MINUTES OF
PLANNING COMMISSION MEETING
JANUARY 30, 1992

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
David P. Bobzien, Centreville District
John R. Byers, Mount Vernon District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Stephen J. Hubbard, Dranesville District
Maya A. Huber, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Carl L. Sell, Jr., Lee District
Henry E. Strickland, Mason District

ABSENT: Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 8:21 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy welcomed Cub Scout Troop #1163 from Sterling, Virginia, to the meeting. He noted that the troop was attending tonight's meeting to work on citizenship badges.

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Commissioner Murphy referred to 456-S91-24, Department of Housing and Community Development (Braddock Community Center), and MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING TO A DATE CERTAIN OF FEBRUARY 12, 1992.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hubbard and Koch not present for the vote; Commissioner Thomas absent from the meeting.

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Chairman Murphy asked all Commission members to submit their 1992 Committee Preference Forms to Planning Commission staff as soon as possible.

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Commissioner Huber reminded the Commission that there would be a Major Plan Review Committee meeting on Thursday, February 6, 1992, at 8:15 p.m. in the Board Conference Room. She added that the public was invited.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for tonight's agenda items:

1. PCA-85-D-081 – GKG Limited Partnership
2. SE-91-S-031 – Virginia Electric and Power Company
   SE-91-S-046 – Northern Virginia Electric Cooperative

This order was accepted without objection.

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PCA-85-D-081 – GKG LIMITED PARTNERSHIP – Appl. to amend the proffers for RZ-85-D-081 to permit additional C-6 uses in an existing shopping center with a Floor Area Ratio (FAR) of 0.35 on property located at 6252 Old Dominion Dr. on approx. 0.42 ac. of land. Comp. Plan Rec: Commercial/retail use. Tax Map 31-3((1))112B. DRANESVILLE DISTRICT. PUBLIC HEARING.

Sarah H. Reifsnyder, Esquire, of Blankingship and Keith, representing the applicant, reaffirmed the affidavit. There were no disclosures by Commission members.

Mr. Greg Chase, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff report. He noted that staff recommended approval.

Ms. Reifsnyder explained that this Proffered Condition Amendment (PCA) had been submitted following a determination by the Zoning Administrator that the fast food restaurant on the site, Little Caesars Pizza, was not a retail use as defined in the Zoning Ordinance. She added that the conditions had been changed to limit the use of the subject property and, at the request of area citizens, a pedestrian crosswalk and speed bump had been added. Ms. Reifsnyder requested the Commission's favorable recommendation on this PCA.

In response to an inquiry from Commissioner Hubbard, Ms. Reifsnyder confirmed that, due to a recent amendment to the Zoning Ordinance, the Little Caesars restaurant was now a permitted, by-right use in the existing shopping center.

In response to a question from Commissioner Strickland, Ms. Reifsnyder stated that the amended proffer statement was undated.

In reply to an inquiry from Commissioner Harsel, Ms. Reifsnyder stated that an example of the repair service referred to in Proffer #3(f) would be a television repair shop.

Commissioner Huber and Ms. Reifsnyder discussed Proffer #1 regarding transportation improvements. Ms. Reifsnyder pointed out that that was an original proffer, approved with the first application in 1986, at which time the applicant was unrepresented by counsel. She then reviewed the improvements to be made as she understood them.

In response to questions from Commissioner Bobzien, Ms. Reifsnyder stated that it was her understanding that the purpose of limiting the subject property to retail use was to preclude office use.

Ms. Reifsnyder reiterated that she had not been a participant during the processing of the original application and therefore could not respond to Commissioner Hubbard's questions regarding the purpose of the original change to Proffer #3 indicating retail use only.

In an attempt to address Commissioner Hubbard's questions, Mr. Fred Struck, Managing General Partner of GKG Limited Partnership, explained that he had made the change to Proffer #3 at the request of the Dranesville District Supervisor at that time. He said that the concern at that time was to preclude office use and structured parking and that it was then his understanding that a pizza takeout restaurant was a retail use.

Chairman Murphy called for speakers for this case and reviewed the public hearing procedures.

