

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 12, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon 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
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District

ABSENT: Janet R. Hall, Mason District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:28 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy announced that on Monday, December 10, 2001, the Board of Supervisors approved the appointment of Frank de la Fe as the new Hunter Mill District Planning Commissioner. He noted that Mr. de la Fe currently was Chairman of the Fairfax County Park Authority.

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SE-01-V-033 - F & M TRUST CO., THOMAS H. KIRK, TRUSTEE (Decision Only)

(The public hearing on this application was held on November 29, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF SE-01-V-033, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 12, 2001.

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

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FS-P01-60 - Cingular Wireless - 3300 Gallows Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY CINGULAR WIRELESS FOR THE WATER TOWER LOCATED AT 3300 GALLOWES ROAD IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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FSA-P01-37-1 - Nextel Communications - Vienna Metro Garage

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE EQUIPMENT SHELTER MODIFICATION PROPOSED BY NEXTEL COMMUNICATIONS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT THE VIENNA METRO STATION PARKING GARAGE IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR "FEATURE SHOWN" APPROVAL GRANTED BY THE PLANNING COMMISSION ON JULY 19, 2001. THEREFORE, IT IS RECOMMENDED THAT THE MODIFICATIONS BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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FS-P01-65 - Cingular Wireless - 1950 Old Gallows Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY CINGULAR WIRELESS FOR THE OFFICE BUILDING LOCATED AT 1950 OLD GALLOWES ROAD IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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FS-S01-59 - Voicestream - 12111 Braddock Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S01-59.

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

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FS-S01-57 - Sprint PCS - 7325 Kincheloe Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S01-57.

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

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FS-S01-61 - Sprint PCS - 6001 Union Mill Road

Commissioner Murphy MOVED THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S01-61.

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

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FS-H01-53 - WMATA - 11800 Sunrise Valley Drive

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION FIND, IN APPLICATION FS-H01-53, THE PROPOSED TELECOMMUNICATIONS FACILITY BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BE CONSIDERED A "FEATURE SHOWN" AND APPROVED IN ACCORDANCE WITH NORMAL PROCEDURES CONSISTENT WITH THE COMPREHENSIVE PLAN, PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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2232-H01-14 - SPRINT PCS (Decision Only)

(The public hearing on this application was held on December 6, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Palatiello, at the request of the applicant, MOVED THAT APPLICATION 2232-H01-14 BE WITHDRAWN.

Commissioner Koch seconded the motion which carried by a vote of 8-0-2 with Commissioners Kelso and Moon abstaining; Commissioners Hall and Wilson absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Dry Cleaning Establishments) (Decision Only)

(The public hearing on this item was held on October 11, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT AS CONTAINED IN THE HANDOUT DATED DECEMBER 12, 2001.

Commissioner Kelso seconded the motion.

Commissioner Palatiello suggested an amendment TO STRIKE THE LIMITATIONS ON THE NUMBER OF PICK-UP STATIONS IN EACH INSTANCE IN THE PROPOSAL BEFORE US THAT SEEKS TO PROPOSE SUCH A LIMITATION.

Commissioner Alcorn accepted this amendment and the motion, as amended, carried by a vote of 7-2-1 with Commissioners Moon and Smyth opposed; Commissioner Byers abstaining; Commissioners Hall and Wilson absent from the meeting.

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FS-V01-56 - Sprint PCS - 9600 and 9604 Ox Road

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF'S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY SPRINT PCS FOR A VIRGINIA DOMINION POWER EASEMENT ON FAIRFAX COUNTY WATER AUTHORITY PROPERTY LOCATED AT 9600 AND 9604 OX ROAD IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. PCA-81-C-005 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish)
PCA-78-C-024 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish)
SE-97-Y-006 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish)
2. SEA-80-P-135-3 - PUBLIC STORAGE, INC. & MCDONALD'S CORPORATION
3. SE-01-V-014 - BARGAIN RENT A CAR
4. RZ-2001-SU-033 - STANLEY-MARTIN HOMEBUILDING, LLC
FDP-2001-SU-033 - STANLEY-MARTIN HOMEBUILDING, LLC
5. SE-01-S-003 - FEDERATED DEPARTMENT STORES, INC.

