY BE SCHEDULED FOR NOVEMBER 12, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Downer noted that outstanding issues necessitated deferral of the public hearing on a Dranesville District case and RECOMMENDED THAT THE PLANNING COMMISSION MOVE THE PUBLIC HEARING ON SEA-85-D-097-3, THE POTOMAC SCHOOL, TO A DATE CERTAIN OF NOVEMBER 11, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Koch, at the request of the applicant, MOVED THAT WE DEFER THE PUBLIC HEARING ON SEA-82-S-081 AND PCA-82-S-032, SOUTHERN STATES COOPERATIVE, UNTIL NOVEMBER 19, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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EXECUTIVE SESSION

Commissioner Byers MOVED THAT THE PLANNING COMMISSION GO INTO EXECUTIVE SESSION FOR CONSULTATION WITH LEGAL COUNSEL AND STAFF PERTAINING TO THE FOLLOWING SPECIFIC LEGAL MATTERS REQUIRING THE

PROVISION OF LEGAL ADVICE BY COUNSEL, PURSUANT TO *VIRGINIA CODE* SECTION 2.1-344 (A)(7), WITH RESPECT TO PCA-96-H-010:

WHAT ARE THE REQUIREMENTS UNDER THE NEW PROVISIONS OF THE ZONING ORDINANCE, REGARDING AFFORDABLE DWELLING UNITS (ADUS), AS THEY AFFECT THIS APPLICATION?

A) WHAT IS THE AUTHORITY OF THE PLANNING COMMISSION UNDER THE ORDINANCE WITH REGARD TO ADUS ON THIS APPLICATION?

B) DOES THE ORDINANCE PERMIT AN APPLICANT TO VOLUNTARILY PROVIDE ADUS, IF NOT REQUIRED BY THE ORDINANCE, IN ORDER FOR SUCH APPLICANT TO UTILIZE OTHER PROVISIONS AND/OR BENEFITS UNDER THE ORDINANCE, INCLUDING BUT NOT LIMITED TO REDUCED MINIMUM LOT SIZES, REDUCED SETBACK REQUIREMENTS, ET CETERA?

Commissioner Thomas seconded the motion which carried unanimously with Commissioners Downer, Hunter, and Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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The Commission went into Executive Session at 8:30 p.m. in the Board of Supervisors Conference Room and reconvened in the Board Auditorium at 9:05 p.m.

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Commissioner Byers then MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY MATTERS IDENTIFIED IN THE MOTION TO CONVENE EXECUTIVE SESSION WERE HEARD, DISCUSSED OR CONSIDERED BY THE PLANNING COMMISSION DURING THE EXECUTIVE SESSION.

Commissioners Alcorn and Thomas seconded the motion which carried unanimously with Commissioners Downer, Hunter, and Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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Chairman Murphy noted that the Commission had not yet received an update from the Virginia Department of Transportation (VDOT) concerning on-going and future projects as promised at the briefing on October 8, 1998. He asked staff to investigate.

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RZ-1997-PR-036 - MADISON HOMES, INC. (Decision Only)
(The public hearing on this application was held on October 15, 1998. A complete verbatim transcript of the decision is included in the date file.)

Commissioner Coan MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE RZ-1997-PR-036, SUBJECT TO THE PROFFERS BEFORE US, DATED OCTOBER 22, 1998.

Commissioner Alcorn seconded the motion which carried by a vote of 7-1-1 with Commissioner Byers opposed; Commissioner Murphy abstaining; Commissioners Downer and Palatiello not present for the vote; Commissioner Kelso absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ-1998-PR-028 - PAUL AND TERESA KLAASSEN
   SEA-86-P-101-5 - PAUL AND TERESA KLAASSEN
2. PCA-96-H-010 - J. A. LOVELESS HOMES V, INC.
3. SE-98-M-022 - ZP NO. 38 L.L.C.

This order was accepted without objection.