Mr. Burt Sparrow, representing the Vincent Hall Residents Association, spoke in opposition to the application. He mentioned traffic problems in the area and added that he supported the reasons outlined in the letter of opposition submitted by the Franklin Area Citizens Association, a copy of which is in the date file.

In response to questions from Commissioner Hubbard, Mr. Sparrow said that the fact that the proposed use would now be allowed by right was irrelevant. He maintained that the subject property was an inappropriate location for this type of use.

In response to a question from Commissioner Bobzien, Mr. Sparrow acknowledged that he had not been a resident of Vincent Hall six years ago and had not participated in the original rezoning application.

Ms. Mary Ellen Brown, representing the Franklin Area Citizens Association (FACA), submitted petitions to Chairman Murphy from Vincent Hall and the Briar Ridge area expressing opposition to the PCA. She also submitted a letter detailing the reasons for FACA's objections, a copy of which is in the date file. Ms. Brown spoke about the additional traffic that would result from the proposed use.

The Commissioners reviewed the petitions submitted by Ms. Brown, following which Chairman Murphy returned them to Ms. Brown, suggesting that she submit the originals to the Board of Supervisors and provide the Commission with copies.

Ms. Brown responded to questions from Commissioners Byers, Sell, Hubbard and Strickland regarding the location of her subdivision, the traffic pattern in the shopping center, and the earlier rezoning application.

Commissioner Hubbard noted that the Commission had received letters of opposition from the McLean Citizens Association and the Potomac Hills Citizens Association, copies of which are in the date file.

Commissioner Huber noted that the Commission had received a letter from Safeway, Incorporated, expressing opposition to the application based on traffic problems.

Commissioner Hubbard and Mr. Chase discussed the traffic pattern in the shopping center. Mr. Chase pointed out that Appendix 6 of the staff report contained letters from both the Office of Transportation (OT) and the Virginia Department of Transportation, neither of which expressed objections to the application.

Commissioner Hubbard and Mr. Peter Braham, Senior Staff Coordinator, OCP, further discussed the traffic pattern.

In response to a question from Commissioner Harsel, Mr. Chase confirmed that OT staff had visited the subject site.

Commissioner Huber and Mr. Chase discussed the traffic pattern in the shopping center.

In response to a question from Commissioner Harsel, Mr. Chase stated that the applicant had a share agreement with the shopping center management for the provision of parking spaces. Mr. Braham confirmed that there were no parking spaces on the subject property, but that the number of spaces provided through the share agreement was more than adequate for the proposed use.

Chairman Murphy commented that many patrons visited more than one store before leaving the center.

Mr. Frank Gallegos, of 7203 Ivakota Road, Clifton, and owner of a business in the shopping center, noted that the traffic flow in the shopping center was considerably reduced from former levels. He noted that there were four entrances to the shopping center and concurred with Chairman Murphy's remark concerning multiple uses.

In response to questions from Commissioner Hubbard, Mr. Gallegos said he supported the PCA and commented that he felt there were no traffic circulation problems in the shopping center.

In rebuttal, Ms. Reifsnyder noted that the shared parking agreement was addressed in Proffer #2. She stressed the point raised by Chairman Murphy and referred to by Mr. Gallegos that many people visited several stores while in the shopping center. She added that the busiest time of the week for the pizza restaurant, Friday and Saturday nights, was compatible with the less busy times for other establishments in the shopping center.

In response to a question from Commissioner Byers, Ms. Reifsnyder confirmed that there would be no seating or delivery service provided at this Little Caesars restaurant.

Commissioner Hanlon, Ms. Reifsnyder, and Ms. Brown discussed the traffic counts conveyed in the FACA letter.

In response to questions from Commissioner Harsel, Ms. Reifsnyder stated that the proposed hours of operation were 10:00 a.m. to 11:00 p.m. Monday through Thursday and 10:00 a.m. to 1:00 a.m. on Friday and Saturday. Mr. Braham commented that there were no limitations in the Zoning Ordinance regarding hours of operation.

Commissioner Sell commented that a condition regarding the hours of operation could not be added to this application.

In response to questions from Commissioner Strickland, Ms. Reifsnyder reiterated that the applicant did not know that a pizza restaurant would not be considered a retail use when he made the original commitment to limit the use of the subject property to retail uses.

