

**MINUTES OF
PLANNING COMMISSION MEETING
FEBRUARY 18, 1993**

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Robert v. L. Hartwell, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT; Carl L. Sell, Jr., Lee District

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy referred to a memorandum to the Planning Commission, from David P. Bobzien, County Attorney and former Planning Commissioner for the Hunter Mill District, dated February 17, 1993, in which he submitted his resignation from the Airports Advisory Committee. Chairman Murphy then **MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPOINT JOHN PALATIELLO, REPRESENTATIVE OF THE HUNTER MILL DISTRICT, TO THE AIRPORTS ADVISORY COMMITTEE.**

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

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Commissioner Koch noted that RZ-92-Y-034, Toll Brothers, Incorporated, had been scheduled for decision only this evening; however, the applicant had requested additional time. Therefore, he **MOVED THAT WE DEFER THE DECISION ONLY FOR ONE WEEK TO FEBRUARY 25, 1993, FOR RZ-92-Y-034, TOLL BROTHERS, INCORPORATED.**

Commissioner Hanlon seconded the motion which carried unanimously with Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

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Commissioner Hanlon noted that RZ-92-P-029 and SE-92-P-037, Jonathan C. Dean, had been scheduled for public hearing this evening, however additional work was required. He then MOVED TO DEFER THOSE PUBLIC HEARINGS TO A DATE CERTAIN OF APRIL 29, 1993.

Commissioner Thomas seconded the motion which carried unanimously with Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

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RZ-92-V-022 - ARIF HODZIC & SE-91-V-022 - DEMANDIS INC.
RZ-91-V-019 - ARIF HODZIC & SE-91-V-026 - DEMANDIS INC. (Decisions Only)

(The public hearings on these cases were held on Thursday, February 4, 1993. A complete verbatim transcript of the action taken on these cases tonight may be found in the date file.)

Commissioner Byers MOVED THAT RZ-92-V-022 AND SE-91-V-022 BE APPROVED, SUBJECT TO THE DRAFT PROFFERS CONTAINED IN ATTACHMENT 1 OF ADDENDUM II OF THE STAFF REPORT, WITH THE FOLLOWING CHANGES:

- PROFFER NUMBER 2 SAYS THE APPLICANT WILL CONSTRUCT A SIX (6) FOOT HIGH SOLID BARRIER AND THAT SHOULD BE CHANGED TO A SEVEN (7) FOOT HIGH SOLID BARRIER.
- AND THE DEVELOPMENT CONDITIONS FOR SE-91-V-022, CONDITION NUMBER 11 SHOULD BE CHANGED IN LINE 11, THE SENTENCE THAT STARTS: "PURSUANT TO PARAGRAPH 4, SECTION 13-304 OF THE ZONING ORDINANCE..." THAT SENTENCE SHOULD BE DELETED.
- AND CONDITION NUMBER 13 SHOULD BE DELETED.

WITH THOSE CHANGES, I MOVE FOR APPROVAL.

Commissioner Koch seconded the motion which carried by a vote of 9-0-1 with Commissioner Hartwell abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Byers also MOVED THAT SE-91-V-026 AND RZ-91-V-019 BE APPROVED, SUBJECT TO THE PROFFERS DATED FEBRUARY 10, 1993, AND THE DEVELOPMENT CONDITIONS DATED FEBRUARY 12, 1993.

Commissioners Koch and Thomas seconded the motion which carried by a vote of 9-0-1 with Commissioner Hartwell abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Byers then MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING TO THAT SHOWN ON THE SE PLAT, WITH THE MODIFICATION THAT THE HEIGHT OF THE FENCE WILL BE CHANGED TO SEVEN (7) FEET.

Commissioner Hanlon seconded the motion which carried by a vote of 9-0-1 with Commissioner Hartwell abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Byers further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE BARRIER REQUIREMENT ALONG THE NORTHERN BOUNDARY OF THE SITE.

