

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 10, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilyong Moon, Commissioner At-Large
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:21 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Smyth noted that the Policy and Procedures Committee had previously scheduled a meeting for January 8, 2004 at 7:00 p.m. She announced that due to the regular meeting cancellation on that date, this meeting had been rescheduled to January 14, 2004 at 7:00 p.m. in the Board Conference Room.

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Commissioner Kelso announced that the following public hearings would be deferred:

FDPA 1996-LE-034 and FDPA 82-L-030-8-1, Springfield East, L.C., from January 8, 2004 to January 15, 2004.

PCA-84-L-020-20 and FDPA 84-L-020-02-11, Apple Federal Credit Union and Kohl's Department Stores, Inc., from January 18, 2004 to March 4, 2004.

RZ 2003-LE-050 and SEA 84-L-013, Echo, Inc., from February 19, 2004 to March 24, 2004.

RZ 2003-LE-041, Sung Soo Kim, from February 5, 2004 to March 11, 2004.

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Commissioner DuBois MOVED TO DEFER THE PUBLIC HEARING ON SE 2003-DR-022, CHESTERBROOK RESIDENCES, INC., FROM DECEMBER 10, 2003 TO JANUARY 14, 2004.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE CONSENT AGENDA ITEM, FS-M03-40, SPRINT, 5501/5503 SEMINARY ROAD.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Hall and Murphy absent from the meeting.

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FS-L03-41 – OMNIPOINT (T-MOBILE) – Hayfield High School, 7606 Telegraph Road

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE THE STAFF RECOMMENDATION FOR FS-L03-41 AND CONSIDER IT A “FEATURE SHOWN.”

Commissioner Koch seconded which motion carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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RZ 2003-LE-027 – PULTE HOME CORPORATION

FDP 2003-LE-027 – PULTE HOME CORPORATION (Decision Only)

(The public hearing for these applications was held on November 20, 2003. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Kelso MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ 2003-LE-027 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED DECEMBER 8, 2003.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-LE-027, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2003-LE-027 AND THE CDP.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Kelso MOVED TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE A VARIANCE IN ACCORDANCE WITH PARAGRAPH 8 OF SECTION 16-401, TO PERMIT A NOISE WALL LOCATED IN THE FRONT YARD TO BE A MAXIMUM OF SEVEN FEET.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Kelso further MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF A 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE DIVISION OF SITE PLAN SERVICES FORWARD THE FINAL SITE PLAN TO THE LEE DISTRICT SUPERVISOR'S OFFICE FOR REVIEW AND COMMENT PRIOR TO ISSUING THE FINAL SITE PERMIT.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioners Hall and Murphy absent from the meeting.

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FS-Y03-32 – VERIZON WIRELESS – 15000 Conference Center Drive, Chantilly

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY VERIZON AS SET FORTH IN FS-Y03-32, BE FOUND IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners de la Fe and Kelso seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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FS-D03-38 - VERIZON – VDOT RIGHT-OF-WAY, Dulles Airport Access Road

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY VERIZON WIRELESS FOR THE EXISTING MONOPOLE LOCATED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION’S RIGHT-OF-WAY, NORTHEAST QUADRANT OF THE INTERCHANGE AT THE DULLES AIRPORT ACCESS ROAD AND I-495, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners de la Fe and Kelso seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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APR 01-II-1M – AREA PLANS REVIEW ITEM

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION REACTIVATE APR ITEM 01-II-1M, AND ASK THAT THE STAFF SCHEDULE THIS ITEM FOR PUBLIC HEARING AS SOON AS POSSIBLE.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. FDPA 2001-BR-028 - ZION NEIGHBORHOODS L.L.C.
2. PCA 88-C-015/FDPA 88-C-015 – SHEILA HARRELLE AND PRESTON HARRELLE
3. RZ 2003-PR-038 - GEORGE SIEMERING, DVM & VICKIE Y. WATSON
4. RZ 2002-PR-038 - CLOVER TYSONS LIMITED PARTNERSHIP
PCA 81-D-045-4 - GREENSBORO CENTER LIMITED PARTNERSHIP
SEA 82-D-038-4 - GREENSBORO CENTER LIMITED PARTNERSHIP

This order was accepted without objection.