Commissioner Hubbard commented that there appeared to be outstanding issues in this application and therefore declared his intent to defer the decision for at least two weeks.

Mr. Chase declined Chairman Murphy's offer to present closing staff comments. Chairman Murphy then closed the public hearing and recognized Commissioner Hubbard for action on this case. (Verbatim excerpts are in the date file.)

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Following summary remarks, Commissioner Hubbard MOVED THAT PCA-85-D-081, GKG LIMITED PARTNERSHIP, BE DEFERRED, FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, TO FEBRUARY 12, 1992.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Thomas absent from the meeting.

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Prior to the next case in the Springfield District, Chairman Murphy asked Vice Chairman Hanlon to Chair the meeting.

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SE-91-S-031 – VIRGINIA ELECTRIC AND POWER COMPANY – Appl. under Sect. 3-004 of the Zoning Ord. to permit an electrical substation on property generally located W. of Clifton Creek Dr., S. of Ivakota Rd., & N. of the Southern Railroad right-of-way on approx. 92.91 ac. zoned R-C & WS. Tax Maps 75-3((1))pt.10; 75-4((4)) pt.2. (Concurrent with SE-91-S-046.) SPRINGFIELD DISTRICT. PUBLIC HEARING.

Vice Chairman Hanlon announced that this application and the next one, SE-91-S-031, would not be heard concurrently as advertised because there were separate applicants.

Mr. Randolph Church, representing the applicant, reaffirmed the affidavit. There were no disclosures by Commission members.

Commissioner Murphy announced that there had been several meetings with citizens in the area, as a result of which new development conditions had recently been submitted for both this application and the next one. He added, therefore, that it was his intention to defer the decisions on both of these applications.

Mr. Kevin Guinaw, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He noted that new development conditions had been submitted and that staff recommended approval of the application.

Mr. Church spoke about the land use history of the subject property. He stated that the Comprehensive Plan indicated that this site was appropriate for an electrical substation. Mr. Church said that the proposed substation was to provide backup for two other major substations, one in Loudoun County and one in Fairfax County. He added that only a small portion of the subject property would actually be used for the substation and that Virginia Power would continue to work with citizens in the area to resolve the screening issue. With regard to proposed Condition #4 addressing landscaping, he commented that the applicant supported the citizens' position which was to wait until the substation was in service to decide where additional landscaping was required. Mr. Church stated that the applicant was opposed to the installation of an additional barrier within the perimeter fence as suggested in paragraph B of Condition #5 because it would cause problems for maintenance personnel. He said that proposed Condition #8 needed further refinement, which he felt would be possible before a decision was made on this application next week. With regard to proposed Condition #9, Mr. Church said that it presented sort of a "double jeopardy" type of situation in that it required approval by both the Department of Environmental Management (DEM) and OCP. He maintained that only one level of review

was necessary. He said that proposed Condition #12 needed clarification regarding the limits of clearing and grading. He questioned whether DEM was the proper agency to review and approve the proposed oil containment system as suggested in proposed Condition #19. Having completed his presentation and addressed the proposed development conditions, Mr. Church offered to answer any questions.

Since the two applications were so closely related, Vice Chairman Hanlon suggested that, to the extent it was convenient to do so, speakers address both applications at the same time to avoid having to testify twice. He then called the first name on the speakers list.

Mr. Gary Frantz, of 12913 Clifton Creek Drive, Clifton, requested that the development conditions be amended so that the applicant could provide a contribution that would allow him to relocate a barn on his property and plant trees for screening. (A copy of Mr. Frantz's statement is in the date file.)

In response to questions from Commissioner Murphy, Mr. Frantz said that the staff proposed language regarding screening was very close to what he wanted, but it left the final decision with the County Forester, not the landowner.

In response to a question from Commissioner Strickland, Mr. Frantz stated that his property was approximately 25 feet lower than the subject property.

In response to an inquiry from Commissioner Sell, Mr. Frantz said he would be willing to provide a guarantee to the County that appropriate screening would be provided on his property. Commissioner Sell and Mr. Frantz further discussed this issue.

