

McLean Citizens Association Planning & Zoning Committee

Report to the Membership April 2006

This report covers the activities of the Planning & Zoning (P&Z) Committee between Jan 1, 2006 and April 30, 2006. The P&Z Committee meets every month on the last Tuesday of the month at 7:30 PM at the McLean Community Center. During the period, the Committee heard a number of presentations from applicants for Rezoning, Special Exceptions and items before the Board of Zoning Appeals, as well as discussions on other subjects of interest to Committee Members. Following is a summary of the Committee's activities.

APPLICATIONS BEFORE THE FAIRFAX COUNTY PLANNING COMMISSION AND BOARD OF SUPERVISORS

McLean Glen: A presentation by the developer was made at the April 26, 2005 meeting of the Committee and again on November 29th. The project is being proposed as a PDH-3 containing nineteen homes on an eight-acre R-1 site, located on Lewinsville Road, just West of Spring Hill Road on property known as Odrick's Corner. A number of changes were made to the plan between April and November, including an expansion in the size of the property and the number of houses to be built. Meetings between committee members and the applicant were conducted during the past couple of months and the committee, after considerable discussion, passed a Resolution that was presented to, and passed, by the Board at the April 5, 2006 meeting. The Planning Commission Public Hearing is scheduled for April 27, 2006. The P&Z Lead is Steve Keller.

Tysons Corner Center: Two presentations to the P&Z Committee were made by the developer on a Rezoning application RZ-2004-PR-044, the first on June 28th 2005 and the second at a joint meeting with the MCA Transportation Committee on November 29th. At the November meeting, the Applicant described recent revisions to the plan, in which the Applicant proposes to rezone the seventy-eight acre site to a Planned Development Commercial District. This rezoning would permit mixed-use with the addition of office space, residential units and a hotel. Questions on a number of aspects of the plan were presented to the developer, including school contributions, transportation issues - both rail and bus - proffer commitment enforcement, and the use of the public areas. The P&Z Committee continued its evaluation of this application in a number of meetings among the committee members, with County Staff and the Providence District Supervisor and her staff. Work continues on the review of the application and meetings will continue with the presentation of a Draft Resolution to the Committee in May and to the Board at the June or July meeting. The Planning Committee Public Hearing is scheduled for July 27, 2006. P&Z Committee Lead is John Foust.

Halcyon Estates: An initial presentation by the applicant was made to the P&Z Committee on February 28, 2006, followed by another presentation at the March 28th meeting. In the interim between the two meetings, the applicant was changed from Land Developments Consultants, Inc., to Basheer & Edgemore, the developer at the neighboring Maymont development. The application is for the rezoning of the 3.6-acre property at the intersection of Beulah Road and Atwood Road, RZ-2002-DR-034, to rezone from R-1 to R-2 in order to construct up to six houses. The neighboring communities are opposed to the increased density and more than 100 persons have signed a petition to that effect. Opposition to constructing six houses was expressed by attending community members at the first

meeting from neighboring Beau Ridge, citing an undesirable discontinuity in density and other factors that would result from the construction of the six houses. It is expected that a revised plan will be presented to the Committee in the near future and work will continue in the evaluation of the application, with the expectation that agreement can be reached between the parties before the scheduled Planning Commission date of May 4, 2006. P&Z Lead is Phil Zanfagna.

Verizon Wireless: The applicant made a presentation at the February 28, 2006 Committee meeting of an Application (2232-D05-20) to install a 108 ft. high monopole in the Fairfax County Park Authority property in Pimmit Hills near the intersection of Pimmit Drive and Taylor Avenue, with a 12'x30'x10' equipment shelter at the base of the monopole. The service area would include the Dulles Access Road, Pimmit Hills, Tuckahoe and portions of Leesburg Pike. A Crane Test was conducted on January 20th & 21st, which generated some concerns by the community. Representatives of the Committee have held side meetings with Verizon to discuss these issues and try to arrive at an agreement as to the specifics of the installation. There was considerable skepticism from Pimmit Hills community residents about the negative visual effect on the community and opposition to the installation, based on that and the lack of information pertaining to the evaluation by Verizon of alternate sites. A number of Committee members expressed similar concerns and a Draft Resolution was passed by the committee, and by the Board at its meeting on March 1, 2006, asking for a Decision Deferral by the Planning Commission, pending the results of further study of alternate sites. PC hearing date was March 15, 2006 and a Decision-only PC date has been set for May 3, 2006. Darren Ewing is the P&Z Lead.

