

**MINUTES OF
PLANNING COMMISSION MEETING
MARCH 25, 1993**

PRESENT: John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville 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
Alvin L. Thomas, Commissioner At-Large

ABSENT: Lawrence C. Baldwin, Commissioner At-Large
Patrick M. Hanlon, Providence District
Henry E. Strickland, Mason 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

Commissioner Sell stated that SE-92-L-043, Springfield Toyota, Incorporated, had been scheduled for public hearing this evening. However, he said that the applicant had requested additional time to work with the Central Springfield Area Revitalization Committee (CSPARC), the Springfield Civic Association, and the Chamber of Commerce. Commissioner Sell then **MOVED THAT THE PUBLIC HEARING BE DEFERRED UNTIL MAY 20, 1993.**

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

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Commissioner Sell noted that SEA-86-L-008, Christian Center School, Incorporated, and Christian Center Ministries, had also been scheduled for public hearing this evening. He stated that the school and the Christian Center Ministries were continuing to work with the community in an attempt to resolve mutual problems. He then **MOVED THAT THAT PUBLIC HEARING BE DEFERRED UNTIL MAY 6, 1993.**

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

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Commissioner Byers referred to a memorandum to the Planning Commissioners from Ms. Barbara J. Lippa, Deputy Director, Planning Commission Office, dated March 25, 1993, regarding background information to establish a process to amend the Comprehensive Plan. He stated that the Policy and Procedures Committee would hold their first meeting on this subject, at 7:30 p.m., Wednesday, March 31, 1993. Commissioner Byers suggested that all the Committee members become very familiar with the contents of the referenced memorandum before they attended the meeting. He also noted that the public was invited to attend the meeting.

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Chairman Murphy referred to a memorandum to Mr. James C. Wyckoff, Jr., Executive Director, Planning Commission Office, from Mr. Irving Birmingham, Director, Department of Environmental Management, dated March 23, 1993, regarding Chesapeake Bay Phase II Amendments. He noted that the Board of Supervisors had requested the Planning Commission to reconsider two staff recommendations which had not been included in the Planning Commission recommendations. He said the recommendations dealt with: (1) Page 36, Paragraph (5.), BHP efficiencies, and open space in residential areas; and, (2) Page 37, Paragraph (b) adopted regional stormwater management program. Chairman Murphy asked staff to contact Commissioner Baldwin regarding this memorandum so he could propose recommendations to the Planning Commission at a future meeting.

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Commissioner Sell referred to a letter from the Department of the Army, dated March 23, 1993, which contained the conceptual development plan for the Engineer Proving Ground (EPG) requested by the Engineer Proving Ground Committee of the Planning Commission at their meeting on March 19, 1993. He asked that the Planning Commission staff ensure that Commissioners Byers, Murphy, Hartwell, and all the citizen members of the EPG Committee received a copy of this letter. He also stated that the final environmental impact statement for the Engineer Proving Ground had been released this week and asked staff to ensure that those individuals previously mentioned received a copy of this document.

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Chairman Murphy announced the death of Ms. Jane L. Stern, formerly on the staff of the Department of Research and Statistics. On behalf of the Planning Commission and staff, he offered condolences to her family and friends.

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PCA-85-L-032 - TAVARES CONCRETE COMPANY, INCORPORATED (Decision Only)

(The public hearing on this case was held on Thursday, February 18, 1993. A complete verbatim transcript of the action taken on this case this evening may be found in the date file.)

Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-85-L-032 BE APPROVED, SUBJECT TO THE PROFFERS DATED MARCH 24, 1993.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda:

1. ZOA - Churches & Other Places of Worship
2. ZOA - Articles 9 & 15 (Minor Modifications)
3. RZ-92-H-033 - Geneva Enterprise, Inc. (dba/Rosenthal Jaguar & Rosenthal Honda)
SEA-79-C-007-2 - Geneva Enterprise, Inc. (dba/Rosenthal Jaguar & Rosenthal Honda)
4. SEA-83-S-047 - Shell Oil Company

Without objection, it was so ordered.

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ZONING ORDINANCE AMENDMENT (Churches & Other Places of Worship) - On the matter of an amend. to Chap. 112, the Zoning Ord., 1976 Code of the County of Fairfax, as follows: Amend Articles 3, 4, 5, 6, 8, 9, & 18 to establish churches & other places of worship with a child care center, nursery school or private school of special or general education which has an enrollment of 100 or more students daily as a Group 3 special permit use & to permit churches & other places of worship with a child care center, nursery school or private school of general or special education which has an enrollment of 100 or more students daily to be either a SP or SE use at the discretion of the applicant. In addition, pursuant to the authority granted by *Virginia Code* §15.1-491(f), the amendment proposes to amend Art. 18, Administration, Amendments, Violations & Penalties, Sect. 18-106, Appl. Fees, to establish an appl. fee for the following new special permit use: Churches, chapels, temples, synagogues & other such places of worship with a child care center, nursery school, or private

school which has an enrollment of 100 or more students daily.
PROPOSED FEE = \$ 1,980. PUBLIC HEARING.