Mr. Ross Thompson, of 12919 Clifton Creek Drive, Clifton, expressed his concern for screening and increased truck traffic.

In response to a question from Commissioner Harsel, Mr. Thompson said it was his understanding that the hardwood trees on the hill of the subject property would be removed.

In response to a question from Commissioner Murphy, Mr. Thompson concurred with the language proposed by Mr. Frantz for screening.

Mr. Frank Gallegos, of 7203 Ivakota Road, Clifton, spoke in opposition to the application. He was concerned about the size of the facility, storage on site, the effect on the environment, and screening.

Mr. Robert Krajeski, representing the Clifton Creek Ridge Homeowners Association, spoke about the numerous meetings held in the last three years concerning the subject property. He said that there were three main issues in this case: screening, screening, and screening. Mr. Krajeski requested a deferral of the decision on this application and expressed his opposition to the proposed cul-de-sac. He was also concerned about storage on site.

Ms. Pat Krajeski, of 12925 Clifton Creek Drive, Clifton, asked that the small triangular area in the northeast section of the subject property be left undisturbed. She felt that no further expansion of the proposed facility should be allowed and expressed her concern for the detrimental effect on the environment. Ms. Krajeski said that monitoring wells were needed to assess the environmental impact.

Ms. Bonnie Aitken, of 7200 Wesley Tyler Road, Clifton, was also concerned about environmental impact. She asked for a list of the chemicals that would be used on site and wanted to know what method would be used to retard growth of unwanted vegetation.

Mr. Wayne Nickum, of 7156 Main Street, Clifton, expressed his three main concerns as follows: 1) no transmission lines through the Town of Clifton; 2) no expansion of the proposed facility; and 3) no cul-de-sac.

Commissioner Murphy noted that proposed Condition #26 indicated that no transmission lines would be routed through the Town of Clifton.

Mr. Nickum commented that the cul-de-sac issue in this application was one of many disagreements the Town of Clifton had had with the Virginia Department of Transportation (VDOT).

Mr. Richard King, of 12800 Chapel Street, Clifton, was concerned about the preservation of the rural nature of Clifton and protection of the watershed. He also opposed the cul-de-sac, the routing of any transmission lines through the Town of Clifton, the proposed starting time for construction.

There being no further speakers, Vice Chairman Hanlon called upon Mr. Church for a rebuttal statement.

In rebuttal, Mr. Church concurred with the citizens regarding screening and the cul-de-sac. He said there would be no storage on site and that there would be no transmission lines through the Town of Clifton. Mr. Church added that the limits of clearing and grading indicated that the triangular area in the northeast section of the subject property would be preserved. He agreed to the deferral suggested by Commissioner Murphy, but felt that the application should receive expedited site plan review because electric service in Fairfax County was at risk until this substation was operating.

In response to a question from Commissioner Baldwin, Mr. Church explained that a chain link fence topped with barbed wire around the perimeter would provide security for the site.

Commissioner Murphy commented that the barrier suggested in Condition #5B was in accord with Comprehensive Plan recommendations to provide extensive screening for this proposed subdivision due to its location in a residential area.

In response to questions from Commissioner Murphy, Mr. Guinaw explained that the environmental quality corridor (EQC) on the site would be protected by the conservation easement.

Commissioner Murphy commented that the cul-de-sac issue could be re-addressed with VDOT.

In response to a question from Commissioner Murphy with regard to the construction starting time, Mr. Guinaw stated that the Fairfax County Code governed such hours. Mr. Church commented that the times referred to in Condition #16E (5:00 a.m. to 8:00 a.m. and 3:00 p.m. to 6:00 p.m.) referred to high traffic periods, not construction starting time.

Commissioner Murphy suggested that the language of Condition #25 concerning storage needed to be clarified and strengthened. Mr. Church agreed.

In his closing staff comments, Mr. Guinaw clarified that the intent of the staff recommended condition regarding screening was to provide flexibility to allow plantings to be provided off site if they could be done so more effectively. He stressed that an agreement between the landowners and Virginia Power would be required. He added that the County Forester should be involved in the review of the planting plans and that some sort of enforcement mechanism should be provided.