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FDPA 2001-BR-028 - ZION NEIGHBORHOODS L.L.C. - Appl. to amend the final development plan for RZ 2001-BR-028 previously approved for residential development to permit the addition of one lot, the elimination of a stormwater management pond and site modifications. Located in the S.E. quadrant of Zion Dr. and Laura Belle La. on approx. 8.80 ac. of land zoned PDH-3. Tax Map 68-4 ((1)) 48, 49, 50A; 68-4 ((4)) A1, C, D, 1; 77-2 ((26)) 1 – 3. BRADDOCK DISTRICT. PUBLIC HEARING.

Robert A. Lawrence, Esquire, with Reed, Smith, Hazel, and Thomas, reaffirmed the affidavit dated October 3, 2003. There were no disclosures by Commission members.

Commissioner Harsel asked Vice Chairman Byers to ascertain whether or not there were speakers present for this application. Vice Chairman Byers called for speakers but received no response. Therefore, Commissioner Harsel requested that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Harsel for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2001-BR-028, SUBJECT TO THE FDPA CONDITIONS CONTAINED IN ATTACHMENT 1 OF THE STAFF REPORT DATED NOVEMBER 26, 2003.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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PCA 88-C-015/FDPA 88-C-015 - SHEILA HARRELLE AND PRESTON HARRELLE - Appls. to amend the proffers and final development plan for RZ 88-C-015 previously approved for residential development at a density of 1.98 dwelling units per acre (du/ac) to permit construction of building additions. Located at 3022 Ashburton Manor Dr. on approx. 9,707 sq. ft. of land zoned PDH-2. Comp. Plan Rec: .5-1 du/ac with option for 1-2 du/ac. Tax Map 35-2 ((14)) 42. SULLY DISTRICT. PUBLIC HEARING.

Preston and Sheila Harrelle reaffirmed the affidavit dated September 27, 2003. There were no disclosures by Commission members.

Bill Sherman, 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.

Responding to a question from Commissioner Koch, Mr. Sherman stated this case did not require a zoning variance and would go to the Board of Supervisors for approval.

The applicants waived their presentation

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission or closing staff remarks, therefore, he closed the public hearing and recognized Commissioner Koch for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA 88-C-015, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 29, 2003.

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

Commissioner Koch further MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 88-C-015, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA 88-C-015, SUBJECT TO THE DEVELOPMENT CONDITIONS.

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

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RZ 2003-PR-038 - GEORGE SIEMERING, DVM & VICKIE Y. WATSON - Appl. to rezone from C-3 to C-6 to permit commercial development with an overall Floor Area Ratio (FAR) of 0.26. Located in the N.E. quadrant of the intersection of Arlington Blvd. and Executive Blvd. on approx. 2.64 ac. of land. Comp. Plan Rec: Office. Tax Map 49-3 ((1)) 102. PROVIDENCE DISTRICT. PUBLIC HEARING.

Frank W. Stearns, Esquire, with Venable, Baether, and Howard LLC, reaffirmed the affidavit dated October 31, 2003. There were no disclosures by Commission members.

Kristen Shields, 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.

Commissioner Alcorn noted that he was handling this case for Commissioner Smyth. He stated new proffers had been presented this evening. He announced his intention to defer the application after the close of the public hearing to January, 2004.

Mr. Stearns stated the applicant requested rezoning the subject property from C-3 to C-6. He noted the veterinary clinic had outgrown its current location and met the applicant's need for parking, office space and Beltway access. He noted the Comprehensive Plan indicated a mix of allowed uses that were compatible with the surrounding office development. He also noted that the proposed development would not require a height or floor area ratio variance. He introduced Dr. Sarah Schaeffer to address the Commission about this facility.

