



APPLICATION ACCEPTED: April 28, 2006
PLANNING COMMISSION: October 18, 2006
BOARD OF SUPERVISORS: not scheduled

County of Fairfax, Virginia

October 4, 2006

STAFF REPORT

APPLICATION SE 2006-SP-011

SPRINGFIELD DISTRICT

APPLICANT: Virginia Electric and Power Company (VEPCO)
and Jimmy H. Ghadban

ZONING: R-1, WS

PARCEL: 106-1 ((1)) 23A pt. & 106-2 ((1)) 47A pt.

ACREAGE: 3.81 acres

FAR: None

PLAN MAP: Public Facilities

SE CATEGORY: Category 1: Light Public Facility Uses

PROPOSAL: Delete a 1.35 acre portion of the 3.81 acre site
subject to SP# 4898, and maintain an existing
substation on the remaining 2.46 acres.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2006-SP-011 subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

- Applicant:** Virginia Electric and Power Company (VEPCO) and Jimmy H. Ghadban
- Location:** The subject property is located to the south of Ox Road, to the north of Elk Horn Road, and to the west of Palmer Drive.
- Request:** The applicant seeks a special exception to delete 1.35 acres of a 3.81 acre parcel that is subject to Special Permit SP# 4898 and to maintain an existing substation on the remaining 2.46 acres. (SP# 4898 was approved by the BZA on September 18, 1951 and authorized the construction and operation of the electric substation.)
- This application clarifies that the area currently being used by the existing electric substation site is 2.46 acres rather than 3.81 acres. The applicant requests to delete an excess of 1.35 acres of land located on Tax Map Parcel 106-1 ((1)) 23A and transfer the land to Jimmy H. Ghadban for inclusion in a by-right subdivision, which includes 14 single family dwelling units. This transfer of land is necessary for approval of the subdivision.
- Waivers/Modifications:** No waivers or modifications are requested with this application.

A reduced copy of the proposed Special Exception Plat is included at the front of this report. The applicant's Proposed Development Conditions, Affidavit and Statement of Justification are included in Appendices 1 through 3.

LOCATION AND CHARACTER

The subject property is located to the south of Ox Road, the north of Elk Horn Road, and to the west of Palmer Drive. The southern "tail" of the property [on Tax Map Parcel 106-1 ((1)) 23A] is included in a by-right subdivision currently being processed; approval of the subject SE to delete the "tail" from the SE area is necessary for approval of the subdivision.

Access is provided to the existing substation from two unpaved drives to Palmer Drive and one unpaved drive to Ox Road.

SURROUNDING AREA DESCRIPTION			
Direction	Use*	Zoning	Plan
North	Single Family Residential & Vacant	R-1, WS	Residential, 0.2 – 0.5 du/ac
Southwest	Single Family Residential (under subdivision)	R-1, WS	Public Facilities
Southeast	Single Family Residential Vacant (VEPCO owned)	R-1, WS	Residential, 1-2 du/ac Public Facilities

*Not directly abutting the SE Area

BACKGROUND

- On September 18, 1951, the Board of Zoning Appeals granted SP# 4898 to construct and operate a sub-station on Parcel 47. The approved land area in this Special Permit applies to this Special Exception application and is partially superseded by this application. (See Appendix 4)
- On March 13, 1962, the BZA granted SP# 7368 to permit the erection of a power transmission line in an easement from the subject substation (Occoquan substation) to the Jefferson Street substation. This permit is partially superseded by this Special Exception application for transmission lines crossing the site.
- On March 2, 1976, the BZA approved S-9-76 to replace existing transmission lines and permit construction of a tower in the transmission line corridor from the subject substation to the Hayfield substation. The associated 456 review, (now 2232 review) was also approved by the Planning Commission. The development conditions in this application apply to the transmission lines and do not supersede the previous special permits. This permit is available in the Fairfax County Department of Planning and Zoning office files and will not be impacted by this Special Exception application.
- On Wednesday, July 12, 2000, the Planning Commission voted to concur with staff's determination that a telecommunications facility on the existing tower at the substation was a feature shown, under FS-V00-67.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: Area III
Planning Sector: Pohick, P-5 Dominion Community Planning Sector
Plan Map: Public Facilities

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat: Special Exception Plat – Virginia Electric and Power Company (VEPCO)

Prepared By: Burgess & Niple

Original and Revision Dates: April 20, 2006, with revisions to Sheet 1 dated August 8, 2006 and Sheet 2 dated August 25, 2006

The SE Plat consists of two sheets.

Sheet one shows a vicinity map for the VEPCO site, which highlights the existing electric substation labeled as “Site” and the area proposed to be deleted in the application. Notes on the SE area indicate that no new construction or structures are proposed. The sole purpose is to maintain the existing electric substation use on 2.46 acres of land and delete a 1.35 acre portion of the 3.81 acre site subject to SP 4898, which was approved on 9/18/51. Sheet one also includes the zoning requirements, notes and tabulations for the site.

Sheet two shows a detail of the SE area and portions of the surrounding area, showing the following details:

Within SE Area

- Existing electric power substation use on 2.46 acres of land instead of 3.81 acres of land approved in SP# 4898.
- Existing electric power substation area is 1.13 acres and enclosed within a 6 foot chain linked fence (no change proposed).
- Existing transitional screening is heavily vegetated and will not be disturbed as a result of this Special Exception application.
- Existing high voltage transmission lines intersecting the electric power station on the northern and southern portions of the site (no change proposed).
- Access to the site from two unpaved drives to Palmer Drive and one unpaved drive to Ox Road (no change proposed).

