

UNAPPROVED
11/25/03

MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 12, 2003

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large

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The meeting was called to order at 8:22 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth noted that the Policy and Procedures Committee had met this evening and discussed the Area Plans Review Citizens Guide. She also noted that the Policy and Procedures Committee would meet on Wednesday, November 19, 2003 to discuss staff revisions to stormwater management submission requirements, and again on Wednesday, December 3, 2003 to discuss cluster by-right development. She noted that both meetings would begin at 7:30 p.m. in the Board Conference Room.

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Commissioner de la Fe announced that the Transportation Committee would meet on Thursday, November 20, 2003 at 7:30 p.m. in the Board Conference Room to be briefed on Infill Study recommendations related to sidewalks.

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Chairman Murphy noted that Commissioner Kelso received a letter from Gary Chevalier, Fairfax County Public Schools, regarding the computation used to determine the monetary contributions applicants should proffer for schools in rezoning applications. He said a review of this matter was needed to ensure that the School Board and the Planning Commission were in agreement.

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Commissioner Moon noted that there were unresolved issues concerning the Zoning Ordinance Amendment on Editorial Amendments scheduled for public hearing tonight; therefore, he MOVED THAT THE PUBLIC HEARING ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON EDITORIAL AND OTHER MINOR REVISIONS BE DEFERRED PENDING DETERMINATION AS TO WHETHER THIS ITEM MET SUFFICIENT REQUIREMENTS OF PUBLIC NOTICE.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (FIRE MARSHAL FEES)
2. SEA 85-L-036-2 - TRUSTEES OF WORD OF LIFE ASSEMBLY OF GOD CHURCH
3. FDPA 80-P-073-3-4 - 2941 FAIRVIEW, L.L.C.
4. FDPA 86-S-071-4 - TRINITY CENTRE THREE L.L.C. AND TRINITY LAKE L.L.C.
5. RZ 2003-SP-018/FDP 2003-SP-018 - IVY DEVELOPMENT, L.C.
6. SE 2003-SP-012 - IVY DEVELOPMENT, L.C.

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (FIRE MARSHAL FEES) -

To amend Chapter 112 and Chapter 101 (the Subdivision Ordinance), as follows: Pursuant to authority granted by Sections 15.2-2286.A.6 and 15.2-2241.9 of the *Code of Virginia*, the proposed amendments increase the Fire Marshal review fees for site plans and subdivision plans from \$76 to \$96 per hour and change the timing of the fee payment from at the time of site plan or subdivision plan submission to prior to approval or within 120 days of submission, whichever comes first. PUBLIC HEARING.

David Thomas, Fire Prevention Division, Fire and Rescue Department, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed amendment.

Responding to a question from Commissioner Wilson, Mr. Thomas said the increased fees would only be applicable to site plans and subdivision plans submitted on or after the effective date of the amendment, if approved.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no further comments or questions, and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING AND SUBDIVISION ORDINANCE AMENDMENT ON FIRE MARSHAL REVIEW FEES FOR SITE PLANS AND SUBDIVISION PLANS AS STATED IN THE STAFF REPORT DATED SEPTEMBER 29, 2003.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Byers, Harsel, Koch, and Moon not present for the vote; Commissioner Alcorn absent from the meeting.

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SEA 85-L-036-2 - TRUSTEES OF WORD OF LIFE ASSEMBLY OF GOD CHURCH - Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 85-L-036 previously approved for a church with child care center and private school of general education to permit building additions and site modifications. Located at 5225 Backlick Rd. on approx. 12.43 ac. of land zoned R-3. Tax Map 71-4 ((1)) 40C. MASON DISTRICT. PUBLIC HEARING.

George Ward, agent for the applicant, with Ward Hall Associates, reaffirmed the affidavit dated September 10, 2003. There were no disclosures by Commission members.

Francis Burnszynski, 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.

Mr. Ward stated that the proposed development would complete the master plan development of the site with a three-story children's educational building containing classrooms, a library and administrative offices. He said the building would be located outside the Resource Protection Area, necessitating the relocation of about 50 parking spaces. He explained that the church had worked with staff, the surrounding neighborhoods, and the Mason District Land Use Committee in an effort to address all issues. He noted that the proposed architectural style and building materials would be compatible with other buildings on the property and that there would be no increase in the number of students or staff. He requested favorable consideration and introduced Pastor Wendel Cover who added that additional space was needed to accommodate approved uses.

Chairman Murphy called the listed speaker and recited rules for testimony before the Commission.