Dr. Schaeffer stated the veterinary clinic had been established to provide state-of-the-art, collaborative, specialty and emergency care to pet owners. She stated the clinic was in need of additional space for equipment as well as support staff because they had outgrown their current location. She said customer convenience as well as expansion in office size and services would be beneficial to the community.

In response to a question from Vice Chairman Byers, Dr. Schaeffer said the veterinary clinic was the only kind in this area which offered all types of service and was currently located in Springfield.

In response to a question from Commissioner Wilson, Dr. Schaeffer stated that the outside dog walking area had been removed, but the clinic would maintain an inside dog walking area. Ms. Shields explained that a Zoning Ordinance prohibited veterinary hospitals and kennels from having any outside activity when they were located within certain zones. Mr. Stearns said that the clinic did not need an outside dog walking area since their typical pet was usually only kept 24 hours. He noted there were no kennels or boarding facilities on-site and pets kept more than 24 hours were very ill and did not need a dog walking area.

There were no listed speakers, therefore, Vice Chairman Byers called for speakers from the audience. He recited rules for testimony before the Commission.

Roger Kauffman, address unknown, expressed support for the proposed development because it would serve the entire Northern Virginia area and would be an asset to the community. He cited examples of pet care he had personally experienced.

Nancy Gordon, address unknown, stated she had several pets which had been treated by the applicant and spoke favorably of their services. She noted the proposed location would be more accessible.

Jim and Mary Parrott, address unknown, expressed their gratitude to the applicant. They cited personal experiences and said they fully supported the proposed location.

Sarah Hall, Esquire, with Blankenship and Keith, representing the owner of the property across from the proposed location, expressed concern that rezoning the subject property would be in direct conflict with the Comprehensive Plan, which recommended alternative uses such as fitness facilities, child care, and other retail uses and that C-6 zoning would be inappropriate.

In response to a question from Commissioner Wilson, Ms. Hall stated her client believed this type of proposed use was inappropriate for the area and was, in her view, spot zoning.

In response to a question from Commissioner Wilson, Ms. Shields stated all of the uses they had proffered were C-3 and C-6 by-right uses, with the exception of veterinary hospitals.

There were no further speakers, therefore, Vice Chairman Byers called upon Mr. Stearns for a rebuttal statement. Mr. Stearns stated he did not believe this proposed development was spot zoning. He said the applicant desired to contribute to the revitalization of the Merrifield area.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Handling this case for Commissioner Smyth, Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND DEFERRING DECISION ON RZ 2003-PR-038 TO A DATE CERTAIN OF JANUARY 14, 2004.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Kelso not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Alcorn also MOVED THAT THE BOARD OF SUPERVISORS DEFER THE PUBLIC HEARING ON THIS TO A DATE SUBSEQUENT TO JANUARY 14, 2004.

Commissioner Smyth seconded the motion which carried unanimously with Commissioner Kelso not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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RZ 2002-PR-038 - CLOVER TYSONS LIMITED PARTNERSHIP –
Appl. to rezone from C-4, HC and SC to C-4, HC and SC to permit office development with an overall Floor Area Ratio (FAR) of 1.42. Located in the N.W. quadrant of the intersection of Greensboro Dr. and Westpark Dr. on approx. 4.63 ac. of land. Comp. Plan Rec: Office. Tax Map 29-3 ((1)) 63B and 66B pt. (Concurrent with PCA 81-D-045-4 and SEA 82-D-038-4.) PROVIDENCE DISTRICT. PUBLIC HEARING.

RZ 2002-PR-038 - CLOVER TYSONS
PCA 81-D-045-4 - GREENSBORO CENTER
SEA 82-D-038-4 - GREENSBORO CENTER

December 10, 2003

PCA 81-D-045-4 - GREENSBORO CENTER LIMITED PARTNERSHIP –
Appl. to amend the proffers for RZ 81-D-045 previously approved for commercial development to permit site modification with an overall Floor Area Ratio (FAR) of 1.33. Located approx. 350 ft. W. of Greensboro Dr. and 600 ft. S. of Spring Hill Rd. on approx. 14,111 sq. ft. of land zoned C-4 and HC. Comp. Plan Rec: Office. Tax Map 29-3 ((1)) 63C pt. (Concurrent with SEA 82-D-038-4 and RZ 2002-PR-038.)
PROVIDENCE DISTRICT. PUBLIC HEARING.