Ms. Leslie B. Johnson, 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 on February 3, 1993, the Board of Supervisors had adopted an amendment to the Zoning Ordinance which established a new Category 3, Special Exception use for churches, chapels, temples, synagogues, and other places of worship with a child care center, nursery school, or private school of general or special education which had an enrollment of one hundred (100) or more students daily. She said that the Board had also concurrently directed staff to prepare another amendment to establish a new special permit use of these places of worship so it could be either a special permit or special exception use, at the discretion of the applicant. She stated that staff recommended adoption of the proposed amendment.

Commissioner Sell asked if an applicant with an enrollment of one-hundred (100) or more students daily could actually choose to file either a special exception or special permit. Ms. Johnson agreed that he had interpreted the Ordinance correctly. Commissioner Sell wanted to know if action was being taken on a case, could the applicant ask to go to the Board of Zoning Appeals (BZA) for an SP only. She stated that an applicant could do that, if this amendment was adopted. There was a lengthy discussion between Ms. Johnson, Chairman Murphy, Commissioners Hartwell, Palatiello, and Sell regarding the matter of whether or not an applicant could actually choose another type of application when in the middle of processing an application for something else. Ms. Johnson said an applicant would have to pay the fee again and refile, but they could take such action. Commissioner Palatiello stated that the intent was to give the applicants a choice, not a shopping venture.

Commissioner Palatiello asked if the Planning Commission was considered an "approving body", and if not, who was. Ms. Johnson stated the Board of Supervisors or the Board of Zoning Appeals would be the "approving body". Ms. Johnson stated that the Board had considered putting some limitations on rehearings so that if an application had been denied, an applicant could not then go to another "approving body" right away and file another application, but nothing final had been decided.

Commissioner Harsel asked if a church had rented their space to a non-denominational day center with no affiliation with the church, would the applicant have a choice of whether to go to the BZA or the Planning Commission and would they still be required to come before the Planning Commission.

Ms. Johnson said that the church would have to be a part of the request as it would not be two distinct uses.

There being no listed speakers, Chairman Murphy called for speakers from the audience, and explained the rules and procedures for addressing the Planning Commission.

Barnes Lawson, Jr., Esquire, with Lawson and Frank, stated that on church cases, the BZA staff made recommendations. He believed the intent of the amendment was not to create forum shopping, but to short cut certain cases such as increased parking which would serve double duty when a school and/or church activity would appear before the BZA.

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

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Commissioner Thomas stated that, based upon the public hearing this evening, he believed some restrictive language was required on Amendment Section 18-108, page 6. Therefore, he **MOVED THAT WE DEFER THE DECISION ON THIS PROPOSAL UNTIL APRIL 7, 1990, AND ASK THAT THE STAFF COME BACK TO US WITH PROPOSED LANGUAGE A WEEK PRIOR TO THAT DATE.**

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

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ZONING ORDINANCE AMENDMENT (Articles 9 & 15 - Minor Modifications to a Nonconformity - On the matter of an Amend. to Chap. 112, the Zoning Ord., of the 1976 Code of the County of Fairfax, as follows: Amend Articles 9 & 15 to allow, as a special exception use, minor modifications to a nonconforming building or to a building housing a nonconforming use which are impacted by public improvements. PUBLIC HEARING.

Ms. Eileen M. McLane, Zoning Administration Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. She stated that staff recommended adoption of the proposed amendment with an effective date of 12:01 a.m. on the day following its adoption.

There being no listed speakers, Chairman Murphy called for speakers from the audience, and reminded them of the rules and procedures for addressing the Planning Commission.

Stephen K. Fox, Esquire, with Miles and Stockbridge, stated that he believed the proposed amendment was in the public interest and would allow both the County and Zoning Administrator substantial flexibility in dealing with situations which might impact non-conforming uses. He noted that in the older neighborhoods he could envision any number of situations with traffic and intersection improvements where this Ordinance would be helpful.

There being no additional speakers, no questions or comments, and no rebuttal, Chairman Murphy closed the public hearing and recognized Commissioner Hartwell for action on this case. (A 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 APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT TO ARTICLES 9 AND 15, MINOR MODIFICATIONS TO A NONCONFORMITY, AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 3, 1993.

Commissioner Sell seconded the motion which carried by a vote of 8-0-1 with Commissioner Downer abstaining; Commissioners Baldwin, Hanlon, and Strickland absent from the meeting.