This order was accepted without objection.

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PCA-81-C-005 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish) -Appl. to delete land area from the property subject to RZ-81-C-005 w/an overall FAR subject to the provisions of the I-5 District on property located W. of Centreville Rd., approx. 1,000 ft. S. of Barnsfield Rd. on approx. 16.33 ac. zoned I-5, HD & WS. Comp. Plan Rec: Mixed use. Tax Map 34-2((1))10B pt. (Concurrent w/PCA-78-C-024 & SE-97-Y-006.) SULLY DISTRICT.

PCA-78-C-024 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish) -Appl. to delete land area from the property subject to RZ-78-C-024 w/an overall FAR subject to the provisions of the I-5 District on property located W. of Centreville Rd., approx. 1,000 ft. S. of Barnsfield Rd. on approx. 3.66 ac. zoned I-5, HD & WS. Comp. Plan Rec: Mixed use. Tax Map 34-2((1))10B pt. (Concurrent w/PCA-81-C-005 & SE-97-Y-006.) SULLY DISTRICT.

SE-97-Y-006 - CATHOLIC DIOCESE OF ARLINGTON (St. Veronica Parish) - Appl. under Sect. 5-504 of the Zoning Ord. to permit a place of worship, private school of general education & nursery school on property located at 3227 Centreville Rd. on approx. 20.0 ac. zoned I-5, HD & WS. Tax Map 34-2((1))10B. (Concurrent w/PCA-78-C-024 & PCA-81-C-005.) SULLY DISRICT. JOINT PUBLIC HEARING.

Rev. Marcus Pollard, Parochial Administrator, St. Veronica Catholic Church, reaffirmed the affidavit dated November 30, 2001. There were no disclosures by Commission members.

Ms. 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 denial of the application due to the applicant's failure to fulfill a previously proffered commitment to provide an industrial access road across the subject property to serve adjacent parcels.

Ms. Swagler responded to questions from Commissioner Koch regarding the land use history of the subject property and the need for the access road.

David Lause, Esquire, with Fadoul and Associates, attorney for the applicant, noted that the property was zoned I-5 and the proposed church and child care center were allowed by right. He explained that the applicant was before the Commission tonight because of the proposed school requested in SE-97-Y-006. He added that the floor area ratio (FAR) planned was .16, considerably lower than that allowed. Mr. Lause maintained that the access road required by the previous proffer was not needed and not wanted by the community. He pointed out that there would be adequate access to adjacent parcels without the access road and the provision of the road as staff requested would separate the school from its playing fields.

Ms. Angela Rodeheaver, Department of Transportation, responded to questions from Commissioner Byers regarding a private road on an adjacent parcel and staff's rationale for the access road on the subject property.

In response to questions from Commissioner Koch, Ms. Rodeheaver confirmed that the public and private roads would not meet. Commissioner Koch commented that they were not intended to connect.

In response to a question from Commissioner Smyth, Mr. Lause confirmed that the regular school hours would be 8:00 a.m. to 3:00 p.m., but that after-school activities were planned.

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

Rev. Pollard spoke about the need for the school and said that the original layout of the property had included a campus of disconnected buildings and that the currently proposed design would have all the uses in a single building. He reiterated the point made by Mr. Lause that provision of the access road across the subject property would essentially cut the site in half and separate the school from its playing fields.

Ms. Lisa Kearns, 13638 Doornock Court, Oak Hill, supported the applications and spoke about the need for the proposed school.

In response to questions from Commissioner Kelso, Ms. Swagler explained that staff recommended restrictions on the hours of operation and lighting of the playing fields and the inclusion of buffers despite the fact that there were no residential uses in the immediate area. She added that the 200-buffer was recommended to protect the Sully Historic District.

Commissioner DuBois agreed with Commissioner Kelso that a restriction on lighting was not necessary.

Ms. Swagler and Mr. Lause responded to questions from Commissioner Harsel regarding the applicant's proposed stormwater management plan.

In lieu of additional speakers, Mr. Lause asked supporters in the audience stand.

