

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, APRIL 29, 1999**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Carl A. S. Coan, Jr., Providence District  
Judith W. Downer, Dranesville District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
John B. Kelso, Lee District  
Peter F. Murphy, Jr., Springfield District  
John M. Palatiello, Hunter Mill District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Ronald W. Koch, Sully District  
Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 8:24 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**

Commissioner Alcorn noted that the Zoning Ordinance Amendment regarding by-right, special exception, and special permit uses was not quite ready for decision. He therefore **MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON THIS ZONING ORDINANCE AMENDMENT TO A DATE CERTAIN OF MAY 5, 1999.**

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

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Commissioner Coan stated that more work was needed on a Providence District application and **MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON PCA-85-P-038-2 AND FDPA-85-P-038-2, TYSONS CORNER PROPERTY, LLC, TO A DATE CERTAIN OF MAY 5, 1999.**

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

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Commissioner Coan announced his intent to defer the public hearing on PCA-85-P-002 and FDPA-85-P-002, S&H Tysons Property, LLC and 8230 NVC, from Thursday, May 13, 1999 to an indefinite date.

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Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON S99-CW-T1, OUT-OF-TURN PLAN AMENDMENT, BE DEFERRED INDEFINITELY.

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

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Commissioner Kelso MOVED THAT WE DEFER 2232-L98-24, NEXTEL COMMUNICATIONS, TO A DATE CERTAIN OF JUNE 23, 1999.

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

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FS-L99-7 - NEXTEL COMMUNICATIONS, 5716 South Van Dorn Street

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF PLANNING AND ZONING THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., FOR THE COMFORT INN LOCATED AT 5716 SOUTH VAN DORN STREET, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. SEA-94-L-004 - KINGSTOWNE SHOPPING CENTER I LP  
PCA-C-448-20 - KINGSTOWNE SHOPPING CENTER I LP  
FDPA-C-448-5-3 - KINGSTOWNE SHOPPING CENTER I LP
2. S99-CW-T2 - OUT-OF-TURN PLAN AMENDMENT
3. SE-98-D-047 - CHESTERBROOK-MCLEAN LITTLE LEAGUE
4. SE-98-L-063 - MOBIL OIL CORPORATION
5. SEA-83-D-030-6 - THE MADEIRA SCHOOL

This order was accepted without objection.

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SEA-94-L-004 - KINGSTOWNE SHOPPING CENTER I LP - Appl. under Sect. 6-105 of the Zoning Ord. to amend SE-94-L-004 for four fast food restaurants w/drive-through windows to allow a total of eight fast food restaurants, an increase in the permitted number of seats & an increase in land area on property located in the N.W. quadrant of the intersection of Kingstowne Blvd. & South Van Dorn St. on approx. 23.25 ac. zoned PDH-4. Tax Map 91-2((1)) 32A. (Concurrent w/PCA-C-448-20 & FDPA C-448-5-3.) LEE DISTRICT.

PCA-C-448-20 - KINGSTOWNE SHOPPING CENTER I LP - Appl. to amend the proffers for RZ-C-448 to permit commercial development w/an overall FAR of 0.18 on property located in the N.W. quadrant of the intersection of Kingstowne Blvd. & So. Van Dorn St. on approx. 23.25 ac. zoned PDH-4. Comp. Plan Rec: Mixed Use. Tax Map 91-2((1))32A. (Concurrent w/SEA-94-L-004 & FDPA-C-448-5-3). LEE DISTRICT.

FDPA-C-448-5-3 - KINGSTOWNE SHOPPING CENTER I LP - Appl. to amend the final development plan for RZ-C-448 to permit commercial development on property located in the N.W. quadrant of the intersection of Kingstowne Blvd. & So. Van Dorn St. on approx. 23.25 ac. zoned PDH-4. Tax Map 91-2((1))32A. (Concurrent w/SEA-94-L-004 & PCA-C-448-20.) LEE DISTRICT. JOINT PUBLIC HEARING.

Chairman Murphy noted that the public hearing on these three cases had been continued from Thursday, April 22, 1999. He asked Commissioner Kelso for introductory remarks.

SEA-94-L-004 - KINGSTOWNE SHOPPING CENTER I LP  
PCA-C-448-20 - KINGSTOWNE SHOPPING CENTER I LP  
FDPA-C-448-5-3 - KINGSTOWNE SHOPPING CENTER I LP

April 29, 1999

Commissioner Kelso explained that the two listed speakers (Kathleen Snyder and Bonita Brock) were not present and if there were no speakers from the audience, the public hearing could be closed.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments, questions or closing staff remarks, he closed the public hearing and recognized Commissioner Kelso for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SEA-94-L-004, PCA-C-448-20, AND FDPA-C-448-5-3, KINGSTOWNE SHOPPING CENTER I LP, INDEFINITELY.

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

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S99-CW-T2- OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax Co. in accordance w/*Code of VA*, Title 15.2, Chap. 22 concerning Georgetown Pike (Rt. 193). The amendment will consider modifying the adopted Comprehensive Plan & the adopted Transportation Plan map to delete the improved two-lane designation on Georgetown Pike. DRANESVILLE DISTRICT. PUBLIC HEARING.

Satvinder Sandhu, Department of Transportation, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the language outlined on page 5 of the staff report.

Chairman Murphy called for speakers from the audience, but received no response. There being no comments, questions or closing staff remarks, he closed the public hearing and recognized Commissioner Downer for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF S99-CW-T2 TO THE BOARD OF SUPERVISORS.

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

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SE-98-D-047 - CHESTERBROOK-MCLEAN LITTLE LEAGUE, INC. -  
Appl. under Sect. 2-904 of the Zoning Ord. to permit uses in a floodplain to include bldg. additions & site modifications on property located at 1836 & 1840 Westmoreland St. on approx. 7.20 ac. zoned R-3. Tax Map 40-2((1))42 & 46. DRANESVILLE DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich, and Lubeley, reaffirmed the affidavit dated July 31, 1998. There were no disclosures by Commission members.

Julie Schilling, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She presented a brief history of the subject property, noting that the applicant had also filed a special permit application to be considered by the Board of Zoning Appeals on May 11, 1999. Ms. Schilling stated that staff recommended approval of this application, pending adoption of the proposed development conditions and resolution of an agreement with adjacent homeowners which needed to be reviewed by the County Attorney's office.

Commissioner Downer announced her intention to defer the decision on this application until May 5, 1999 to allow time for the County Attorney to review the proposed agreement between the applicant and adjacent homeowners.

In response to a question from Commissioner Byers, Ms. Schilling stated that the existing light poles were between 35 and 43 feet in height.

In response to questions from Commissioner Palatiello, Ms. Schilling confirmed that there were separate sets of development conditions for the special exception and special permit applications. She added that the special exception was for uses in the floodplain and that the conditions actually governing the use, such as hours of operation, were those associated with the special permit.

In response to a question from Chairman Murphy, Ms. Schilling said that it would be appropriate for the Planning Commission to make a recommendation to the Board of Zoning Appeals concerning the special permit.

Ms. Schilling responded to further questions from Commissioner Palatiello regarding the hours of operation and the use of floodplains for athletic fields.

Ms. Schilling responded to questions from Commissioner Alcorn regarding the extent of the environmental quality corridor (EQC) on the site and the applicant's intentions regarding the light poles and parking.

In response to questions from Commissioner Downer, Ms. Schilling explained that the applicant had done some restoration of the stream bank in the past and was proffering, with these applications, to extend the restoration work.

In reply to Commissioner Byers' inquiry regarding Pimmit Run, Ms. Schilling said she would check on the difference between the elevations of Pimmit Run and the subject property, the frequency of flooding in the area, and the source of information establishing the floodplain line.

Mr. Martin stated that the purpose of these applications was to re-activate the special permit that was inadvertently allowed to expire and bring two of the four existing ball fields into conformance with National Little League safety standards for tournament play. He said that the applicant intended to replace the existing light poles at Fields 1 and 2 with higher ones and possibly remove the grass from the infield of Field 1 to make it suitable for softball. He spoke about the popularity of these fields and the great need for athletic fields for active recreation. Mr. Martin stated that the agreement with the adjacent homeowners was still under negotiation, but that a resolution was expected soon. He added that the applicant had withdrawn its proposal for a picnic pavilion, which would have been an additional structure in the floodplain, and commented on the stream bank restoration plans.

In response to questions from Commissioners Byers and Alcorn, Mr. Martin explained that home plate would be moved back to expand Field 1 to 200 feet so that trees surrounding the outfields would not be disturbed.

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

Admiral Milton Schultz, 1935 Foxhall Road, McLean, representing the Foxhall Road Neighborhood Association, expressed his concern for the proposed expansions. He cited increased noise and lighting as his main objections. (A copy of his statement is in the date file.)

Admiral Schultz responded to questions from Commissioner Downer regarding his position and Ms. Schilling responded to questions from Commissioner Downer concerning the agreement between the applicant and adjacent homeowners.

In response to a question from Commissioner Byers, Ms. Schilling said that the floodplain line was established in 1991.

Jay Epstein, 1922 Foxhall Road, McLean, spoke about the Little League's failure to renew its special permit and comply with County regulations in the past. He was opposed to intensification of the use. (A copy of his statement is in the date file.)

Mr. Epstein responded to questions from Commissioner Hall regarding his position.

Kimberley Epstein, 1922 Foxhall Road, McLean, commented on the noise impact of the ballfields on nearby residents. She said that the late night ball games were detrimental to players, spectators, and the neighbors. (A copy of her statement is in the date file.)

Ms. Epstein responded to questions from Chairman Murphy regarding the location of her home and from Commissioner Hall regarding the Little League's hours of operation.

Michael Matheson, 6726 Pine Creek Court, McLean, representing the Crosswoods Homeowners Association, expressed his concern for the proposed intensification, particularly the increased lighting and extended hours of operation. He spoke about the importance of a long term, binding agreement between the Little League and adjacent homeowners.

William Marr, Esquire, 3861 Plaza Drive, Fairfax, explained that he was representing residents of the Foxhall Road, Crosswoods, Westmoreland, and Lemon Road neighborhoods. He outlined the reasons for opposing the application, specifically commenting on the increased intensity of use, the parking and traffic impact, and the noise, lighting, and environmental issues. (A copy of his letter, with attachments, is in the date file.)

Mr. Marr responded to questions from Chairman Murphy regarding the photographs depicting parking problems.

Commissioner Palatiello and Mr. Marr held a discussion regarding the contents of paragraph 8 on page 7 of Mr. Marr's letter concerning the Little League's mission and goals.

Commissioner Coan commented that the Little League had admitted its mistakes, that a resolution of issues between the applicant and homeowners was near and that the Commission should let them work it out.

Kevin Fay, 8300 Private Lane, Annandale, President of the Chesterbrook-McLean Little League, pointed out that the Little League was a volunteer organization and that errors had been made due to the high turnover in leadership. He added that the League was attempting, with this application, to correct the situation and bring the long existing use into compliance. He expressed his willingness to continue working with the citizens and the County Attorney's Office to reach a resolution of the outstanding issues.

In response to questions from Commissioner Alcorn, Mr. Fay explained that the second floor addition to the snack bar, to be used as an office, was outside the floodplain line and not a part of this application. He added that the "skinned" infield on Field 1, if the Little League decided to pursue that alteration, would allow use of the field for regulation softball.

Mr. Fay responded to questions from Commissioner Palatiello regarding the possibility of problems with scheduling of games in the future should the Fairfax County Schools convert to a year-round system.

Commissioner Downer noted that there were unanswered questions concerning the agreement between the applicant and the adjacent homeowners. She suggested that perhaps an Executive Session next week would be in order. Chairman Murphy stated that the County Attorney's Office would be contacted and that if an Executive Session was needed it would be scheduled prior to the Commission's regular meeting.

There being no further speakers, comments or questions, Chairman Murphy called upon Mr. Martin for a rebuttal statement.

Mr. Martin noted that Mr. Fay had adequately summed up the applicant's position. He reiterated that finalization of the agreement was near and that the applicant would continue to work with citizens to reach a resolution as soon as possible.

Ms. Schilling having no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Downer for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Downer RECOMMENDED THAT WE DEFER SE-98-D-047, FOR DECISION ONLY, ON MAY 5, 1999, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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The Commission went into recess at 10:20 p.m. and reconvened in the Board Auditorium at 10.40 p.m.

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5E-98-L-063 - MOBIL OIL CORPORATION - Appl. under Sects. 4-804 & 9-622 of the Zoning Ord. to permit a service station/mini-mart in a Hwy. Corridor Overlay District & to permit modifications/waivers/increases & uses in a Commercial Revitalization District on property located at 8300 Richmond Hwy. on approx. 25,862 sq. ft. of land zoned C-8, HC & CRD. Tax Map 101-4((4))14C. LEE DISTRICT. PUBLIC HEARING.

Marie Travesky, with Travesky and Associates, reaffirmed the affidavit dated October 13, 1998.

Commissioner Kelso noted that the applicant in this matter was a client of his. He therefore recused himself from this public hearing, asked Commissioner Wilson to handle the case, and left the Auditorium.

Inda Stagg, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Travesky explained that the applicant intended to upgrade the service station by adding a state safety inspection service bay, two pump islands, and a landscaped island. She added that the building's facade would be altered by closing the service bay entrances and installing colonial-type windows in place of the garage doors. She said that the service bays would then be accessed from the rear of the building. Ms. Travesky stated that the Southeast Fairfax Development Corporation supported the application and that the Lee District Land Use Advisory Committee had expressed concerns about two environmental issues: best management practices and stormwater management. She stated that the applicant would comply with the Chesapeake Bay protection regulations as well as the stormwater management provisions of the Public Facilities Manual.

In response to questions from Commissioner Byers, Ms. Travesky and Ms. Stagg explained that Russell Road would eventually be realigned at its intersection with Richmond Highway.

In reply to Commissioner Alcorn, Ms. Travesky confirmed that alcoholic beverages were not sold at the existing mini-mart on the site.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments, questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Wilson for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-98-L-063, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN APPENDIX 1 DATED MARCH 24, 1999, WITH THE CAVEAT THAT, IN DEVELOPMENT CONDITION #4, STAFF PROVIDE A DEFINITE FIGURE FOR THE ESCROW AMOUNT REQUIRED BY THE APPLICANT PRIOR TO THE BOARD OF SUPERVISORS' REVIEW OF THIS.

Commissioners Coan and Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Byers abstaining; Commissioner Kelso not present for the vote; Commissioners Koch and Thomas absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENT ON RICHMOND HIGHWAY TO PERMIT A FIVE-FOOT WIDE SIDEWALK IN LIEU OF THE REQUIRED EIGHT-FOOT WIDE TRAIL.

Commissioner Hall seconded the motion which carried by a vote of 8-0-1 with Commissioner Alcorn abstaining; Commissioner Kelso not present for the vote; Commissioners Koch and Thomas absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE REQUIRED RICHMOND HIGHWAY DEDICATION ALONG THE SITE'S FRONTAGE TO PERMIT DEDICATION OF 98 FEET FROM CENTERLINE IN LIEU OF THE COMPREHENSIVE PLAN RECOMMENDED RIGHT-OF-WAY OF 114 FEET.

Commissioner Alcorn seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioner Kelso not present for the vote; Commissioners Koch and Thomas absent from the meeting.

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SEA-83-D-030-6 - THE MADEIRA SCHOOL - Appl. under Sect. 3-E04 of the Zoning Ord. to amend SE-83-D-030 to permit construction of 4 additional residential dwelling units, driveways & parking on property located at 8328 Georgetown Pike on approx. 376.16 ac. zoned R-E. Tax Map 20-1((1))14 & 20-2(1)11. DRANESVILLE DISTRICT. PUBLIC HEARING.

Larry McDermott, with Dewberry and Davis, agent for the applicant, reaffirmed the affidavit dated September 13, 1998. There were no disclosures by Commission members.

Commissioner Downer 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 Downer for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-83-D-030-6, TO THE BOARD OF SUPERVISORS, WITH THE DEVELOPMENT CONDITIONS IN THE STAFF REPORT, APPENDIX 1.

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

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BARRIER REQUIREMENTS BE WAIVED AND THE TRANSITIONAL SCREENING REQUIREMENTS BE MODIFIED ON THE EASTERN, WESTERN, AND SOUTHERN PERIPHERIES OF THE SITE IN ORDER TO PERMIT EXISTING VEGETATION TO SATISFY THE REQUIREMENTS OF THE ORDINANCE, AND A WAIVER OF THE SERVICE DRIVE REQUIREMENT.

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

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The meeting was adjourned at 10:40 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: Gloria L. Watkins

Approved on: June 14, 2000



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