

**Board Agenda Item  
November 18, 2002**

**4:30 p.m. Items – RZ-2002-HM-012, PCA-82-C-056 & SE-2002-HM-014 - H.B.L. Inc.  
Hunter Mill District**

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**On Thursday, October 17, 2002, the Planning Commission voted 6-0-2 (Commissioners Moon and Smyth abstaining; Commissioners Alcorn, Byers, Harsel and Kelso absent from the meeting) to recommend that the Board of Supervisors deny the following three applications: RZ-2002-HM-012, PCA-82-C-056 and SE-2002-HM-014.**

**The Commission's denial recommendation was based, in part, on safety concerns associated with travel paths of automobile delivery vehicles through the Westwood Corporate Center office park, the inability of the applicant to ensure all off-loading of vehicles would be via Westwood Corporate Center Drive rather than the service drive, and the improper storage and/or displaying of vehicles on site.**

Planning Commission Meeting  
October 17, 2002  
Verbatim Excerpt

RZ-2002-HM-012 - H.B.L. INC.  
PCA-82-C-056 - H.B.L. INC.  
SE-2002-HM-014 - H.B.L. INC.

Decision Only During Commission Matters  
(Public Hearing was held on September 19, 2002)

Commissioner de la Fe: Mr. Chairman, the second item is a decision only related to a case we heard last month. The public hearing was held last month. Please indulge me. I have some remarks to make on this. Mr. Chairman, in the original staff report for RZ-2002-HM-012, HBL Inc., the staff recommended denial for a variety of reasons, but primarily for a concern that automobile delivery rigs would not -- or could not -- negotiate the site's alleys and travel lanes and deliver their cargo on site. The applicant subsequently demonstrated to staff that large trucks could access the subject site for unloading purposes by utilizing the travel aisle between Buildings 3 and 4 of the Westwood Corporate Center. In other words, through the rest of the Westwood corporate Center office park. While this may have satisfied staff, I was not totally convinced that this path would be followed by the delivery drivers. The Westwood Corporate Center office park was designed for office use. Its travel and parking areas were designed to handle automobiles. There is also significant pedestrian traffic. While the trucks may physically be able to make the turns between Buildings 3 and 4, that does not mean large trucks going through most of this narrow travel lane is really fully consistent with the safety of the workers and visitors. Given those concerns, development conditions were developed in order to attempt to deal with this situation. The applicant has agreed to post signage letting delivery truck drivers know how they are supposed to get to this unloading area. To try to assure that the delivery route is followed, there is a development condition requiring that a designee of the vehicle sales establishment be available at all time to direct the drivers. However, the applicant has also stated that it would be difficult to inform delivery companies of this route because the applicant does not have any direct control with the delivery companies. It is the automobile manufacturer who hires the delivery companies. So now we are relying upon a huge corporation to inform the delivery trucks that there is this one dealership in Fairfax County that has a specific delivery route that they need to follow. That's a huge leap of faith that I am not quite sure I'm willing to take. I'm also not convinced that delivery trucks will actually use the designated delivery route, which is quite complicated. Here you have the dealership right on Route 7, but you have to drive through this office park and around the back of several buildings to actually get to the loading area to unload the cars. If I were a driver, I would do the easiest thing which would be to stop on the street in front of the dealership where there's a lot of room on the service drive and unload the truck, something which is not permitted. I visited the site again this afternoon just to analyze the situation again and followed the designated route to assure myself that this could work. My experience proved otherwise and I was not in a large truck, I was in a normal car, not even an SUV. Several regular delivery trucks, not huge automobile delivery trucks, but the normal FedEx and so on, were parked along the travel lane as were several automobiles. I had to be very careful to negotiate the route with just my regular car. Of course, the applicant was not at

fault, but neither can he control or assure that the situation would not happen again. Of course we have the development conditions. However, in researching this case and my concerns about it, I noticed that in a case heard by this Commission less than a year ago involving the applicant's main site next door, there are development conditions that do not appear to be effective or in place. During my visit earlier this afternoon, I noticed that despite development conditions to the contrary, automobiles were being displayed in areas not allowed, such as within grassy and landscaped areas along the service road. Numerous vehicles were also stored on the site under consideration tonight. The question of storing and or displaying vehicles on this site was raised at the Land Use Committee and assurances were given that such use would not continue. Not only were the vehicles there this afternoon, but also there was someone, I assume at the request of the automobile dealership or in their employ next door, cleaning and or otherwise servicing the cars. Because the impetus for rezoning the subject site from the PDC Zoning District to the C-7 Zoning District was to accommodate the vehicle sales establishment which is not otherwise permitted in the PDC District, staff did not believe that the site should be rezoned unless the issues noted above were satisfactorily addressed. In their addendum they believe that they were addressed. Frankly, after my experience this afternoon, I just don't believe that we can be assured that they would be met. It should be noted that this site was designed as an office park and not as a car dealership. Despite the staff's proposed development condition, my concerns about trucks offloading vehicles on Westwood Corporate Center Drive and the Route 7 service drive have not been alleviated, and the experience with the development conditions, frankly, I am not quite sure would be effective in this case either. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF PCA-82-C-056.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend --

John Farrell, Esquire: Mr. Chairman, I had given Mr. de la Fe something to put on the record and I would wonder if you would be kind enough to at least put it on the record?

Chairman Murphy: Well, he hasn't finished yet. Please take your seat, Mr. Farrell. We are not subject to debate right now -- question's been called. You're out of order. All those in favor of the motion to recommend to the Board of Supervisors that it deny PCA-82-C-056, say aye.

Commissioners: Aye.

Commissioners Smyth and Moon: Abstain.

Chairman Murphy: Mr. Moon and Ms. Smyth abstain. Not present for the public hearing. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, since the rezoning is recommended for denial, I MOVE THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF RZ-2002-HM-012.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny RZ-2002-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Smyth and Moon: Abstain.

Chairman Murphy: Same abstentions.

Commissioner de la Fe: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF SE-2002-HM-014.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny SE-2002-HM-014, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Smyth and Moon: Abstain.

Chairman Murphy: Same abstentions.

Commissioner de la Fe: Mr. Chairman, I would like to enter into the record a summary of contributions that HBL has made to transportation solutions in the Tysons area as requested by the applicant.

Chairman Murphy: Thank you very much. Without objection --

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Ms. Hall.

Commissioner Hall: Mr. Chairman, I think that if we are going to put this into the record it needs to be signed, or the person who prepared it should be on there. It doesn't say anything. It's

just a list of numbers and the person who prepared it should be prepared to discuss it in case there are any questions about it. So I think it needs to be complete before it goes in any record.

Commissioner de la Fe: Okay. I'll ask Mr. Farrell to do so before it goes in the record.

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Chairman Murphy: Okay.

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(The motions carried by a vote of 6-0-2 with Commissioners Moon and Smyth abstaining; Commissioners Alcorn, Byers, Harsel and Kelso absent from the meeting.)

LBR