Casey Brill, 6741 Andrews Terrace, Springfield, representing Sequoia Park Homeowners Association, expressed support for the proposed development. He requested that a determination be made as to who had responsibility for the maintenance of a trail located on the eastern side of the church. He said the County said it was the responsibility of the church and the church said it was the responsibility of the County. He also requested that someone be designated to contact if a problem arose concerning the trail.

Commissioner Hall commented that it would be responsibility of the church to maintain the trail and that Development Condition Number 11 required the trail to be maintained free of debris and other obstructions. She added that Condition Number 20 required that an individual be designated by the church as a point of contact for the Sequoia Park Homeowners' Association to address concerns about the site.

In response to a question from Mr. Brill, Mr. Burnszynski said the trail was four feet wide.

Responding to a question from Commissioner Hall, Pastor Cover said since 1984 it had been his understanding that the trail had been dedicated to the County, therefore, maintenance of it was the responsibility of the County. Commissioner Hall said staff had determined that the trail belonged to the church. Pastor Cover indicated that he accepted responsibility for the maintenance of the trail on behalf of the church.

There were no further speakers, Mr. Ward had no rebuttal remarks, and the Commission had no further comments or questions, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this application. (A complete verbatim transcript is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-L-036-2, SUBJECT TO THE DEVELOPMENT CONDITIONS REVISED NOVEMBER 12, 2003.

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY BOUNDARY AND WAIVERS OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN AND WESTERN PROPERTY BOUNDARIES.

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

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FDPA 80-P-073-3-4 - 2941 FAIRVIEW, L.L.C. - Appl. to amend the third final development plan for RZ 80-P-073 to permit site modifications. Located in the N.E. quadrant of Arlington Blvd. and Fairview Park Dr. on approx. 13.78 ac. of land zoned PDC. Tax Map 49-4 ((1)) 74A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, planner with Walsh, Colucci, Stackhouse, Emrich, and Terpak, P.C., reaffirmed the affidavit dated October 14, 2003. There were no disclosures by Commission members.

Francis Burnszynski, 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 a question from Commissioner Smyth, Mr. Burnszynski said Development Condition Number 7 had been revised to reflect that if the applicant did not desire to retain any artifacts found on the site, the objects would be offered to the County Archaeologist.

Ms. Baker stated the applicant was seeking approval of an existing patron drop-off driveway and a surface valet parking lot for a restaurant known as "2941," located on the lower level of the subject office building, because it had not been shown on the Final Development Plan Amendment approved in 1998. She explained that the drive aisle had been designed to create a sense of entrance and arrival as patrons approached the restaurant to distinguish it from an office building atmosphere. She said although the drive aisle was located through a wooded area, no major trees had been lost. She said the applicant was in agreement with the proposed development conditions and would work closely with the Urban Forester to ensure compliance with the tree preservation plan.

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 Smyth for action on this application. (A complete verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 80-P-073-3-4, SUBJECT TO THE DEVELOPMENT CONDITIONS REVISED NOVEMBER 12, 2003.

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

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FDPA 86-S-071-4 - TRINITY CENTRE THREE L.L.C. AND TRINITY LAKE L.L.C. - Appl. to amend the final development plan for RZ 86-S-071 previously approved for mixed use development to permit building additions and site modifications with an overall Floor Area Ratio (FAR) of 0.48. Located on the N. side of Lee Hwy. within the interior of Trinity Pkwy. on approx. 36.43 ac. of land zoned PDC, HC, SC and WS. Comp. Plan Rec: Mixed use. Tax Map 54-3 ((21)) 1B, 1C, 1D, 8A1, 8A2, 9B and 13B2 and 54-4 ((15)) 12A. SULLY DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Terpak, P.C., reaffirmed the affidavit dated October 22, 2003. There were no disclosures by Commission members.

Tracy Swagler, 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.

In response to a question from Commissioner Koch, Ms. Swagler said that all design issues concerning the parking garage had been resolved.

Responding to another question from Commissioner Koch, Ms. Swagler said although staff would prefer not to delete Development Condition Number 4 prohibiting business service and supply uses in Building 15, deleting it would not change staff's recommendation of approval.

Mr. Martin reviewed the history of the subject property and said the applicant was now requesting approval to amend the proffers and Final Development Plan to allow additional office space. Referring to Commissioner Koch's question about Development Condition Number 4, he said the applicant wanted it deleted because it had been difficult to market building number 15, and a business service and supply use, such as Kinkos, would be an appropriate use for an office park. He noted that staff, citizens, and the Western Fairfax County Citizens Association supported the application. He requested favorable consideration.