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RZ-1998-PR-028 - PAUL AND TERESA KLAASSEN - Appl. to rezone from R-1 to R-2 to permit a medical care facility, child care center & private school of general education w/an enrollment of 100 or more students daily w/an overall FAR of 0.20 on property located on the S. side of Arlington Blvd. opposite the intersection of Arlington Blvd. & Nutley St. on approx. 6.85 ac. Comp. Plan Rec: 3-4 du/ac. Tax Map 48-4((1))49. (Concurrent w/SEA-86-P-101-5.) PROVIDENCE DISTRICT.

SEA-86-P-101-5 - PAUL & TERESA KLAASSEN – Appl. under Sect. 3-204 of the Zoning Ord. to amend SE-86-P-101 for a medical care facility, child care center & private school of general education w/an enrollment of 100 or more students daily to permit expansion of the child care center & private school of general education, to increase

the max. daily enrollment of the child care center & the private school of general education & to permit bldg. additions on property located at 9211 Arlington Blvd. on approx. 6.85 ac. zoned R-2. Tax Map 48-4((l))49. (Concurrent w/RZ-1998-PR-028.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Michael Giguere, Esquire, with McGuire, Woods, Battle and Boothe, reaffirmed the affidavit dated October 28, 1998. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

In response to a question from Commissioner Alcorn, Ms. Lewis stated that the supplemental underground stormwater management chamber was still shown on the generalized development plan (GDP), but might not be needed in which case it would be deleted from the GDP. She added that the environmental planner who reviewed this case had not indicated any concern because of the chamber.

Mr. Giguere noted that the applicants had been in business in Fairfax County for more than 30 years. He stated that they were requesting an increase in enrollment at the Talent House from 330 students to 450 students in response to community demand. He pointed out that issues concerning tree preservation, traffic circulation and the environment had been addressed. Mr. Giguere said that the proposal had the support of nearby businesses and the Mantua Civic Association. He submitted several letters of support from nearby residents, copies of which are in the date file.

In response to questions from Commissioner Coan, Ms. Lewis explained that the gymnasium would be relocated to the basement of the new building and the current gymnasium would be converted to classrooms.

In reply to questions from Commissioner Coan, Mr. Giguere confirmed that the new building would be two stories in height and that Proffer Number 7(e) would be amended to remove the reference to equivalent landscaping in lieu of tree preservation.

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

Ron Dimon, 4008 Old Hickory Road, Fairfax, explained that he was a parent of two children enrolled at the Talent House and co-chairman of the Parent-Teacher Association. Mr. Dimon spoke about the merits of the school and supported the applications.

Holly Kopil, 5210 Olley Lane, Fairfax, representing the Talent House staff, also supported the applicant's proposal.

There being no further speakers, Chairman Murphy called upon Mr. Giguere for a rebuttal statement. Mr. Giguere declined, but in response to a question from Commissioner Coan, agreed to a one week deferral of the decision on this case.

There being no further comments, questions or closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Coan for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Coan MOVED THAT WE DEFER THE DECISION ONLY ON RZ-1998-PR-028 TO A DATE CERTAIN OF NOVEMBER 4, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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> PCA-96-H-010 - J. A. LOVELESS HOMES V. INC. - Appl, to amend the proffers for RZ-96-H-010 to permit residential development at a density of 9.47 du/ac on property located W. of Old Centreville Rd. & E. of Squirrel Hill Rd. on approx. 10.99 ac. zoned R-12. Comp. Plan Rec: Mixed use w/an option for residential at 12-16 du/ac. Tax Map 15-4((1))31; 16-3((1)) 0; 24-2((1))7; & 25-1((1))1. HUNTER MILL DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the affidavit dated October 13, 1998. There were no disclosures by Commission members.

Tracy Swagler, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Coan, Ms. Swagler confirmed that the applicant would be obliged to follow the currently-approved development plan and build the agreed upon 14 affordable dwelling units (ADUs) if the Commission and the Board rejected this application and that there would be no ADUs if this application was approved.

In reply to an inquiry from Commissioner Alcorn, Ms. Swagler confirmed that staff evaluated this application by comparing the previously approved plans to the applicant's proposal, and did not re-examine all of the issues involved in the original rezoning.