Outside of SE Area

- Existing land area of 1.35 acres proposed to be deleted from the electric substation use.
- Three existing “Danger Tree Restriction Areas” are located on Tax Map Parcel 106-1 ((1)) 23A and shaded gray on the Special Exception Plat; one restriction area is located just south of the existing substation, another restriction area is located approximately 260 feet west of the existing substation on the common property line

and the third restriction area is located on the northwest sliver on Tax Map Parcel 106-1 ((1)) 23A. This restriction provides VEPCO with the authority to prune or cut down trees that may adversely impact the existing high voltage transmission lines.

- Existing high voltage transmission lines are located to the east of Tax Map Parcel 106-1 ((1)) 23A (no change proposed).

Land Use and Environmental Analysis

No land use or environmental issues are raised by the application.

Transportation Analysis (Appendix 6)

No transportation issues are raised by the application.

Park Authority Analysis (Appendix 7)

No park issues are raised by the application

Storm water Analysis (Appendix 8)

No storm water issues are raised by the application.

ZONING ORDINANCE PROVISIONS (Appendix 9)

The existing electric substation use is classified as a Category 1 special exception, which does not have to comply with the bulk regulations set forth in the R-1 Zoning District. No new construction is proposed.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 9)

General Special Exception Standards (Sect. 9-006)

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there are no significant negative impacts on surrounding properties, that safe and adequate vehicular and pedestrian access be provided to the site, as well as transitional screening and landscaping.

The applicant has proposed to delete a 1.35 acre portion of the 3.81 acre site currently approved under a Special Permit and to maintain an existing electric power substation on the remaining 2.46 acres. This electric power substation and the adjacent electric high voltage line corridor have been in existence since 1951 and the Comprehensive Plan acknowledges the need for these public facilities at the site.

The substation will not impose significant impacts to the surrounding area. VEPCO currently owns all properties adjacent to the substation except Tax Map Parcel 106-1 ((1)) 23A, which is owned by the co-applicant to this application. Parcel 23A will be consolidated with Tax Map Parcels 106-1 ((1)) 5 and 6; and subdivided as a by-right R-1 subdivision. The 1.35 acre portion of land to be removed from the existing electric power substation site will be added to this subdivision. Transitional Screening III will be planted by the co-applicant to buffer the by-right subdivision from the VEPCO property at the common property line.

In addition, adequate access is provided to the electric power substation from Palmer Drive and Ox Road. No changes are proposed from the current approval and no on-site employees are proposed.

Staff believes that, with the imposition of the proposed development conditions, the uses proposed in SE 2006-SP-011 satisfy these General Special Exception Standards.

Category 1 Standards (Sect. 9-104)

The Category 1 Standards do not require the proposed development to meet lot size and bulk requirements for an R-1 Zoning District and specify that no land shall be used for the storage of materials and/or equipment on the site. In addition, the applicant shall prove that there is no alternative site available in an industrial or commercial district located within 1 mile of the proposed location.

The applicant has proposed to delete a 1.35 acre portion of the 3.81 acre site currently approved under a Special Permit and to maintain an existing electric power substation on the remaining 2.46 acres. The existing electric substation use is classified as a Category 1 special exception and does not have to comply with the bulk regulations set forth in the R-1 Zoning District. Storage of materials and/or equipment at the substation will only occur on an interim basis by employees connected with the operation of the electric substation. In addition, the alignment of the existing high voltage overhead line corridor and the lack of any available land for industrial and commercial use within 1 mile of the substation results in a finding that it is impossible to render this use at any other alternative site.

Staff believes that the proposed use meets the Category 1 Standards.

Overlay District Requirements

Water Supply Protection (WSPOD)

The property is located within the Water Supply Protection Overlay District. No change is proposed from the current approval in SP# 4898.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposal to delete a 1.35 acre portion of the 3.81 acre site subject to SP# 4898 and to maintain an existing substation on the remaining 2.46 acres is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SE 2006-SP-011 subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Plat from SP# 4898
5. Plan Citations
6. Transportation Analysis
7. Park Authority Analysis
8. Storm water Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2006-SP-011****September 28, 2006**

If it is the intent of the Board of Supervisors to approve SE 2006-SP-011 located to the south of Ox Road, the north of Elk Horn Road, and to the west of Palmer Drive; Tax Map Parcels 106 1 ((1)) 23A pt. and 106-2 ((1)) 47A pt. for the continued use of an existing substation on 2.46 acres pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which reaffirms all previous conditions except as amended below:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right Special Exception, or Special Permit uses may be allowed on the site without amending this Special Exception, so long as the proposed use is in substantial conformance with the SE Plat.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat – Virginia Electric and Power Company (VEPCO)" prepared by Burgess and Niple, consisting of two sheets dated April 20, 2006, with revisions to Sheet 1 dated August 8, 2006 and Sheet 2 dated August 25, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Existing healthy vegetation shall be preserved along the common property line between Tax Map Parcel 106-1 ((1)) 23A and Tax Map Parcel 106-2 ((1)) 47A and outside of the "Danger Tree Restriction Area" easement recorded among the Land Records in Deed Book 17084 at page 173, as shown on Sheet 2 of the Special Exception Plat. Prior to the issuance of a Non-RUP, the Applicant or its assigns shall, to the satisfaction of Urban Forest Management, install a mixture of evergreen shrubbery (e.g. inkberry, hybrid holly and arborvitae) among the existing vegetation in a manner which (i) provides an effective year round visual screen between the residential uses proposed on Parcel 23A and the existing substation located upon Parcel 47A, and (ii) does not violate the terms of the "Danger Tree Restriction Area" easement recorded among the Land Records in Deed Book 17084 at page 0173. Said plantings shall be of a type and number approved by Urban Forest Management. Said plantings shall be installed for the purpose of screening views of any single family homes which may be constructed on Parcel 23A.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.