Chairman Murphy concurred with Commissioners Kelso and DuBois and suggested that the first part of Condition 7 referring to lighting be deleted. Ms. Swagler said that staff had requested the restriction to protect the Historic District. Mr. Lause said the applicant would be happy to make that revision to Condition 7, but noted that the Architectural Review Board might disagree.

There being no further comments or questions from the Commission and no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT WE DEFER, FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, APPLICATIONS PCA-81-C-005, PCA-78-C-024, AND SE-97-Y-006, UNTIL TOMORROW, DECEMBER 13, 2001.

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

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SEA-80-P-135-3 - PUBLIC STORAGE INC. & MCDONALD'S CORP. -
Appl. under Sects. 5-504 & 9-618 of the Zoning Ord. to amend SE-80-P-135 previously approved for a fast food restaurant w/drive-through window to permit an increase in FAR, increase in land area & site modifications to include the construction of a new fast food restaurant w/ drive-through window & a mini-warehouse facility on property located at 2955, 3001, 3005 & 3009 Gallows Rd. on approx. 2.87 ac. zoned I-5. Tax Map 49-4((1))17, 20-22. PROVIDENCE DISTRICT. PUBLIC HEARING.

Ms. Ina Stagg, a planner with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated September 5, 2001. There were no disclosures by Commission members.

Mr. William Mayland, 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.

Ms. Stagg presented a brief land use history of the subject property and explained that the applicants had been working with the Merrifield Task Force, Supervisor Connelly, Commissioner Smyth and staff to further revitalization efforts in Merrifield and implement the Task Force's vision for this site. She added the existing buildings, housing an auto body shop, a storage facility and a fast food restaurant, would be demolished and replaced with just two buildings for storage and a fast food restaurant. Ms. Stagg noted that the new buildings would be architecturally compatible and that landscaping would be provided in accordance with the Merrifield Plan. She stated that two existing entrances on Gallows Road would be eliminated, impervious surface area would be reduced and best management practices would be provided. She said that the applicants concurred with the development conditions suggested by staff with the exception of that portion of Number 14 prohibiting ribbed lighting on the McDonald's building.

In response to questions from Commissioner Smyth, Ms. Stagg confirmed that 8-foot monument signs were proposed.

Chairman Murphy called the first listed speaker.

Ms. Karen Hunt, 2431 Villanova Drive, Vienna, representing the Stonewall Manor Civic Association, concurred with the changes that had been made to the development plan since the application was originally submitted. However, she expressed continued concern about increased traffic generated by the proposed McDonald's and suggested an annual contribution from the applicant rather than the one-time contribution reflected in the proposed development conditions. She also felt that development of the two uses should be concurrent and that the applicant's request to allow separate non-residential use permits should be denied.

Ms. Hunt responded to questions from Commissioners Kelso and Byers regarding her position.

In response to questions from Commissioner Smyth, Mr. Mayland explained why staff supported the applicant's request for separate permits.

Ms. Rebecca Cate, 8119 Westchester Drive, Vienna, representing the Dunn Loring Improvement Association, applauded the applicant's efforts to advance the revitalization goals of the Merrifield Task Force. However, she suggested that a more coordinated and specific architectural design would be beneficial. (A copy of Ms. Cate's comments is in the date file.)

There being no further speakers, Chairman Murphy called upon Ms. Stagg for a rebuttal statement.

Ms. Stagg maintained that the proposed uses would not generate a significant increase in peak hour vehicle trips. She stated that both buildings would be built as soon as possible, but that she saw no reason to hold up the permit for one if the other was not quite ready. Regarding the design issue, Ms. Stagg asserted that the designs had been coordinated, but obviously the buildings would not be identical.

Mr. Andrew Farretti, with Barakos-Landino Companies, architect for the applicant, responded to questions from Commissioner Smyth about the glass and building materials proposed and design of storage facility loading areas.

Ms. Stagg responded to questions from Commissioner Smyth about the proposed landscaping, "pocket park" and trash barrier.

In response to a question from Commissioner Kelso, Ms. Stagg said the applicant wanted access control gates, but staff was adamant about not restricting traffic flow through the site.