Ms. Strobel explained that the applicant had reduced the density requested to 9.47 dwelling units per acre (du/ac), which was below the currently approved density range of 12 to 16 du/ac. She added that, in accordance with the provisions of a recent Zoning Ordinance Amendment, the applicant was no longer required to provide ADUs. She submitted a letter of support from Clark Massie, a member of the ADU Task Force that evaluated the amendment, a copy of which is in the date file.

In response to a question from Commissioner Coan, Ms. Strobel acknowledged that the applicant would probably not be requesting a change to the proffers if the Zoning Ordinance had been amended to increase the number of ADUs required.

In response to Commissioner Palatiello's questions, Barbara Byron, Director, ZED, DPZ, said she did not know if there had been any instances in which the applicant had changed the proffers after the Planning Commission public hearing and before the Board of Supervisors public hearing because of the new Ordinance. She added, however, that there definitely were approved applications with proffer language that allowed applicants to request administrative reconsideration of the ADU commitment in view of the new Ordinance provisions.

Ms. Strobel agreed, pointing out that she personally knew of two such projects -- Jefferson Park in Providence District and Pulte Overlook in Mason District. Commissioner Coan commented that he had been new on the Planning Commission at the time of the Jefferson Park rezoning and had not realized the implications of the proffer concerning ADUs.

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

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-96-H-010 AND THE GENERALIZED DEVELOPMENT PLAN BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 22, 1998.

Commissioner Koch seconded the motion which carried by a vote of 7-1-3 with Commissioner Coan opposed; Commissioners Downer, Harsel and Thomas abstaining; Commissioner Kelso absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A REAFFIRMATION OF THE PRIOR APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS REQUIREMENT.

Commissioner Koch seconded the motion which carried by a vote of 8-1-2 with Commissioner Coan opposed; Commissioners Alcorn and Thomas abstaining; Commissioner Kelso absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A REAFFIRMATION OF THE APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT AND THE BARRIER REQUIREMENT ALONG THE EASTERN BOUNDARY OF THE SITE TO THAT SHOWN ON THE GDP; AND A REAFFIRMATION OF THE APPROVAL OF THE WAIVER OF A BARRIER REQUIREMENT AND A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE SOUTHERN BOUNDARY OF THE SITE TO THAT SHOWN ON THE GDP AND CONSISTENT WITH THAT IN THE PROFFERS.

Commissioner Koch seconded the motion which carried by a vote of 10-0-1 with Commissioner Coan abstaining; Commissioner Kelso absent from the meeting.

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SE-98-M-022 - ZP NO. 38, L.L.C. - Appl, under Sect. 4-604 of the Zoning Ord. to permit an automobile-oriented use (drive-through pharmacy) on property located at 6053 Leesburg Pike on approx. 1.45 ac. zoned C-6, HC, & SC. Tax Map 61-2 ((12))4 & 4A. MASON DISTRICT. PUBLIC HEARING.

David Houston, Esquire, with McGuire, Woods, Battle and Boothe, reaffirmed the affidavit dated October 22, 1998. There were no disclosures by Commission members.

Greg Russ, 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.

In response to a question from Commissioner Murphy, Mr. Russ stated that the subject property was zoned C-6.

Mr. Houston explained that a drug store could be built on the subject site by-right, without benefit of a public hearing or conditions, and that the reason this application was before the Commission was because the applicant wished to have a drive-through pharmacy associated with the proposed Eckerd's Drug Store. He said that the trip generation and overall impact would be minimal. Mr. Houston said that the 24 conditions agreed to were indicative of the amount of work put into this project. In response to citizens' concerns regarding safety, he stated that he had contacted the local police station and noted that the conditions concerning lighting and screening had been developed as a result of conversations with Officer Brown. He said that there would be no outdoor vending machines or pay phones in an effort to deter loitering and outdoor video cameras would be installed for safety and security purposes. He explained that the