Commissioner Sell commented that he supported screening efforts and protection of the environment, but he was concerned about private agreements that didn't involve the County.

Commissioner Hanlon asked if Mr. Frantz's proposal was intended to provide for the relocation of a barn in lieu of some screening, and to aid Mr. Frantz in the cost of that relocation. Mr. Guinaw replied that the intent of the staff recommended condition was to provide screening on Mr. Frantz's property rather than the subject property. He felt that relocation of any structures on private property went beyond the intent and focus of the condition.

There being no further comments or questions, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Murphy for action on this case. (Verbatim excerpts are in the date file.)

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Following summary remarks, Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER, FOR DECISION ONLY, SE-91-S-031 TO A DATE CERTAIN OF WEDNESDAY, FEBRUARY 5, 1992, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hubbard and Sell seconded the motion which carried unanimously with Commissioner Byers not present for the vote; Commissioner Thomas absent from the meeting.

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SE-91-S-046 – NORTHERN VIRGINIA ELECTRIC COOPERATIVE – Appl. under Sect. 3-004 of the Zoning Ord. to permit an electric transformer station on property generally located N. of the Southern Railroad right-of-way approx. 1,300 ft. W. of Clifton Creek Dr. on approx. 5.00 ac. zoned R-C & WS. Tax Map 75-3((1))pt.10. (Concurrent with 5E-91-5-031.) SPRINGFIELD DISTRICT. PUBLIC HEARING.

Mr. Scott Bonner, agent for the applicant, reaffirmed the affidavit. There were no disclosures by Commission members.

Mr. Kevin Guinaw, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file.

He noted that new development conditions had been submitted and that staff recommended approval of the application.

Mr. Ray Gosney, Engineering and Operations Manager for Northern Virginia Electric Cooperative, noted that the need for a distribution substation had been identified in 1987 and that meetings with citizens and government authorities had been taking place since then. He spoke about the need for this facility and noted that a temporary facility located on Shirley Gate Road would be removed once the new substation was in service. With regard to the proposed development conditions, Mr. Gosney suggested that language be added to Condition #7 to indicate that the walking survey of the clearing limits should take place concurrently with the preliminary review done by the Department of Environmental Management (DEM) and the County Forester. He felt that the language of Condition #8 regarding storm drainage easements needed clarification. He concurred with Mr. Church's comment that Condition #9 presented sort of a "double jeopardy" type of situation in that it required approval by both DEM and OCP. He also felt that only one level of review was necessary. Mr. Gosney noted that the lighting proposed for this application was different from that proposed by Virginia Power. He added that the lights would only be used for repairs during an emergency. He said that the starting construction time could be changed. Mr. Gosney agreed with Commissioner Murphy's comment during the previous public hearing that extensive measures were needed on the subject property to protect the nearby residential area. Like Mr. Church, he also questioned whether DEM was the proper agency to review and approve the proposed oil containment system as suggested in proposed Condition #18.

In response to a question from Commissioner Baldwin, Mr. Gosney suggested that the Rural Edification Administration and/or the Environmental Protection Agency would be the appropriate agencies to approve the oil containment system.

Vice Chairman Hanlon asked that the remarks made by the eight speakers to the previous case be considered part of the record for this application. He then asked if any of those speakers wished to comment again. Receiving no response, he called for further speakers from the audience, but there were none.

Mr. Gosney commented that the language concerning transmission lines through the Town of Clifton needed to be crafted carefully so as not to preclude providing electric service in Clifton where needed.

Mr. Guinaw had no closing staff comments; therefore Vice Chairman Hanlon closed the public hearing and turned to Commissioner Murphy for action on the case. (Verbatim excerpts are in the date file.)

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Following summary remarks, Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON SE-91-S-046 TO A DATE CERTAIN OF WEDNESDAY, FEBRUARY 5, 1992, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hubbard seconded the motion which carried unanimously with Commissioners Bobzien and Byers not present for the vote; Commissioner Thomas absent from the meeting.

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The meeting was adjourned at 11:33 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: Gloria L. Watkins

Approved on: July 30, 1992

Mary A. Pascoe

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