In response to a question from Commissioner Harsel, Ms. Stagg said the storage facility would not have a residential caretaker, but the individual units would be electronically controlled.

Commissioner Smyth commented that more time was needed to work out the details of this application and suggested deferral of the decision until the first Planning Commission meeting next year, January 9, 2002. Mr. Mayland and Ms. Stagg both agreed to that date.

There being no further comments or questions from the Commission and Mr. Mayland having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for a deferral motion. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED TO DEFER DECISION ONLY ON SEA-80-P-135-3 TO A DATE CERTAIN OF JANUARY 9, 2002.

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

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(The Commission went into recess at 10:35 p.m. and reconvened in the Board Auditorium at 10:50 p.m.)

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SE-01-V-014 - BARGAIN RENT-A-CAR - Appl. under Sects. 4-804 & 9-610 of the Zoning Ord. to permit a vehicle sales, rental & ancillary service establishment & a waiver of the minimum width requirement on property located at 8145 Richmond Hwy. on approx. 1.10 ac. zoned C-8 & HC. Tax Map 101-2((1))25. MT. VERNON DISTRICT. PUBLIC HEARING.

Dexter Odin, Esquire, with Odin, Feldman & Pittleman, reaffirmed the affidavit dated October 29, 2001. There were no disclosures by Commission members.

Ms. Cathy Lewis, 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 denial of the application because the proposed use was not sufficiently landscaped and could discourage residential development of adjacent properties.

Mr. Odin explained that Mr. George Doomash, owner of the subject property and operator of the business thereon, had investigated the possible use of the property prior to his purchase and had been assured by County officials that a car rental establishment was a proper use for the site. He added that Mr. Doomash had obtained what he believed were all the necessary permits before opening his business. He stated that two of the three zoning violations Mr. Doomash had been cited with had been rectified and that the third would be resolved with the approval of this special exception. Mr. Odin pointed out that the property was zoned C-8 and that if this application was denied Mr. Doomash would be forced out of business, but the zoning would remain and a new owner could redevelop the site with a by-right commercial use which would reduce the likelihood of eventual residential use. He stated that the current car rental business was an interim use and that the applicant's special exception could be revoked if adjacent parcels were rezoned or redeveloped for residential use. Mr. Odin said that his client agreed with the proposed development conditions, with the exception of the requirement for screening on the eastern property boundary which he did not believe was necessary.

Chairman Murphy called the only listed speaker for this case.

Ms. Bok Nim Ko, owner/operator of Mount Vernon Car Wash, an adjacent business, spoke in opposition. She cited traffic and the lack of need for the business as her main objections. (A copy of Ms. Ko's statement is in the date file.)

Mr. Odin declined the opportunity to present a rebuttal statement. There being no comments or questions from the Commission and Ms. Lewis having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THEY DENY SE-01-V-014.

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

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RZ-2001-SU-033/FDP-2001-SU-033 - STANLEY MARTIN
HOMEBUILDING LLC -Appls. to rezone from R-1, HC, HD & WS to PDH-8, HC, HD & WS to permit residential development at a density of 6.02 du/ac & approval of the conceptual & final development plans on property located on the N. side of Wharton La., at its intersection w/Mt. Gilead Rd. on approx. 7.81 ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 54-4((1))13-17 & 54-4((3))1, 2 & 3. SULLY DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed, Smith, Hazel & Thomas, reaffirmed the affidavit dated September 21, 2001. There were no disclosures by Commission members.

Mr. William Mayland, 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.

Mr. Lawrence noted that the applicant had spent a great deal of time working with the County's planning staff, the Fairfax County Park Authority's Cultural Resource Branch, and the Fairfax County Architectural Review Board (ARB) to ensure preservation and protection of the Civil War era earthworks on a portion of the subject property located in an historic district. He added that the applicant had met with the Western Fairfax Citizens Association (WFCCA) and other citizens in the immediate area. He explained that the application addressed all the issues raised by the Park Authority and St. John's Church, located immediately south of the subject property. Mr. Lawrence stated that the ARB enthusiastically supported the applicant's plans for the historic district. He stated that the property was planned for 5 to 8 dwelling units per acre and could have been developed with townhouses, but the applicant wanted to provide a design and layout that would be compatible with the historic district.

