

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 23, 2005**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Rodney L. Lusk, Lee District

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The meeting was called to order at 8:22 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy stated that there might be a possibility that tomorrow night's meeting would be canceled due to inclement weather and said he would notify Planning Commission staff no later than 1:30 p.m. if that was the case. He added that there would be no meeting on Wednesday, March 2, 2005.

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Commissioner de la Fe noted that the Transportation Committee had met earlier in the evening to discuss the current status of the Dulles Metro Rail extension, receive a briefing on the Tysons Corner Urban Center Transportation and Urban Design Study, and receive an update on the public meetings schedule for the Transportation Element of the Comprehensive Plan review.

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Commissioner Wilson announced her intent to further defer the decision only scheduled for February 24, 2005, on the proposed Public Facilities Manual Amendments on Parking Spaces, Cash Deposits, and Drainage Divides, to a date certain of March 3, 2005.

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FS-S04-57 - Cingular Wireless, 12465 Henderson Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S04-57.

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

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FDPA 78-C-118-15 - KEVIN L. NORTH (Sully District) (Decision Only)
(Public Hearing held on February 16, 2005)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 78-C-118-15, KEVIN L. NORTH, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 23, 2005.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Murphy abstaining; Commissioner Lusk absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. AR 87-S-003-02 - ERIC D. COX TRUST & GINA T. RICHARD TRUST
2. AR 96-D-001 - DAVID B. & MARILYN M. STEWART
3. AR 87-D-002-02 - 1999 LAND ACQUISITIONS, LLC
4. AR 87-V-001-02 - GARY D. KNIPLING AND CHARLOTTE J. KNIPLING
5. SEA 84-M-121-02 - WESTMINSTER SCHOOL, INC.
6. SE 2004-DR-031 - RIVER BEND GOLF AND COUNTRY CLUB, INC.

This order was accepted without objection.

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AR 87-S-003-02 - ERIC D. COX TRUST & GINA T. RICHARD TRUST - Appl. to renew a Local A&F District authorized by Chapter 115 (County Code), effective June 30, 1983. Located in the S.W. quadrant of the intersection of Braddock Rd. and Pleasant Valley Rd. on approx. 116.90 ac. of land zoned R-C and WS. A&F District Advisory Committee Rec.: Approve. Tax Map 43-1 ((1)) 13 V/Z, 14 V/Z and 15 V/Z. SULLY DISTRICT. PUBLIC HEARING.

Eric D. Cox, applicant and trustee for the Eric D. Cox Trust, reaffirmed the affidavit dated January 7, 2005. There were no disclosures by Commission members.

Commissioner Koch asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 87-S-003-02 AND AMEND APPENDIX F OF THE FAIRFAX CODE TO RENEW THE COX LOCAL AGRICULTURAL AND FORESTAL DISTRICT SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 9, 2005.

Commissioners Byers and Hart seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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AR 96-D-001 - DAVID B. & MARILYN M. STEWART - Appl. to renew a Local A&F District authorized by Chapter 115 (County Code), effective June 30, 1983. Located on the N. and E. sides of Creamcup La. and on the W. side of Milkweed Dr. on approx. 20.38 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Approve. Tax Map 7-1 ((10)) 20 V/Z; 7-3 ((5)) 17 V/Z, 18 V/Z and 19 V/Z. DRANESVILLE DISTRICT. PUBLIC HEARING.

David B. Stewart, applicant, reaffirmed the affidavit dated January 13, 2005. There were no disclosures by Commission members.

Commissioner Hopkins asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 96-D-001 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE MCINTURFF-STEWART LOCAL AGRICULTURAL AND FORESTAL DISTRICT SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 9, 2005.

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

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AR 87-D-002-02 - 1999 LAND ACQUISITIONS, LLC - Appl. to renew Local A&F District authorized by Chapter 115 (County Code), effective June 30, 1983. Located on the E. side of Leigh Mill Rd. approx. 500 Ft. N. of its intersection with Kelso Rd. on approx. 43.98 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Approve. Tax Map 13-4 ((1)) 47 V/Z. DRANESVILLE DISTRICT. PUBLIC HEARING.