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RZ-92-H-033 - GENEVA ENTERPRISE INC. (d/b/a ROSENTHAL JAGUAR & ROSENTHAL HONDA) - Appl. to rezone approx. 2.00 ac. located at the terminus of Spring Hill Rd., approx. 1,100 ft. from its intersection with Leesburg Pike, from 1-4 to C-7 to permit parking & storage associated with a vehicle sales, rental & ancillary service establishment with no attributable FAR. Comp. Plan Rec: R & D Use (Proposed Plan Amendment pending to permit optional retail use.) Tax Map 29-3((1)) 20. (Concurrent with SEA-79-C-007-2.) HUNTER MILL DISTRICT (Formerly Centreville District)

SEA-79-C-007-2 - GENEVA ENTERPRISE, INC. (dba/ROSENTHAL JAGUAR & ROSENTHAL HONDA) - Appl. under Sect. 4-704 of the Zoning Ord. to amend SE-79-C-007 for vehicle sale, rental & ancillary service establishments to permit additional land area, building additions, & an increase in parking & storage area on property located at 1580 & 1592 Spring Hill Rd. on approx. 7.84 ac. zoned C-7, HC & SC. Tax Map 29-3((1)) 2C & 2D. (Concurrent with RZ-92-H-033.) HUNTER MILL DISTRICT (Formerly Centreville District) JOINT PUBLIC HEARING.

Barnes Lawson, Jr., Esquire, with Lawson and Frank, representing the applicant, reaffirmed that the affidavit was current and correct. There were no disclosures from the Planning Commissioners.

Ms. Catherine A. Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. She noted that revised Development Conditions had been received this evening for SEA-79-C-007-2, which revised

Condition Number 4 to more clearly reflect staff's recommendation concerning future right-of-way dedication on Route 7. Ms. Chianese stated that staff recommended approval of these applications.

Mr. Lawson stated that he believed the request was minor and would have no negative impact on the community and in bringing a new dealership to the community would help the County's economy at this time. He requested approval of the application.

Commissioner Byers referred to Conditions Number 9 and 11 and suggested the following minor changes:

- Condition Number 9 - to include the words "approval by" following the word "plat."
- Condition Number 11 - to include the words "restoring the curb" following the word "pavement."

There being no listed speakers and none from the audience, no questions or comments, and no rebuttal, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this case. (A verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-92-H-033, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED MARCH 3, 1993.

Commissioners Byers, Koch, and Thomas seconded the motion which carried unanimously with Commissioner Sell not present for the vote; Commissioners Baldwin, Hanlon, and Strickland absent from the meeting.

Commissioner Palatiello also MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA-79-C-007-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 25, 1993, WITH THE FOLLOWING AMENDMENTS:

- ON CONDITION NUMBER 9, THAT WILL READ AS FOLLOWS:
"LANDSCAPING SHALL BE PROVIDED AS SHOWN ON THE GDP/SEA PLAT, SUBJECT TO APPROVAL BY THE URBAN FORESTER."
- AND THAT NUMBER 11 BE AMENDED TO READ AS FOLLOWS:
"THE CURB CUT ON THE ROUTE 7 SERVICE DRIVE SHALL BE PERMANENTLY CLOSED BY REMOVING THE EXISTING

PAVEMENT, RESTORING THE CURB, SCARIFYING, AND
LANDSCAPING."

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

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Since the following application was in the Springfield District, the Chair was turned over to Secretary Harsel.

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SEA-83-S-047 - SHELL OIL COMPANY - Appl. under Sects. 6-304 & 7-607 of the Zoning Ord. to amend SE-83-S-047 for a service station in a Highway Corridor Overlay District to permit the addition of a quick service food store on property located at 8334 Old Keene Mill Rd. on approx. 30,894 sq.ft. of land zoned PRC & HC. Tax Map 79-3((8)) 5E. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Mr. Robert C. Burgess, Agent for the applicant, reaffirmed that the affidavit was current and correct. There were no disclosures from the Planning Commissioners.

Commissioner Murphy called attention to Addendum Number 1 which had been circulated to each member of the Commission and contained few changes. Therefore, he stated that he would go forward with this application.

Mr. Otis L. 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 the proposed development conditions contained in Appendix 1 of the staff report.

Mr. Burgess stated that the applicant agreed with the development conditions, thanked everyone for their help, and requested approval of the application.

There being no listed speakers and none from the audience, no questions or comments, and no rebuttal, Secretary Harsel closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim transcript of the action taken 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-83-S-047, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 1 OF THE STAFF REPORT ADDENDUM DATED MARCH 25, 1993.

Commissioners Koch and Thomas seconded the motion which carried by a vote of 7-1 with Commissioner Byers opposed; Commissioner Sell not present for the vote; Commissioners Baldwin, Hanlon, and Strickland absent from the meeting.

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The Chair was returned to Chairman Murphy.

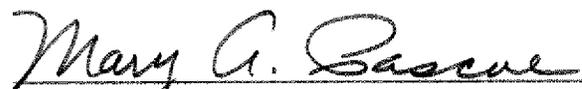
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The meeting was adjourned at 9:30 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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: Dorothy E. Brittingham

Approved On: July 29, 1993



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