Mr. Lawrence responded to questions from Commissioner Koch regarding the applicant's meetings with the WFCCA and representatives from St. John's Church, Centreville Farms, Walney Glen, and Willowby Ridge. He confirmed that prospective home buyers would be notified of the daily bell ringing at the Church.

Mr. Lawrence responded to questions from Commissioner Byers concerning the design and length of the proposed driveways and back yards.

In response to questions from Commissioners Byers and Harsel regarding the size of the back yards, Mr. Steven Alloy, with Stanley-Martin Homebuilding, LLC, explained that the kitchens and garages would be at ground level and that patios could be added at that level, but decks would be unlikely. With respect to parking, he noted that parallel street parking would be allowed in front of the units.

In response to questions from Commissioner Harsel, Mr. Alloy stated the driveways were approximately 19 feet in length from the edge of the garages to the alley behind the homes and that the lot widths varied from 42 to 46 feet.

In response to questions from Commissioner Smyth, Mr. Alloy said that details regarding privacy fences in the rear yards had not yet been finalized, but that most probably fences would only be allowed from the back corner of a house to the side lot line, back to the rear lot line, and then along the rear lot line to the driveway.

Commissioner Smyth said she was pleased to see that the earthworks would be maintained by the Park Authority and that public access easements would be provided on the private streets. She suggested that the proffer currently stating that covenants on the properties would be made available to prospective home buyers be strengthened to stated that the covenants would be provided to prospective home buyers and that information regarding maintenance of the private streets was highlighted in some manner. Mr. Alloy and Mr. Lawrence concurred.

Commissioner Kelso complimented the applicant on the excellent design and asked staff why the applicant was not given any credit for Development Criteria No. 6 referring to open space. Mr. Mayland explained that 25 percent open space was required and the applicant had provided just 26 percent.

In response to questions from Chairman Murphy, Ms. Kris Abrahamson, ZED, DPZ, explained that staff generally only gave credit for open space if the minimum requirement was substantially exceeded.

In response to questions from Commissioner Harsel, Mr. Lawrence outlined the area to be donated to the Park Authority which included the earthworks and its immediate surroundings, including the tot lot and passive recreation features such as a gazebo, benches and an historic marker.

In response to questions from Commissioner Harsel, Mr. Lawrence explained that the \$955 per unit required for recreation purposes would be paid after calculating and subtracting the value of the actual facilities that would be provided. He noted that this was standard practice.

In response to questions from Commissioner Smyth, Mr. Lawrence said there would be a minimum of 10 feet between the homes.

There being no further questions from the Commission at this time, Chairman Murphy called for speakers from the audience.

Ms. Mary Ahrens, 11201 Fairfield House Drive, Unit 610A, Fairfax, expressed her concern about preservation of the historic district.

Mr. Lawrence Baldwin, 13708 Leland Road, Centreville, spoke in opposition to the application. He stated that proposed parking and preservation of the earthworks was inadequate and that the development was lacking architectural uniqueness to integrate the development with the historic district. (A copy of Mr. Baldwin's statement is in the date file.)

Mr. John McAnaw, 5326 Gainsborough Drive, Fairfax, also opposed the application. He maintained that the earthworks had not be properly surveyed and concurred with Mr. Baldwin that the proposed preservation was insufficient.

Mr. Keith Young, 4670 Luxberry Drive, Fairfax, claimed insufficient notice and said that more time was needed to determine the extent of the historic significance of the subject property and that development should be delayed until a study could be conducted.

Commissioner Koch assured Mr. Young that due process had been followed. He explained the outreach efforts by the applicant and noted that the project had been the subject of numerous newspaper articles in the *Centreview*.

Chairman Murphy noted that this area of Centreville was once in the Springfield District and that great effort had been put forth in the 1980s to discover and protect all historically significant areas.

Mr. Timothy Duskin, 5848 Rock Forest Court, Centreville, spoke about the importance of preserving the historic district. He said the applicant's proposal did not accomplish that goal.

