

**MINUTES OF
PLANNING COMMISSION MEETING
MARCH 11, 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
Carl L. Sell, Jr., Lee District
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:30 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Strickland announced his intention to defer the public hearing on SEA-81-M-097-2, Mobil Oil Corporation, presently scheduled for March 31, 1993, to May 6, 1993.

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Commissioner Koch referred to SEA-82-S-087-2, Merrifield Garden Center Corporation, and **MOVED THAT WE DEFER THIS CASE UNTIL APRIL 22, 1993.**

Commissioner Thomas seconded the motion which carried unanimously with Commissioners Hanlon and Strickland not present for the vote.

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Commissioner Koch referred to the decision only on RZ-92-Y-018 and FDP-92-Y-018, Perch Associates Limited Partnership, and **MOVED THAT THE DECISION ONLY BE FURTHER DEFERRED UNTIL MARCH 31, 1993.**

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Strickland not present for the vote.

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Commissioner Sell referred to the decision only on PCA-85-L-032, Tavares Concrete Company, Inc., and MOVED THAT THAT DECISION ONLY BE RESCHEDULED ON MARCH 25, 1993.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Strickland not present for the vote.

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Secretary Harsel announced her intention to seek approval of the package of 1992 Planning Commission Minutes, submitted to the Commission tonight, on Wednesday, April 21, 1993.

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Chairman Murphy reminded everyone that the Appreciation Dinner for former Commissioners David Bobzien, Stephen Hubbard and Maya Huber would be held on Saturday, March 13, 1993. (NOTE: Due to inclement weather, the Appreciation Dinner was later rescheduled to May 15, 1993.)

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CHESAPEAKE BAY PRESERVATION ORDINANCE AMENDMENTS Phase I (Decision Only) (The public hearing of this item was held on February 17, 1993. A complete verbatim transcript of the discussion and action taken this evening on this item is in the date file.)

Commissioner Baldwin MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, CHAPTER 118, CHESAPEAKE BAY PRESERVATION ORDINANCE, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 18, 1993 AND AMENDED BY INSERTION OF THE FOLLOWING SENTENCE IN SECTION 118-6-3, IMMEDIATELY BEFORE THE LAST SENTENCE: "WHERE POSSIBLE, SUCH FACILITIES OR MEASURES SHOULD BE LOCATED OUTSIDE THE EPA."

Commissioner Thomas seconded the motion which carried unanimously with Commissioners Hanlon and Strickland not present for the vote.

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RZ-81-M-012 - VISTA POINT LIMITED PARTNERSHIP (Decision Only) (The public hearing of this item was held on February 4, 1993. A complete verbatim transcript of the discussion and action taken this evening on this item is in the date file.)

Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-81-M-012, SUBJECT TO THE PROFFERS DATED MARCH 10, 1993, AS AMENDED VERBALLY AND AGREED TO BY MS. STROBEL.

Commissioner Downer seconded the motion and then reiterated her suggestion that paragraph 4 under "Transportation" on page 2 of the proffers be amended to read: "PRIOR TO ENTERING INTO ANY CONTRACT OF SALE, ALL PURCHASERS SHALL BE NOTIFIED ON A DISCLOSURE RECORDED AMONG...."

Commissioner Strickland accepted this amendment.

Following discussion, Chairman Murphy called for a vote and the motion failed by a vote of 5-5-1 with Commissioners Downer, Hartwell, Murphy, Palatiello, and Strickland in favor; Commissioners Byers, Hanlon, Harsel, Koch, and Sell opposed; Commissioner Baldwin abstaining; Commissioner Thomas not present for the vote.

Chairman Murphy inadvertently announced that the first motion had carried, therefore Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE.

Commissioner Hartwell seconded the motion which carried by a vote of 7-3-1 with Commissioners Byers, Hanlon and Harsel opposed; Commissioner Baldwin abstaining; Commissioner Thomas not present for the vote.

Commissioner Strickland also MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER ALONG THE EASTERN PERIPHERY IN FAVOR OF THE EXISTING TREES.

Chairman Murphy seconded the motion which carried by a vote of 8-2-1 with Commissioners Byers and Harsel opposed; Commissioner Baldwin abstaining; Commissioner Thomas not present for the vote.

Commissioner Harsel pointed out that the first motion for approval had failed, therefore Chairman Murphy declared the second and third motions null and void.

Commissioner Hanlon then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF THIS APPLICATION.

Commissioner Harsel seconded this motion which carried by a vote of 6-4-1 with Commissioners Byers, Downer, Hanlon, Harsel, Koch, and Murphy in favor; Commissioners Hartwell, Palatiello, Sell and Strickland opposed; Commissioner Baldwin abstaining; Commissioner Thomas not present for the vote.