Commissioner Koch noted that because staff did not think it was appropriate to add a Development Condition requiring Trinity Centre to support community activities, he would have Mr. Martin state on the record during the verbatim that the applicant was committed to becoming a part of the community through sponsored events around the lake and that lobby space would be made available for arts and crafts exhibits.

Chairman Murphy called for speakers from the audience, but received no response. He noted that rebuttal was not necessary. The Commission had no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 86-S-071-4, SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 11, 2003, WITH THE REMOVAL OF CONDITION NUMBER 4 WHICH WOULD HAVE PRECLUDED THE APPLICANT FROM HAVING A SERVICE AND SUPPLY USE THERE.

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

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The next case was in the Springfield District, therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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RZ 2003-SP-018/FDP 2003-SP-018 - IVY DEVELOPMENT, L.C. -
Appls. to rezone from R-1 to PDH-8 to permit residential development at a density of 5.48 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located in the N.E. quadrant of the intersection of Meadowbrook Dr. and Burke Rd. on approx. 2.19 ac. of land. Comp. Plan Rec: 5-8 du/ac. Tax Map 78-4 ((2)) 1 – 3 and Meadowbrook Dr. public right-of-way to be vacated and/or abandoned. (Concurrent with SE 2003-SP-012.) (Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for Meadowbrook Dr. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.)
SPRINGFIELD DISTRICT.

SE 2003-SP-012 - IVY DEVELOPMENT, L.C. - Appl. under Sect. 2-904 of the Zoning Ordinance to permit uses in a floodplain. Located at 6068, 6076 and 6084 Meadowbrook Dr. on approx. 2.19 ac. of land zoned PDH-8. Tax Map 78-4 ((2)) 1 – 3 and Meadowbrook Dr. public right-of-way to be vacated and/or abandoned. (Concurrent with RZ/FDP 2003-SP-018.)
SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Terpak, P.C., reaffirmed the affidavit dated January 29, 2003. There were no disclosures by Commission members.

Tracy Swagler, 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. Strobel stated that the applicant was seeking approval to rezone the subject property from R-2 to PDH-8 and to allow uses in the floodplain for the construction of 12 townhomes. She pointed out that the proposed density of 5.48 dwelling units per acre was within the Comprehensive Plan recommendation of 5-8 dwelling units. She explained that this was the last remaining acreage zoned R-1 in this area and that the proposed infill development was compatible with existing development. She said in addition to providing stormwater detention, the floodplain would be transformed into a wetlands facility and planted with native species creating a habitat for a variety of reptiles, songbirds, and amphibians. She noted that 58 percent of the property would remain in open space. She said proffers included detailed information regarding the proposed wetlands facility as well as contributions for recreation facilities, affordable housing, and schools. She said concerns of neighbors had been addressed and she requested a favorable recommendation.

Vice Chairman Byers called for speakers from the audience.

Andy Chavas, 4832 Parakeet Drive, Burke, President, Cardinal Estates Homeowners Association, expressed support for the application, noting that the applicant had assured him that the development would not exacerbate flooding in the area.

Mr. Chavas responded to a question from Commissioner Murphy about flooding in the area during Hurricane Isabel.

Commissioner Murphy noted that he had discussed flooding with members of the Burke Volunteer Fire Department who told him that on a few occasions there had been problems getting around in that area, but if necessary, service could be provided by the Rolling Road station. He also said the proposed wetlands facility would be more effective in controlling runoff than a conventional stormwater facility.

In response to a question from Commissioner Murphy, Ms. Swagler said after discussions with the Department of Public Works and Environmental Services, it had been determined that the problems with flooding and the culvert were the responsibility of the Virginia Department of Transportation and that staff would address these issues with them.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and

RZ 2003-SP-018/FDP 2003-SP-018 - IVY DEVELOPMENT, L.C.
SE 2003-SP-012 - IVY DEVELOPMENT, L.C.

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recognized Commissioner Murphy for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2003-SP-018, SUBJECT TO THE PROFFERS DATED NOVEMBER 10, 2003.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-SP-018, SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING AND THE DRAFT PROFFERS DATED NOVEMBER 10, 2003.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2003-SP-012, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER AND A MODIFICATION OF THE TRANSITIONAL SCREENING IN FAVOR OF THAT SHOWN ON THE CDP/FDP/SE PLAT.

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

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Chairman Murphy resumed the Chair.

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ADJOURNMENT

November 12, 2003

The meeting was adjourned at 9:25 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on:

Karen M. Everett, Clerk to the
Fairfax County Planning Commission