restrict the hours for sale of alcoholic beverages and not to sell single beers or quart bottles. Mr. Houston noted that many of the objections expressed by citizens in the area were not related to the four to five vehicles per hour that were expected to use the drive-through facilities. He added that the proposed appearance of the site was in conformance with the Baileys Crossroads streetscape plan. He noted that the applicant had agreed to build a deceleration lane on Glen Carlyn Road and spoke about other transportation improvements planned. Mr. Houston noted that the proposed location of the loading dock had been changed to move it further from the Old Salem Apartments and that the applicant had agreed to restricted hours for deliveries. He outlined the stormwater management system, noting that the Lake Barcroft Watershed Improvement District had been consulted for input. He stated that the applicant had requested a total of three drive-through lanes: one for picking up prescriptions; one for dropping off prescriptions; and a third bypass lane for customers who changed their minds or did not want to wait. He spoke about the buffering to be provided and noted that some changes might be necessary, especially concerning the southern border of the subject property. He asked that the pharmacy be allowed to operate on a 24-hour basis and noted that the Mason District Land Use Committee (MDLUC) supported this request. Mr. Houston stated that the applicant had made presentations the Baileys Crossroads Revitalization Corporation three times and now had its support as well.

Commissioner Hall commented that she had only recently become aware of the problem with buffering along the southern boundary and announced her intent to keep the hearing open for at least two weeks in order to resolve this issue and any others that might need attention.

In response to a question from Commissioner Hall, Mr. Houston confirmed that a drug store was a permitted use in the C-6 District and could be built on the subject site by right. He added that the applicant had a site plan currently pending at the Department of Public Works and Environmental Services.

In response to questions from Commissioner Harsel, Mr. Houston confirmed alcohol sales were restricted to the hours of 10:00 a.m. to 10:00 p.m., as outlined in Condition Number 11, and that the drive-through window would be used for prescriptions and pharmaceutical items only, as outlined in Condition Number 4. Commissioner Harsel suggested that the pharmacy be clearly labeled with a sign indicating the proper use of the drive-through window.

In reply to Commissioner Alcorn's questions, Mr. Houston confirmed that if the property were developed by right, the proposed development conditions would not be part of the development. He added, however, that the applicant would adhere to all County Ordinance regulations.

In response to questions from Commissioner Palatiello, Mr. Houston clarified that the applicant had requested three lanes for the drive-through window, but was now agreeing to only two lanes: one for drop off and pick up of prescriptions and one for a bypass lane. He added that the special exception plat had not yet been amended to show this change. Mr. Houston stated that the pharmacist or his/her assistant would be the person helping customers at the drive-through

window and that no pneumatic tubes would be used. He noted that the loud speaker referred to in Condition Number 24 would be similar to those used at drive-through bank facilities.

Commissioner Hall commented that the MCLUG, while supporting the application, still had suggestions for changes to some of the proposed development conditions, and that Condition Number 24 was one of them.

Commissioner Palatiello and Commissioner Hall discussed the issue of drive-through windows and alcohol sales. Commissioner Palatiello maintained that an applicant should be restricted to one or the other and not allowed to have both.

In response to a question from Commissioner Hall, Commissioner Palatiello acknowledged that he did not know of any instances where the two uses caused a conflict or problem, but stated that there was always the possibility of a problem. Commissioner Hall commented that she did not understand the reason for Commissioner Palatiello's focus on this issue, and that, as with any development condition, the Commission relied upon the applicant to abide by the agreement made and if not, the problem should be handled by Zoning Enforcement. Mr. Houston reiterated that alcohol would not be sold at the drive-through window and stated that Eckerd should be allowed to sell the same products that the store's competitors were allowed. Commissioner Palatiello pointed out that Eckerd would be given a competitive advantage if the drive-through pharmacy was approved.

In response to questions from Commissioner Koch, Mr. Houston explained why a pneumatic tube system with a television screen was not needed or desired at this location. Commissioner Harsel commented that she had observed a pneumatic tube system and approved of the way it operated.

Chairman Murphy concurred with Commissioner Hall that the Commission had to rely on the system to ensure policing of the development conditions. He suggested that signs be posted both inside and outside the store to clearly indicate that no alcohol sales would take place through the window.