There being no further speakers, Chairman Murphy called upon Mr. Lawrence for a rebuttal statement.

Mr. Lawrence noted that the Park Authority was pleased with the applicant's proposal for preservation of the historic district and was satisfied that all issues had been addressed.

In response to questions from Commissioner Harsel, Mr. Mayland stated that the alleys were considered part of the private street system in the proposed development. Commissioner Harsel suggested that Proffer 9 be amended to include the word "alleys" to clarify that point.

In response to further questions from Commissioner Harsel, Mr. Mayland assured her that the Park Authority had been involved in the negotiation process throughout the various iterations of the proffers and was satisfied with the 5-day notification requirement outlined in Proffer 13.

In response to questions from Commissioner Moon, Mr. Lawrence acknowledged that page 4 of the staff report indicated that the homes in Lots 1 through 42 would have minimum side yards of 4 feet, making them 8 feet apart, but reiterated that the applicant's intent was to provide at least 10 feet between homes.

There being no further comments or questions from the Commission and Mr. Mayland having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE RZ-2001-SU-033, SUBJECT TO THE PROFFERS DATED DECEMBER 11, 2001.

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

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-SU-033, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 28, 2001, CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND THE BOARD'S APPROVAL OF RZ-2001-SU-033.

Commissioner Kelso seconded the motion carried by a vote of 6-0-1 with Commissioner Smyth abstaining; Commissioners Alcorn, Byers, and Palatiello not present for the vote; Commissioners Hall and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A WAIVER OF THE 600-FOOT MAXIMUM LENGTH REQUIREMENT OF PRIVATE STREETS.

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

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Vice Chairman Byers having left the meeting earlier, Secretary Harsel assumed the Chair prior to the hearing of the next case in the Springfield District.

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SE-01-Y-003 - FEDERATED DEPARTMENT STORES - Appl. under Sect. 9-620 of the Zoning Ord. to permit a waiver of certain sign regulations on property located within the Fair Oaks Mall on approx. 2.50 ac. zoned C-7. Tax Map 46-3((8))1B pt. (SPRINGFIELD DISTRICT [Formerly Sully District]) PUBLIC HEARING.

M. Catherine Puskar, Esquire, with Walsh, Colucci LLP, reaffirmed the affidavit dated November 15, 2001. There were no disclosures by Commission members.

Ms. Kris Abrahamson, 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 denial of the application because the signs requested by the applicant did not meet the standards for a waiver of the sign regulations regarding size and location.

Ms. Puskar explained that Macy's was an anchor tenant at a regional mall and needed the increase in signage to ensure the viability and success of the store and the mall. She noted that Macy's was responsible for a substantial amount of revenue for Fairfax County through payment of property taxes and collection of sales taxes. She added that the performance of this store was well below its first year projections and that the limitations on signage negatively impacted the store's ability to succeed. She pointed out that Macy's stores at other regional malls, specifically Springfield Mall and Tysons II Galleria, had signs comparable to what the applicant was requesting in this application.

Ms. Puskar responded to questions from Commissioner Harsel regarding how long Macy's had been at Fair Oaks Mall. She explained that Macy's had enlarged the former Lord and Taylor store and added structured parking as well. Ms. Puskar maintained that increasing the performance of Macy's would benefit the entire mall.

In response to questions from Commissioner Harsel, Ms. Abrahamson explained that the Tysons II Galleria was located in a P District and therefore subject to a comprehensive signage plan and that Springfield Mall had a special permit for a comprehensive signage plan equivalent. She added that this application was different because the property was zoned C-8 and subject to different standards.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON SE-01-Y-033 TO A DATE CERTAIN OF JANUARY 9, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DEFER ITS PUBLIC HEARING FROM JANUARY 7, 2002 TO THE NEXT BOARD MEETING FOLLOWING THE PLANNING COMMISSION'S RECOMMENDATION ON JANUARY 9, 2002.

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

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The meeting was adjourned at 12:28 a.m.

Peter J. 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: Gloria L. Watkins

Approved on: April 10, 2003

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