SEA 82-D-038-4 - GREENSBORO CENTER LIMITED PARTNERSHIP –
Appl. under Sect. 4-404 of the Zoning Ordinance to amend SE 82-D-038 previously approved for an increase in building height and child care center to permit construction of a connecting trail. Located at 8401 and 8405 Greensboro Dr. on approx. 14,111 sq. ft. of land zoned C-4 and HC. Tax Map 29-3 ((1)) 63C pt. (Concurrent with PCA 81-D-045-4 and RZ 2002-PR-038.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Elizabeth Baker, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated October 20, 2003. 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 applications.

Ms. Baker stated that the applicant desired to develop one commercial office building replacing two previously approved office buildings and associated parking. She noted that the proposed application included substantial transportation improvements, architectural improvements, and a pedestrian pathway to existing retail development and restaurants along Route 7. She also noted that the proposed application was in conformance with the recommendations of the Comprehensive Plan for use, height, and intensity and met the objectives and specific guidelines of the Tysons Corner Plan.

Ms. Baker responded to a question from Commissioner Wilson about building height.

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

Mike Carmichael, 8370 Greensboro Drive, #210, McLean, representing the Rotunda Condominium Unit Owners Association, expressed concern about construction noise in a residential area and asked for a proffer to address construction hours. He also noted that the Association did support the transportation package included in the proposed application.

Commissioner Smyth stated that she would be deferring the decision on this case.

Frank Boyle, 8370 Greensboro Drive, #1011, McLean, requested consideration be given to providing a right turn lane extending to the Westpark entrance. He noted that trees on both sides of Greensboro Drive would help to preserve the landscaping. He also noted that consideration should be given now to a left turn lane from Greensboro Drive into the site before construction began and restoration of the landscaping was done.

Shahla Batmanghelidj, 8370 Greensboro Drive, #1009, McLean, expressed concern about the heavy volume of traffic getting in and out of the Rotunda Condominium complex. She requested careful consideration be given to this proposed project, especially the transportation issues.

There were no further speakers, therefore, Vice Chairman Byers called upon Ms. Baker for a rebuttal statement.

Ms. Baker stated that construction hour requirements could be added as a proffer and that transportation issues raised tonight could be further clarified. She explained that the Greensboro Drive entrance was not the only entrance to this site and the construction of a right turn lane along the entire block in front of the Rotunda Condominium would be made. She said a proffer had already been added for a light coming out of the Rotunda, however this was subject to approval by the Virginia Department of Transportation.

Robin Antonucci, Wells and Associates, transportation consultant for the applicant, responded to questions from Vice Chairman Byers regarding the location of the proposed signal light. Ms. Antonucci stated that along Greensboro Drive an exclusive left turn lane could be provided, however, there was no available right-of-way and currently a left turn lane would not geometrically fit. She noted that future development would provide an opportunity for a left-turn lane.

Ms. Baker stated that she would work on the items discussed and provide new proffers prior to decision.

Responding to question from Commissioner Smyth, Ms. Baker stated she would meet with the residents of the Rotunda to continue to address their concerns.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Smyth for action on this item. (A verbatim excerpt is in the date file.)

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RZ 2002-PR-038 - CLOVER TYSONS
PCA 81-D-045-4 - GREENSBORO CENTER
SEA 82-D-038-4 - GREENSBORO CENTER

December 10, 2003

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2002-PR-038, PCA 81-D-045-4 AND SEA 82-D-038-4 TO A DATE CERTAIN OF JANUARY 14, 2004, WITH THE WRITTEN RECORD TO REMAIN OPEN.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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The meeting was adjourned at 9:57 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: Karen M. Everett

Approved on: April 19, 2006

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