Commissioner Hanlon seconded the motion which carried by a vote of 9-0-1 with Commissioner Hartwell abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

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SEA-81-P-021-2 - GESHER SCHOOL & JEWISH COMMUNITY CENTER OF NORTHERN VIRGINIA (Decision Only)

(The public hearing on this case was held on Wednesday, October 21, 1992. A complete verbatim transcript of the action taken on these cases tonight may be found in the date file.)

Commissioner Strickland MOVED:

- TO ADD CONDITION NUMBER 36 TO READ AS FOLLOWS: "A COPY OF THIS SPECIAL EXCEPTION SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF USE AND MADE AVAILABLE TO ALL DEPARTMENTS OF THE COUNTY OF FAIRFAX DURING HOURS OF OPERATION OF THE PERMITTED USE."
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA-81-P-021-2, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED 18 FEBRUARY 1993.

Commissioner Hanlon seconded the motion.

Commissioner Hanlon then MOVED AN AMENDMENT IN CONDITION NUMBER 4, FOLLOWING THE WORDS "JCC" IN THE SECOND TO THE LAST LINE, ADDITION OF

THE WORDS: "JEWISH COMMUNITY, JEWISH ORGANIZATIONS OF THE NORTHERN VIRGINIA AREA, AND NEIGHBORHOOD CIVIC AND COMMUNITY ORGANIZATIONS."

Commissioner Strickland accepted the amendment and the motion carried by a vote of 7-1-2 with Commissioner Byers opposed; Commissioners Hartwell and Palatiello abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS FOR A TEN (10) FOOT STRIP ALONG ROUTE 236 NEAR PINELAND STREET AS DESCRIBED IN DEVELOPMENT CONDITION NUMBER 9.

Commissioner Hanlon seconded the motion which carried by a vote of 7-0-3 with Commissioners Byers, Hartwell, and Palatiello abstaining; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda:

- 1. ZOA - Off-Street Parking Requirements
- 2. RZ-80-P-116 - Margaret M. Laurence, Trustee
- 3. PCA-85-L-032 - Tavares Concrete Company, Inc.
- 4. SEA-89-S-058-2 - Amoco Oil Company

Without objection, it was so ordered.

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ZONING ORDINANCE AMENDMENT Off-Street Parking Requirements) - On the matter of an amend. to Chap. 112, the Zoning Ord., of the 1976 Code of the County of Fairfax, as follows: Amend Art. 11, 17 & 20 to revise certain off-street parking requirements which primarily relate to the applicability of the parking requirements to existing developments, the Grandfather status of compact car spaces & the deletion of the medical office parking requirement. PUBLIC HEARING.

Ms. Eileen McLean, Zoning Administration Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. She noted that the proposed change to the medical office parking requirements applied general office parking

requirements for medical office use. Ms. McLean stated that the proposed amendment was intended to more appropriately and equitably ensure that adequate parking would be provided for medical offices and staff recommended approval of the application.

Commissioner Baldwin asked about grandfathering of the compact car parking referred to on page 6, Section 11-102, paragraph 23 of the staff report, and wanted to know if those spaces would remain by-right. Ms. McLean stated that currently, should there be a requirement for additional on-site parking, any previous grandfather status regarding the compact spaces would be lost.

Commissioner Hanlon stated that he understood that currently all compact spaces were grandfathered, provided that there would not be a reduction of the total number of parking spaces on-site and the only thing that would be new would be road space dedicated to the Virginia Department of Transportation. Ms. McLean agreed that Commissioner Hanlon's statement was correct.

Chairman Murphy called for speakers and explained the rules and procedures for addressing the Planning Commission.

Keith C. Martin, Esquire, represented the Fairfax County Chamber of Commerce and the Northern Virginia Building Industry Association, in the place of Mr. David Stroh who was not present for the meeting. Mr. Martin stated that these organizations requested approval of the proposed amendment.

There being no additional speakers, no further questions or comments, and no need for rebuttal, Chairman Murphy closed the public hearing and turned to Commissioner Hartwell for action on this case. (A complete verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Hartwell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING OFF-STREET PARKING, ARTICLES 11, 17, AND 20, AS PRESENTED IN THE STAFF REPORT DATED DECEMBER 1, 1992.

Commissioner Byers seconded the motion which carried by a vote of 9-1 with Commissioner Baldwin opposed; Commissioner Downer not present for the vote; Commissioner Sell absent from the meeting.

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RZ-80-P-116 - MARGARET M. LAURENCE, TRUSTEE - Appl. to rezone approx. 7.42 ac. located on the S. side of Courthouse Rd.

approx. 300 ft. E. of its intersection with Chain Bridge Rd. from R-2 to R-3 to permit residential development at a density of 2.83 du/ac. Comp. Plan Rec: 3-4 du/ac. Tax Maps 48-1((1)) 121, 122, 125; 47-2((1)) 122A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Mr. E. Dean Morley, 10025 Courthouse Road, Vienna, Agent for the applicant reaffirmed that the affidavit was current and correct. There were no disclosures from the Planning Commissioners.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which may be found in the date file. She stated that staff recommended denial of the application because: the proposed density was below the range of 3-4 dwelling units per acre; the proposed site design failed to provide a through street connection to the Edgemore subdivision to the south; the application proposed very limited preservation of vegetation; and, there was a lack of commitment to ensure the proper maintenance of the proposed stormwater management pond.

Mr. Morley pointed out that this application was an old one which originally did not include a road access. He gave the history of the application property and stated that Ms. Margaret Rickert, owner of Parcels 123 and 124 did not wish to speak with staff but Mr. Morley and her daughter, Helen, were authorized to do so.

Commissioner Hanlon noted that the record contained no documents regarding Ms. Rickert's position on this subject with her signature. He then said that he definitely wanted to have Mrs. Rickert's position on the record, by either Ms. Rickert or someone who was authorized to speak for her and make commitments on her behalf. He further noted that this proposal would have a major negative impact on this property and it was important to have her commitment.

Chairman Murphy called the speakers and reminded them of the rules and procedures for addressing the Planning Commission.

James Kincheloe, Esquire, with Kincheloe and Schneiderman, represented the Rickert family and noted that this rezoning would have a substantial impact on the potential future value and development of the property. He said he had serious concerns, therefore, he requested approximately thirty (30) days to review the proposal with Ms. Rickert and to resolve the issues prior to going to the Board of Supervisors.

Mr. Allen Littman, 9934 Courthouse Woods Court, Vienna, opposed the application due to bad drainage and traffic problems within the community.

Mr. William B. Ludwick, Trustee of the Oakton Church of the Brethern, stated that the Church had submitted a letter to Ms. Barbara A. Byron, Director, Zoning Evaluation Division, OCP, dated January 11, 1993, indicating their position regarding the rezoning application. He said the Church opposed any connection of Domremy Street with the Edgemore Subdivision because of the traffic hazards.

Mr. Morley, in rebuttal, stated the trees on the tract were mostly scrub brush and if the road went through, every effort would be made to save the existing trees.

There being no additional speakers, no further questions or comments, and no further rebuttal, Chairman Murphy closed the public hearing and turned to Commissioner Hanlon for action on this case. (A verbatim transcript of the action taken on this item may be found in the date file.)

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Commissioner Hanlon briefly summarized the case and **MOVED THAT WE DEFER THE DECISION ONLY ON THIS APPLICATION TO A DATE CERTAIN OF MARCH 31, 1993, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.**

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

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Since Commissioner Sell was absent from the meeting, Chairman Murphy handled the following application and the Chair was turned over to Vice Chairman Hanlon.

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PCA-85-L-032 - TAVARES CONCRETE COMPANY INC. - Appl.
to amend the proffers for RZ-85-L-032 to permit a contractor's office
& storage yard with an overall FAR of 0.25 on property located at
7805 Cinder Bed Rd. on approx. 21,782 sq. ft. of land zoned I-4.
Comp. Plan Rec: Industrial. Tax Map 99-2((1)) 22. LEE DISTRICT.
PUBLIC HEARING.

Keith C. Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, represented the applicant and reaffirmed the affidavit. There were no disclosures from the Planning Commissioners.

Mr. Otis Robinson, Zoning Evaluation Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. He stated that staff recommended approval of the application, subject to executed proffers dated February 2, 1993.

Mr. Martin stated that this was a housekeeping application, however, there were some outstanding issues regarding landscaping and stormwater management to be resolved with the Lee District Land Use Committee. He noted that the application was in conformance with the Comprehensive Plan and requested approval of the application.

There being no listed speakers and none from the audience, no further comments or questions, and no rebuttal, Vice Chairman Hanlon closed the public hearing and turned to Commissioner Murphy for action on this case. (A complete verbatim transcript may be found in the date file.)

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Commissioner Murphy MOVED TO DEFER DECISION ON PCA-85-L-032 TO A DATE CERTAIN OF MARCH 11, 1993, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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SEA-89-S-058-2 - AMOCO OIL COMPANY - Appl. under Sec. 4-604 of the Zoning Ord. to amend SE-89-S-058 for a service station & car wash to permit the addition of a quick service food store on property located at 9550 Old Keene Mill Rd. on approx. 33,759 sq. ft. of land zoned C-6. Tax Map 88-1((1)) 14A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Thomas W. Smith, Esquire, with Hazel and Thomas reaffirmed that the affidavit was current and correct. There were no disclosures from the Planning Commissioners.

At the request of Commissioner Murphy, Vice Chairman Hanlon polled the audience and determined that there were no speakers, and with no objections from staff, the staff report was waived; the public hearing closed and, he turned to Commissioner Murphy for action on this case. (A verbatim transcript of the action on this case may be found in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA-89-S-058-2, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Thomas seconded the motion which carried by a vote of 10-1 with Commissioner Byers opposed; Commissioner Sell absent from the meeting.

Commissioner Murphy then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD REITERATE THE APPROVAL OF THE MODIFICATIONS AND WAIVERS OF THE FOLLOWING

REQUIREMENTS PREVIOUSLY GRANTED PURSUANT TO THE APPROVAL OF SEA-89-S-058-1:

- MODIFICATION OF THE MINIMUM DISTANCE OF THE CURB CUT FROM AN INTERSECTION FROM SIXTY (60) TO FIFTY-FOUR (54) FEET, PURSUANT TO SECTION 4-605 OF THE ZONING ORDINANCE;
- MODIFICATION OF THE MINIMUM DISTANCE OF CURB CUTS FROM THE PROPERTY LINE FROM TWENTY (20) FEET TO TWELVE POINT FIVE (12.5) FEET AND THE MINIMUM DISTANCE BETWEEN CURB CUTS FROM FORTY (40) FEET TO TWENTY-FIVE (25) FEET, PURSUANT TO SECTION 4-605 OF THE ZONING ORDINANCE;
- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT OF FIFTY (50) FEET TO TWENTY-FIVE (25) FEET ALONG TORRENCE STREET, PURSUANT TO SECTION 13 OF THE ZONING ORDINANCE;
- WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG OLD KEENE MILL ROAD UNDER SECTION 13 OF THE ZONING ORDINANCE; AND,
- WAIVER OF THE BARRIER REQUIREMENTS ALONG OLD KEENE MILL ROAD AND TORRENCE STREET, PURSUANT TO SECTION 13 OF THE ZONING ORDINANCE.

Commissioner Thomas seconded the motion which carried by a vote 10-1 with Commissioner Byers opposed; Commissioner Sell absent from the meeting.

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Following the conclusion of this case, the Chair was returned to Chairman Murphy.

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The meeting was adjourned at 10:40 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

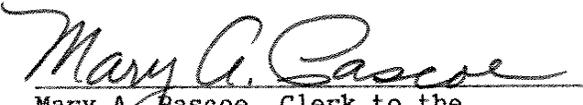
For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

CERTIFICATION

February 18, 1993

Minutes By: Dorothy E. Brittingham

Approved On: July 29, 1993


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