ISSUES BEFORE THE BOARD OF ZONING APPEALS

Trinity United Methodist Church: A presentation was made at the P&Z Committee meeting on November 29, 2005 in behalf of the Church on their Special Permit Amendment application (SPA 87-D-074) to the BZA for the addition of structures at the Church's site on Dolly Madison Blvd. Subsequent to this meeting, the Church, in response to certain objections by the County Staff, agreed to make changes to the plan and resubmit at a later date. The committee received a revised set of drawings, which was provided to the Solona HOA for their review. The P&Z Committee voted to approve the plan at its January 2006 meeting and presented a Draft Resolution to this effect at the February Board meeting. The Board approved the Resolution, which was distributed to the BZA in advance of its meeting on February 14, 2006, at which time the application was approved. P&Z Lead was Michelle Meehan.

Georgetown Pike Cement Wall: Presentations were made in early 2005 by Mr. V. Railan and Mr. C. Oge pertaining to the cement-block wall that Mr. Rialan constructed at 6531 Georgetown Pike, immediately across from Langley High School and next door to Mr. Oge. Mr. Railan had been cited by the Zoning Inspector and appealed the Notice of Violation on the grounds that the wall is necessary to block the noise and lights coming from the school. Mr. Oge and a group of neighbors -- including the Langley Oaks Homeowners Association and the Georgetown Pike and Potomac River Association -- are opposed to the existence of the wall, which was constructed without a building permit and is higher than the legal limit. The MCA passed a resolution in opposition to the appeal. The BZA upheld the decision of the Zoning Administrator that the wall must be either removed, or reduced in height to the allowable four feet. The matter was continued to the Circuit Court, and on March 24, 2006 the judge denied the property owner's motion to stay the proceedings pending action by the BZA on a Special Permit application. The defendant was given ten days to answer which would be on April 3, 2006. The County Attorney must then provide two weeks notice of his intent to seek a Motion for Summary

Judgment on this case. Therefore, the matter will probably be in court for this hearing on April 21. P&Z Lead is Jim Robertson.

McLean Bible Church – Since early 2004, the McLean Bible Church (MBC) has had a running issue with the Zoning Administrator and the Board of Zoning Appeals (BZA) regarding the conduct of college-level courses conducted by the Capital Bible Seminary (CBC) on Church property. On March 15, 2005, the BZA rejected the MBC appeal of the Zoning Administrator's decision regarding the operation of a Seminary. The MBC Attorney sent a letter to the County Zoning Administrator on April 26, 2005, outlining the conditions under which MBC was willing to continue the seminary classes and why they thought it would conform to their existing Special Exception Amendment (SEA). The P&Z Committee Co-chair, and others, met with the Zoning Administrator twice and subsequently sent a letter to him reiterating MCA's concern about traffic if the county agrees to seminary classes without limits on course enrollment numbers. The Zoning Administrator made a decision on the MBC request in December, upholding the original decision, thereby requiring the MBC to submit an amendment to the existing SEA, if it desired to continue the classes. In January 2006, the MBC once again appealed the Zoning Administrator's decision and the case came up at the BZA meeting on April 18, 2006. After over three hours of statements on both sides of the issue, one of which was by MCA, the BZA deferred its decision until June 6th in order to allow time for gathering additional information from the Appellant and County Staff, and digesting same. P&Z Lead is Michelle Meehan.

OTHER ITEMS OF INTEREST BY THE COMMITTEE

Fairfax County Zoning Ordinance Amendment: Following the Virginia Supreme Court's decision in *Cochran v. Fairfax County Board of Zoning Appeals*, 267 Va. 756 (2004), the County proposed a Zoning Ordinance Amendment in late 2004 to allow the Board of Zoning Appeals (BZA) or the Board of Supervisors to grant special permits or special exceptions allowing for the relaxation of minimum lot width and other requirements, and advertised a Planning Commission Public Hearing for early February. The P&Z Committee had a number of concerns about the amendment and drafted a Resolution, which was passed by the full MCA Board, asking for additional time to review the proposed changes and for workshops allowing for additional citizen involvement. The County held an informational meeting on January 31, 2005 and subsequently withdrew the proposal. In February 2005, the Virginia Legislature passed legislation that provides the County with an alternative to the proposed amendment. The County subsequently held six public information meetings identifying fifteen issues it felt needed to be addressed. On March 23, 2006, the Planning Commission addressed four of the least controversial of these, but it deferred consideration. In June, the Planning Commission will address a second set of issues, including several of the more-controversial of the fifteen. The P&Z lead is Dale Murad.

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Co-chairs