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ORDER OF THE AGENDA ITEMS

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

1. Capital Improvement Program – FY '94-98
2. SE-87-Y-119 - La Petite Academy, Inc.

This order was accepted without objection.

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FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM

(FISCAL YEARS 1994 - 1998) - The Planning Commission will hold its public hearing on the FY 1994-1998 Capital Improvement Program. Persons desiring to speak on the CIP at the public hearing are requested to call 324-2865 to have their names placed on the Speakers List. PUBLIC HEARING.

Mr. David Marshall, Planning Division, Office of Comprehensive Planning, noted that the workshop on the CIP last night had provided the Commission with background and raised questions regarding housing, school age child care centers, transportation, and future requirements of various agencies. He stated his intention to supply responses to those questions via a memorandum to the Commission prior to the scheduled markup on March 31, 1993.

In response to a question from Commissioner Hanlon, Mr. Marshall said he had spoken with Sam Chamberlain, Office of Transportation (OT), regarding the possibility of directing more focus on spot transportation improvements. He said that further information would be provided to the Commission on that issue by OT prior to markup.

Chairman Murphy gave the rules for public testimony and called for speakers.

Ms. Edith Trott, representing the Fairfax/Falls Church Community Services Board, spoke about two programs that had been deferred by the Board of Supervisors. She commented on the great need for residential mental health services in Fairfax County and asked that those allocations be restored.

Ms. Trott responded to questions from Commissioners Baldwin and Hanlon regarding currently operating mental health facilities. Commissioner Hanlon asked that staff comment on the implications of shifting allocations to accommodate Ms. Trott's request.

Mr. Donald Emerson, Chairman of the Transportation Advisory Commission (TAC), submitted a draft of suggested changes to the transportation section of the CIP, a copy of which is in the date file.

Mr. Emerson and Mr. Marshall responded to questions from Commissioner Hanlon regarding Mr. Emerson's suggested changes and the issue of spot improvements raised by Commissioner Hanlon earlier.

In response to a question from Commissioner Baldwin regarding identification of dangerous intersections in Fairfax County, Mr. Emerson explained that the Fairfax County Traffic Operations Projects to Increase Capacity and Safety (FACO TOPICS) program initiated by County staff had resulted in a list of projects. He added that many of the projects outlined in that program had already been completed and that the TAC had suggested it was time for FACO TOPICS II to identify other problem areas.

There being no further speakers, questions, or closing staff comments, Chairman Murphy closed the public hearing. (Verbatim excerpts are in the date file.)

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Chairman Murphy commented that the workshop last night had been beneficial and reiterated that the CIP markup was scheduled for March 31, 1993.

Commissioner Hanlon requested that any Commissioners having comments or recommendations provide him with a note or memorandum outlining their concerns.

Commissioner Sell commented on the CIP process, especially as it related to public facilities. Commissioner Hanlon also commented on the process, noting that it would be helpful if other agencies followed the School Board's example in identifying future projects.

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SE-87-Y-119 - LA PETITE ACADEMY, INC. - Appl. under Sect. 3-104 of the Zoning Ord. to permit a child care center on property located at 3947 Rugby Rd. on approx. 1.82 ac. zoned R-1, HC & WS. Tax Map 45-2((2))3 & 4. SULLY DISTRICT. PUBLIC HEARING.

Thomas W. Smith, III, Esquire, Hazel and Thomas, P.C., reaffirmed the affidavit. There were no disclosures by Commission members.

Mr. Greg Chase, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. He noted that the application did not meet the locational guidelines in the Comprehensive Plan for child care centers and that staff therefore recommended denial.

In reply to a question from Commissioner Harsel, Mr. Chase confirmed that the applicant's request for up to 60 visiting students could bring the total of children at the site at one time up to 210.

Mr. Chase and Ms. Donna McNeally, ZED, OCP, responded to questions from Commissioner Koch regarding the number of students that would be visiting the site to use the proposed gymnasium and how the applicant could stagger the hours or restrict certain play areas to accommodate the requested number of visiting children.

In reply to a further question from Commissioner Harsel, Mr. Chase said that he was not sure if other child care centers in Fairfax County operated on Saturday.

Mr. Smith presented historical background of the subject application, noting that it had been submitted in 1987. He pointed out that many changes had been made, including a larger building and less children. Mr. Smith commented on other amenities being provided, especially parking and open space. He said this would be a quality development and would be compatible with the surrounding area. He spoke about La Petite's educational program and noted that the application had the support of the Greenbriar Civic Association and the Navy-Vale Community League.

Commissioner Koch and Mr. Chase discussed the applicant's contribution to the Fairfax Center Area Road Fund.

In response to a question from Commissioner Baldwin, Mr. Smith explained a waiver of the barrier requirements was requested because only the play area would be enclosed with a fence, not the entire periphery of the site.