Jonathan P. Rak, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated February 9, 2005. There were no disclosures by Commission members.

Commissioner Hopkins asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE AR 87-D-002-02 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE RHINEHART LOCAL AGRICULTURAL AND FORESTAL DISTRICT SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 9, 2005.

Commissioners Byers and Hart seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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AR 87-V-001-02 - GARY D. KNIPLING AND CHARLOTTE J. KNIPLING - Appl. to renew a Local A&F District authorized by Chapter 115 (County Code), effective June 30, 1983. Located S.E. and S.W. of Harley Rd., approx. 0.6 miles S. of Gunston Rd. on

approx. 36.75 ac. of land zoned R-E. A&F District Advisory
Committee Rec.: Approve. Tax Map 118-1 ((3)) V/Z, 118-2 ((1)) 6
V/Z, 118-2 ((2)) 10 V/Z, 118-2 ((5)) V/Z, 1 V/Z, 2 V/Z and 7 V/Z.
MOUNT VERNON DISTRICT. PUBLIC HEARING.

Gary D. Knipling, applicant, reaffirmed the affidavit dated January 24, 2005. There were no disclosures by Commission members.

Commissioner Byers asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 87-V-001-02 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE KNIPLING LOCAL AGRICULTURAL AND FORESTAL DISTRICT SUBJECT TO THE ORDINANCE PROVISIONS DATED FEBRUARY 9, 2005.

Commissioners Lawrence and Hall seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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SEA 84-M-121-02 - WESTMINSTER SCHOOL, INC. - Appl. under
Sect. 3-304 of the Zoning Ordinance to amend SE 84-M-121
previously approved for a private school of general education, to
permit a caretakers residence. Located at 3819 Gallows Rd. on
approx. 4.68 ac. of land zoned R-3. Tax Map 60-3 ((24)) 4, 5 and 5A.
MASON DISTRICT. PUBLIC HEARING.

William C. Thomas, Jr., Esquire, with Fagelson, Schonberger, Payne & Deichmeister, PC, reaffirmed the affidavit dated October 27, 2004. There were no disclosures by Commission members.

Commissioner Hall asked that Chairman Murphy ascertain whether there were any speakers for this application. There were none; therefore, she asked that presentations by staff and the applicant be waived and the public hearing closed. She then noted that there had been a listed speaker but his concerns were not related to this application and said that Mr. Thomas would arrange for him to speak directly to the Westminster School staff.

Commissioner de la Fe suggested that all Fairfax County schools permit the addition of a dwelling unit for a resident caretaker or custodian as a way to address the affordable housing issue. Commissioner Hall responded that the previously approved special exception for this applicant had overlooked the fact that there was already an on-site caretaker on the subject property.

There were no further comments or questions from the Commission; therefore, Chairman Murphy waived presentations by staff and the applicant, closed the public hearing, and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 84-M-121-02, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT AND DATED FEBRUARY 8, 2005.

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

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SE 2004-DR-031 - RIVER BEND GOLF AND COUNTRY CLUB, INC. - Appl. under Sect. 3-E04 of the Zoning Ordinance to permit a country club and golf course. Located at 9901 Beach Mill Rd. on approx. 175.80 ac. of land zoned R-E. Tax Map 7-2 ((1)) 21A; 8-1 ((1)) 22, 23, 41 and 8-3 ((1)) 4. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated February 2, 2005. There were no disclosures by Commission members.

Aaron Shriber, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Ms. Strobel stated that a special permit application, approved in 1998, had limited the club's membership to 600 persons. She noted that since then, the Zoning Ordinance had been amended to include country clubs as special exception uses and the applicant now desired to raise the cap on their membership. She explained that because the Great Falls Citizens Association had been opposed to removing the cap entirely, the applicant had agreed to a membership limit of 1,028, based on the amount of available parking, as reflected in the development conditions dated February 23, 2005.

Ms. Strobel noted that the Great Falls Citizens Association Land Use Committee had endorsed the proposal in a letter dated February 22, 2005, a copy of which is in the date file.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Barbir Brar, 9903 Beach Mill Road, Great Falls, expressed opposition to the application because the use of a 50 foot by 580 foot right-of-way located on his property by members of the country club would increase. He proposed that the club use the Walker Road entry rather than the one at Beach Mill Road.

In response to questions from Commissioner Koch, Mr. Brar said that the egress and ingress to the golf course went across his property and he paid taxes on the road, but the country club maintained it. Mr. Brar also pointed out that the applicant had erected signage and lighting on his property.

Responding to another question from Commissioner Koch, Mr. Brar indicated that he had attended hearings before the Board of Zoning Appeals to express his opposition, but he was not sure why a limit of 600 members had been imposed.

In response to a question from Commissioner Byers, Mr. Brar noted that he had been aware of the easement before he bought his property.

Responding to a question from Commissioner Hall, Mr. Brar said he would support this application if the existing entrance on Beach Mill Road was closed.

In response to a question from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, said that to her knowledge, signage and lighting had not been a part of the previous special permit approval or the subject special exception application and added that she would send staff out to visit the property to determine if the signage and lighting were legal.

Responding to a question from Commissioner Byers, Mr. Brar said if the gate at the rear of his property remained closed, he would still be able to access his property.

Peter Matthews, 437 Walker Road, Great Falls, pointed out that he was a member of the country club and expressed support for the application, noting that an increase in membership was necessary to meet the cost of operating the club. He also indicated that approval of the application would not adversely affect his property.

In response to a question from Commissioner Koch, Mr. Matthews noted that closing the entrance on Beach Mill Road would not be an inconvenience for members of the club, but public safety access might be required.

Commissioner Koch suggested that a condition be added stating that egress and ingress on Beach Mill Road be limited to emergency vehicles.

There being no additional speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel.

Ms. Strobel stated that the easement on Mr. Brar's property had been legally established for use by the country club and had been in place for a long time. She indicated that the main entrance was on Walker Road and suggested that Beach Mill Road be kept open for public safety and service vehicles only. She said that she was unsure whether the sign on the brick pillar required a permit and recommended that this issue be resolved before the Board of Supervisors' hearing.

In response to a question from Commissioner Hall, Ms. Strobel said that the sign had been located within the easement since 1989. She then presented a photograph of the sign and described it as a plaque that displayed the address on a brick pillar.

Commissioner Alcorn recommended that the applicant reconsider its position about allowing service vehicles on Beach Mill Road.

Commissioner Koch commented that the proposed use and intensity of the country club would have a tremendous impact on Mr. Brar's property because it would double the number of trips on Beach Mill Road. He noted that the easement was for traffic only and not for signage and lighting.

Commissioner Wilson concurred with Commissioners Koch's and Alcorn's positions and suggested that staff find out whether the easement allowed lighting and signage. She then expressed concerns about the lack of parking. Ms. Abrahamson responded that the standards set by the Zoning Ordinance assumed that there would not be 100 percent of the members and employees at the country club at the same time and pointed out that overflow parking was available. Ms. Strobel also concurred that there had never been a parking problem.

Commissioner Hall asked staff to determine if the variance allowed lighting in the easement; if an increase in membership would increase traffic on Beach Mill Road; and to specify what type of traffic would be allowed on Beach Mill Road.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2004-DR-031, RIVER BEND GOLF AND COUNTRY CLUB, INC., TO A DATE CERTAIN OF WEDNESDAY, MARCH 9TH, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

SE 2004-DR-031 - RIVER BEND GOLF
AND COUNTRY CLUB, INC.

February 23, 2005

Commissioners de la Fe and Byers seconded the motion which carried unanimously with Commissioner Lusk absent from the meeting.

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The meeting was adjourned at 9:13 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: April 27, 2007

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission