

**MINUTES  
PLANNING COMMISSION MEETING  
MAY 11, 1994**

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 8:33 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

After conferring with the County Attorney and concluding that it would be in the best interest for all concerned that she recuse herself from further action on the matter, Commissioner Downer deferred all further action on RZ-93-D-035 and FDP-93-D-435 to Chairman Murphy.

Commissioner Murphy then MOVED THAT THE PLANNING COMMISSION (FURTHER) DEFER DECISION ONLY ON RZ-93-D-035 AND F'DP-93-D-435, (GEORGE ZIMMERMAN), TO A DATE CERTAIN OF MAY 19, 1994 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hanlon and Sell seconded the motion which passed unanimously with Commissioner Palatiello not present for the vote.

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Explaining that there was an error in the *Weekly Agenda* advertisement, Chairman Murphy clarified that the Zoning Ordinance Amendment, pertaining to Home Occupations, was scheduled for public hearing on Wednesday, May 18, 1994, not Thursday, May 19th as listed.

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Commissioner Koch MOVED TO DEFER THE PUBLIC HEARING ON 456-Y93-17, THE FAIRFAX COUNTY WATER AUTHORITY, TO JUNE 8, 1994.

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

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Commissioner Baldwin announced that the Environment Committee would meet Wednesday, June 8, 1994 to address the development of water service within the County and that representatives from the Water Authority would attend.

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Commissioner Palatiello announced that on Wednesday, May 18, 1994 the Public Utilities Committee would meet with staff in the Board Conference Room to review staff's recommendations regarding language in the Zoning Ordinance, Public Facilities Manual and Policy Plan affecting underground pipelines and utilities.

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Chairman Murphy announced that the Fairfax County Fair would again be held at the Government Center this year and he expressed his appreciation to all who volunteered to serve at the Planning Commission's booth on Friday, June 10th, Saturday, June 11th, and Sunday, June 12th. He extended his invitation to all to stop by for a soft drink or juice.

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RZ-93-Y-044 - YORK LIMITED PARTNERSHIP

FDP-93-Y-044 - YORK LIMITED PARTNERSHIP

PCA 86-P-090-2 - FAIR LAKES PROMENADE L.P.

FDPA-86-P-090-2 - FAIR LAKES PROMENADE L.P. (Decisions Only)

(The public hearing on these applications was held on May 5, 1994. A complete verbatim transcript of the decision made on this item this evening is included in the date file.)

Commissioner Koch MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT PCA-86-P-090-2 AND RZ-93-Y-044 BE APPROVED, SUBJECT TO THE MAY 11, 1994 EXECUTED PROFFERS.

Commissioners Strickland and Thomas seconded the motion which passed by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Downer and Hanlon not present for the vote.

Commissioner Koch next MOVED THAT FDPA-86-P-090-2 AND FDP-93-Y-044 BE APPROVED, CONTINGENT UPON THE BOARD OF SUPERVISORS APPROVAL OF

PCA-86-P-090 AND RZ-93-Y-044, AND SUBJECT TO THE MAY 11, 1994 PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Strickland and Thomas seconded the motion which passed by a vote of 8-0-2, with Commissioners Byers and Sell abstaining; Commissioners Downer and Hanlon not present for the vote.

Commissioner Koch then MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE 75-FOOT MINIMUM SETBACK REQUIREMENT FROM I-66 BE WAIVED.

Commissioner Strickland seconded the motion which passed by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Downer and Hanlon not present for the vote.

Commissioner Koch lastly MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING BE MODIFIED AND THE BARRIER REQUIREMENT BE WAIVED AS DEPICTED ON THE CDPA AND FDPA AND AS MODIFIED BY THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioner Strickland seconded the motion which passed by a vote of 8-0-2 with Commissioners Byers and Sell abstaining; Commissioners Downer and Hanlon not present for the vote.

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ORDER OF THE AGENDA ITEMS

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

1. RZ-94-L-004 - Curtis D. and Nina G. Cornett
2. RZ-93-L-023 - B. Mark Fried, Trustee for Frontier Joint Venture L.P.

This order was accepted without objection.

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RZ-94-L-004 - CURTIS D. & NINA G. CORNETT - Appl. to rezone approx. 0.46 ac. of land located in the N.E. quadrant of the intersection of Main St. & Buckman Rd. from R-3 & HC to R-12 & HC to permit resident. develop. @ a density of 11.0 du/ac. & a waiver of the min. dist. size requirement. Comp. Plan Rec: 2-3 du/ac. w/option for existing structures to remain. Tax Map 101-3((1))15B. LEE DISTRICT. PUBLIC HEARING.

Ms. Nina Cornett reaffirmed the affidavit dated November 24, 1993. There were no disclosures by Commission members.

Ms. Catherine Chianese, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She stated that staff recommended approval.

Ms. Cornett gave a brief background history of the application. She requested the Commission's support.

Chairman Murphy called for speakers from the audience. Receiving no response, he noted that no rebuttal was necessary. Ms. Chianese had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Sell for a motion on the application. (Verbatim excerpts are in the date file.)

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Following brief comments, Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-94-L-004, SUBJECT TO THE EXECUTION OF THE PROFFERS IN APPENDIX 1.

Commissioner Hartwell seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote.

Commissioner Sell next MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE PURSUANT TO SECTION 9-610 OF THE ZONING ORDINANCE.

Commissioner Hartwell seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote.

Commissioner Sell lastly MOVED (THAT) THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN LIEU OF THE EXISTING LANDSCAPING PURSUANT TO PARAGRAPH 3 OF SECTION 13-304.

Commissioner Hartwell seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote.

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RZ-93-L-023 - B. MARK FRIED, TRUSTEE FOR FRONTIER JOINT VENTURE L. P. -  
Appl. to rezone approx. 8.47 ac. on property located approx. 800 ft. S. of Franconia Rd. on the E. side of Frontier Dr. across from the entrance RZ-93-L-023 - B. MARK FRIED,

to Springfield Mall from C-3, R-1, & HC to C-6 & HC to permit commercial develop. w/an overall FAR of 0.28. Comp. Plan Rec: Office use. Tax Map 90-2((1))86A, & 94. LEE DISTRICT. PUBLIC HEARING.

Barbara J. Fried, Esquire, representing the applicant, reaffirmed the affidavit dated April 15, 1994. There were no disclosures by the Commission.

Mr. Otis Robinson, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He pointed out a cemetery that was surrounded by the subject property but which was not part of the site. He noted that revised proffers dated May 6, 1994 were submitted to staff subsequent to the publication of Addendum 1 and addressed allocation of funds. Because staff was of the opinion that the proposed layout of the retail center would negatively impact upon the future residential development on the adjacent property and there was not a compatible transition between the adjoining land as recommended in the Plan, Mr. Robinson stated that staff recommended denial of the application.

Ms. Fried said that passage of the Franconia/Springfield Plan would enable this rezoning to accomplish the goal of urban design while preserving existing neighborhoods and that the Lee District Land Use Advisory Committee and the Springfield Forest neighborhood supported the proposed development. Ms. Fried pointed out that they had proffered extensive plantings and tree save which would be supervised by the Urban Forestry Branch. It was their contention, she stated, that staff's 25-foot buffer requirement was unnecessary because their proffered landscaping and 7-foot brick wall was sufficient to qualify for a waiver under the existing Code. Ms. Fried stated that the proposal conformed to the concept for future development of the Springfield/Franconia area, offered essential buffering, provided numerous amenities, and had the support of the citizens; she requested the Commission's favorable recommendation.

Ms. Fried responded to questions from Commissioners Byers and Strickland regarding buffering, screening and the property's boundary. She acknowledged that the Forestdale Civic Association supported the application in reply to Commissioner Hartwell's query.

Chairman Murphy called for speakers and explained the Commission's rules for presenting oral testimony.

Mr. Anthony O'Connell, 6541 Franconia Road, Springfield, gave a brief history of the Broder's property and cemetery which had originated 174 years ago. He noted recent vandalism and expressed concern about the cemetery's security especially with the proposed development surrounding it. Mr. O'Connell asked that the cyclone fence and the original entrance be retained and that a pedestrian easement be provided from the north into the cemetery.

Commissioner Sell explained to Mr. O'Connell that the School Board would have to grant an

easement from the north for a pedestrian entrance because it was not within the purview of the Planning Commission in this case.

Chairman Murphy called the next speaker.

McCauley W. Arnold, Esquire, 10521 Judicial Drive, Fairfax, representing Patricia Broders Collins, expressed the family's concern over the cemetery's security and that they wanted the chain link fence to remain and were also requesting a 35-foot buffer. Mr. Arnold said that the family would like an infra-red study/survey conducted to determine if there were any graves or bones located outside the perimeter of the fence. The family would also like an easement proffered allowing access to the existing gate in the chain link fence, Mr. Arnold said.

Commissioner Sell requested that a representative from the Springfield Forest Civic Association give its determination of the application.

Mr. Fred Morin, representing the Civic Association of Springfield Forest and the New Charleston Home owners Association, said they supported the application because they believed the proffers addressed the buffer issue. He noted that the applicant had proffered substantial monies to each homeowners association to fund future landscaping buffer needs. Mr. Morin suggested that the applicant also make some kind of arrangement to provide plantings along the fence between the school and the development and be responsible for its future maintenance.

In rebuttal, Ms. Fried stated that, after corresponding with Ms. Broders Collins, the applicant had proffered two fences and a wall, would keep the existing easement with the school, would grant a walking easement, which they would maintain, from the school parking lot into the cemetery, and that the applicant would provide additional landscaping if the Broders requested it.

Commissioner Sell clarified that two fences were unnecessary and, with the applicant's approval, determined that only one fence would be provided, with varying heights, to be placed exactly where it was currently.

Ms. Fried agreed to furnish revised proffer language May 12, 1994, evidencing the changes.

At the request of Commissioner Sell, Chairman Murphy called Mr. O'Connell back to the podium for his comments.

Mr. O'Connell clarified, for his understanding, the changes regarding the fence, the easements, the buffer and preservation of natural vegetation.

In response to Commissioner Palatiello's question, Mr. Robinson explained that the applicant was required, under the submission process, to certify that there were no existing graves on

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the site and in the event a burial ground was discovered outside the stone cemetery, construction would cease and the County Archaeologist would be notified.

At the request of Commissioner Sell, Ms. Fried responded that she had conferred with a professional organization, which specialized on the matter, as well as with the County's Heritage Resources section about hand digging around the site to determine if there were graves and that the applicant would submit a proffer to that effect.

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

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Following remarks, Commissioner Sell MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON RZ-93-L-023, UNTIL THURSDAY, MAY 19, 1994 WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Hanlon seconded the motion which passed unanimously.

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The meeting was adjourned at 10:02 p.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

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

Minutes by: Paula A. McFarland

Approved on: July 28, 1994

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