In response to questions from Commissioner Harsel, Mr. Smith stated that the trash container for the center would be located in the northeast corner of the parking lot. He added that there were two or three other La Petite Academy child care centers in Fairfax County. He said that the visiting children would be at the site approximately one hour.

In response to a question from Commissioner Harsel, Ms. McNeally confirmed that there was a formula for contribution to the road fund for residential development and that it was based on the number of units. She added, however, that she did not recall the exact amount that was required per unit.

In reply to a question from Commissioner Byers, Mr. Smith acknowledged that the applicant was requesting modification of the transitional screening on both the east and west sides of the subject property.

In reply to a question from Commissioner Byers, Mr. Chase said that the applicant's offer to restrict the use of the outdoor play area by visiting children should satisfy staff's concern about adequate recreational space.

Commissioner Byers said he disagreed with the applicant's proposal to reduce the transitional screening.

Commissioner Sell and Mr. Chase discussed the transportation improvements to be provided by the applicant. Mr. Chase noted that staff did not object to the proposed waiver of the service drive.

Commissioner Byers and Mr. Chase discussed the size of the gymnasium proposed by the applicant and further discussed the transitional screening issue.

Mr. Smith and Mr. Chase responded to questions from Commissioners Sell and Hanlon regarding the road right-of-way dedication and road fund contribution.

In reply to Commissioner Baldwin's question regarding application of the Fairfax Center Area checklist in the Comprehensive Plan, Mr. Chase and Chairman Murphy stated that the checklist did not apply to special exception applications.

Commissioner Palatiello pointed out that the subject property was located in the Sully District. Commissioner Koch, Mr. Chase, Ms. McNeally, and Mr. Smith further discussed the road fund contribution issue.

Commissioner Hanlon questioned the relevance of the locational guidelines.

Chairman Murphy called for speakers for this case, but received no response. He noted that no rebuttal was necessary. Mr. Chase had no closing staff comments, however he responded to questions from Commissioner Harsel concerning the right-of-way dedication and the road fund contribution.

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

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-87-Y-119, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 24TH, 1993, WITH THE FOLLOWING CHANGES:

THE NUMBER OF EMPLOYEES MENTIONED IN CONDITION #8 WILL BE CHANGED FROM 16 TO 20.

CONDITION #9 WILL READ: "THE HOURS OF OPERATION SHALL BE LIMITED TO 6:30 A.M. TO 7:30 P.M., MONDAY THROUGH FRIDAY, AND 8:00 A.M. TO 5:00 P.M. ON SATURDAY."

AMEND CONDITION #10: "A CONTRIBUTION OF \$15,000 SHALL BE MADE TO THE FAIRFAX CENTER AREA ROAD FUND."

DELETE CURRENT CONDITION #15 AND REPLACE IT WITH A NEW CONDITION #15 WHICH WILL READ: "CHILDREN ENROLLED IN OTHER LA PETITE ACADEMY FACILITIES AND ASSOCIATED STAFF MAY VISIT THE RUGBY ROAD SITE TO USE THE GYMNASIUM PROVIDED THE FOLLOWING CONDITIONS ARE MET:

- A) NO MORE THAN 60 CHILDREN MAY VISIT THE SITE ON ANY GIVEN DAY. ALL SUCH CHILDREN MUST BE ENROLLED IN OTHER LA PETITE FACILITIES.
- B) THE VISITING CHILDREN WILL BE TRANSPORTED TO THE RUGBY ROAD SITE EITHER BY BUS OR BY VAN.
- C) THE VISITING CHILDREN WILL BE TRANSPORTED TO THE RUGBY ROAD SITE ONLY DURING OFF PEAK HOURS.
- D) THE VISITING CHILDREN WILL NOT USE THE OUTDOOR RECREATIONAL FACILITIES."

Commissioners Hartwell and Strickland seconded the motion which carried by a vote of 10-1 with Commissioner Byers opposed; Commissioner Thomas not present for the vote.

Commissioner Koch then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT MODIFY THE TRANSITIONAL SCREENING REQUIREMENTS IN FAVOR OF EXISTING VEGETATION AS SHOWN ON THE SPECIAL EXCEPTION PLAT ALONG THE EASTERN AND WESTERN BOUNDARIES OF THE PROPERTY AND TO WAIVE THE BARRIER REQUIREMENT AROUND THE PERIPHERY OF THE SITE.

Commissioner Strickland seconded this motion which carried by a vote of 8-3 with Commissioners Baldwin, Byers, and Harsel opposed; Commissioner Thomas not present for the vote.

Commissioner Koch lastly MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE SERVICE DRIVE REQUIREMENT ALONG LEE-JACKSON HIGHWAY.

Commissioners Sell and Hanlon seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Thomas not present for the vote.

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ADJOURNMENT

March 11, 1993

The meeting was adjourned at 10:48 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 29, 1993

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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