Commissioner Hall agreed that perhaps additional language was needed in Condition Number 11, the condition that limited the hours of alcohol sales. Regarding the tube system, she explained that the applicant had originally requested such a system, but had deleted the request at the urging of neighbors who were concerned about the noise associated with their use.

Commissioner Coan agreed with Commissioner Hall and Chairman Murphy that the Commission should rely on the applicant to abide by the conditions as approved by the Board of Supervisors.

Chairman Murphy called the first listed speaker.

Gene Davidson, 6147 Beachway Drive, Falls Church, representing the Woodrow Wilson Action Group, spoke in opposition to the application. He said that the applicant's proposal had no support from immediate neighbors, either business or residential. Mr. Davidson said there were ample pharmaceutical services available in the immediate vicinity and therefore no need for another drug store at this location. He suggested that the subject property be sold to a private foundation or to a cooperative County-foundation enterprise and kept as open space. (A copy of his remarks is in the date file.)

In response to questions from Commissioner Byers, Mr. Davidson confirmed that the owner of the Culmore Shopping Center had publicly stated his offer of $500,000 for the subject site. They briefly discussed the economics of the current situation.

Mr. Davidson responded to questions from Commissioner Murphy regarding security problems in the Culmore area in general.

Mr. Davidson responded to questions from Commissioner Hall regarding the hours of operation of the drive-through window, parking, and previous efforts to keep the property as open space. Mr. Davidson acknowledged that some of the development conditions met the citizens concerns, but he felt more concessions were needed.

Sharon Wentland, 6001 Arlington Boulevard, Unit 122, Falls Church, representing the J.E.B. Stuart Community Coalition and Barrios Unitos, was opposed to any development of the subject property, especially a 24-hour drug store selling alcoholic beverages. She maintained that the people of the Culmore community would not be served by the proposed use and the impacts, such as increased traffic, noise, additional lighting, et cetera, would be detrimental to the neighborhood. She spoke about the social problems in the area and the efforts to address those problems. She stated that those efforts would be hampered by development of a drug store. She explained that a pneumatic tube system with a screen and handset would be a bad idea from a health standpoint in that the handset would be most likely handled by sick people, many of whom might have contagious diseases. She suggested that if the plans went forward and the drug store was built with a drive-through window, the applicant should install bullet-proof glass for safety reasons. In conclusion, Ms. Wentland said that she represented the poor people in the area who were often afraid of authority figures and generally did not attend public hearings. She mentioned that she had attended the recent meeting of the MDLUC and had been told that that was not the place for her comments. She reiterated that a 24-hour drive-through operation was unacceptable under any circumstances.

In response to a question from Commissioner Byers regarding the applicant's right to build a drug store without a drive-through window, Ms. Wentland suggested that the Commission deny the application and call the applicant's bluff. She added that the business proposed by the applicant had little chance of success without the novelty of a drive-through window and that if built as such, she predicted that it would be in need of revitalization itself within five years.

Commissioner Hall concurred with Ms. Wentland's comments regarding the hygiene aspects of using a handset. She pointed out, however, that the property was zoned C-6 and there were many uses allowed by right without the public hearing process and without any accompanying conditions. She said it would be wonderful if the property could be preserved as open space, but explained that the Commission had to deal with the application as it was currently proposed. Commissioner Hall apologized for Ms. Wentland's unpleasant experience at the MDLUC meeting, and assured her that her comments were welcome. She explained that the 24-hour drug store operation was allowed by right, but conceded that the hours for the drive-through window could be restricted. She commented, however, that children often got sick at inopportune times, such as the middle of the night, and that a 24-hour pharmacy was a great need in such a situation.

Commissioner Downer asked staff to list the other by-right uses in the C-6 Zoning District and then asked Ms. Wentland which of those uses she would support.

While waiting for Mr. Russ to locate the proper section of the Zoning Ordinance, Ms. Wentland asked why the property had to stay C-6, to which Chairman Murphy replied that that was the current zoning of the property and that only the property owner could request that it be changed.

Mr. Russ listed the following by-right uses in the C-6 District:

- business service and supply service establishments;
- church, chapels;
- drive-in banks, with limitations;
- eating establishment;
- financial institutions;
- fast food restaurants, with limitations;
- funeral homes;
- health clubs;
- mobile and land based telecommunication facilities;
- offices, with limitations;
- personal service establishments;
- private schools of general and special education;
- public uses;
- quick service food stores, with limitations;
- repair service establishments;
- retail sales establishment;
- telecommunication facilities;
- theaters;
- vehicle light service establishments, with limitations; and
- veterinary hospitals.

In response to a question from Commissioner Hall, Mr. Russ stated, that to the best of his knowledge, commercial property taxes were based on land use and that the taxes on property zoned C-6 were higher than the taxes on lower zoning categories.

Commissioner Hall commented that it was highly unlikely that someone would purchase the property based on the C-6 zoning and then request a downzoning, thereby reducing their own property value.

In response to Commissioner Downer's previous question, Ms. Wentland said that area was in great need of day care.

Chairman Murphy called for speakers from the audience.

Robert Schreiber, 3410 Mansfield Road, Falls Church, representing the Lake Barcroft Association, was opposed to the drive-through window, especially any 24-hour use. He cited increased noise, traffic, and loitering as his major concerns. He concurred with Ms. Wentland's assessment that the applicant would not build the drug store without the drive-through window. He doubted that J. C. Penney, the corporate owner of Eckerd, would want the publicity that might happen if Eckerd did build the drug store, but did not adhere to the proposed development conditions, whether the drive-through was approved or not.

In response to questions from Commissioner Murphy, Mr. Schrieber confirmed that it was his opinion that the development conditions should be imposed regardless of whether a drive-through window was installed.

Mr. Schrieber commented on the number of community meetings he had attended concerning the subject application and concurred with Mr. Davidson that there was no support for the applicant's proposal from the immediate community.

In response to questions from Commissioner Hall, Mr. Schrieber stated that he felt the community was very well informed of the applicant's intentions. He added that the general feeling in the community was that no development at all should take place on the subject property. He suggested that separating the drug store use from the drive-through window was a technicality which many of the Commissioners would hide behind. Commissioner Hall refuted that statement. She said the drive-through window was the only reason the application was before the Commission and that was reality, not a technicality.

In response to Commissioner Hall's question, Mr. Russ confirmed that it was the Commission's role to review the applicant's request for a drive-through window.

In response to Chairman Murphy's call for the next speaker, John Farrell, Esquire, with McCandlish & Lillard, 11350 Random Hills Road, Suite 500, Fairfax, approached the podium.

In response to a question from Commissioner Hall, Mr. Farrell agreed that he had previously asked Commissioner Hall to continue the public hearing on this application so that he could present his testimony at the next public hearing date and explained that the only reason he had come to the podium was to confirm that fact.

In response to a question from Commissioner Koch, Mr. Farrell stated that he represented the owners of the Old Salem Village Apartments and Culmore Realty Shopping Center. He added that negotiations between his clients and the applicant's representatives were on-going and he expected to have the issues resolved by the next public hearing date, at which time his testimony would be much shorter than it would be if he testified tonight.

There being no further speakers, Chairman Murphy called upon Mr. Houston for a rebuttal statement. He explained that, even though the formal rebuttal would come at the end of the public hearing, he felt Mr. Houston should have a chance to respond to the speakers who testified tonight.

Mr. Houston reiterated that the subject property was zoned C-6 and planned for local serving retail use which was the applicant's intention. He said that the drive-through facility was not an undesirable activity and that the applicant had made numerous concessions to mitigate the impact of the proposal. He maintained that this was an excellent location for a drug store which would be an asset to the community and help further revitalization efforts.

There being no further comments or questions from the Commission, Chairman Murphy recognized Commissioner Hall for a motion. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT WE CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN OF NOVEMBER 12, 1998 AT 8:15 P.M.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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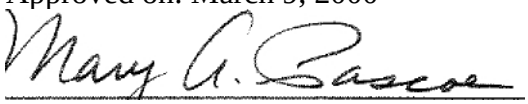
The meeting was adjourned at 11:30 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: Gloria L. Watkins
Approved on: March 9, 2000



Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission