

**MINUTES OF  
PLANNING COMMISSION MEETING  
JULY 18, 1996**

PRESENT: 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  
Robert v. L. Hartwell, Commissioner At-Large  
John W. Hunter, Commissioner At-Large  
John B. Kelso, Lee District  
Ronald W. Koch, Sully District  
Peter F. Murphy, Jr., Springfield District  
Alvin L. Thomas, Commissioner At-Large

ABSENT: John M. Palatiello, Hunter Mill 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

Secretary Harsel MOVED FOR APPROVAL OF THE FOLLOWING SETS OF 1991 MINUTES:

02/13/91	04/11/91	07/09/91	07/31/91	09/26/91
02/14/91	04/25/91	07/10/91	09/05/91	10/02/91
02/20/91	05/15/91	07/17/91	09/12/91	10/17/91
02/27/91	06/19/91	07/18/91	09/19/91	10/24/91
03/21/91	06/26/91	07/24/91	09/25/91	12/11/91

Commissioner Thomas seconded the motion which carried by a vote of 4-0-6 with Commissioners Byers, Downer, Hall, Hartwell, Hunter, and Kelso abstaining; Commissioner Coan not present for the vote; Commissioner Palatiello absent from the meeting.

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Commissioner Coan MOVED THAT WE DEFER INDEFINITELY THE PUBLIC HEARING ON RZ-96-P-002 AND SEA-85-P-067, MOBIL OIL CORPORATION.

Commissioners Byers and Kelso seconded the motion which carried unanimously with Commissioners Hall, Hartwell, and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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Commissioner Coan referred to the decision only scheduled tonight on S96-II-V1, Out-of-Turn Plan Amendment, and MOVED THAT WE FURTHER DEFER THE DECISION ON THAT ITEM TO A DATE CERTAIN OF JULY 25, 1996.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Coan noted that this item was scheduled to be heard by the Board of Supervisors on Monday, July 22, 1996 and therefore MOVED TO REQUEST THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING ON S96-II-V1 TO A DATE SUBSEQUENT TO THE PLANNING COMMISSION'S DECISION.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso not present for the vote; Commissioner Palatiello absent from the meeting.

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SE-96-M-013 – R. J. SNYDER & DECKER & COMPANY, FOR KENYON OIL COMPANY  
(Decision Only) (The public hearing on this application was held on June 26, 1996. A complete verbatim transcript of the decision made this evening is in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE-96-M-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 17, 1996 AND REVISED JULY 18, 1996.

Commissioner Hartwell seconded the motion which carried by a vote of 8-1-1 with Commissioner Byers opposed; Commissioner Hunter abstaining; Commissioner Coan not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUEST FOR A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTH, EAST, WEST, AND SOUTH PROPERTY BOUNDARIES, IN ACCORDANCE WITH THE PROVISIONS OF PART 2 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Hartwell seconded the motion which carried by a vote of 7-1-2 with Commissioner Byers opposed; Commissioners Harsel and Hunter abstaining; Commissioner Coan not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF PART 6A OF SECTION 4-505 OF THE ZONING ORDINANCE TO MODIFY THE REQUIRED DISTANCES OF DRIVEWAY ENTRANCES FROM THE INTERSECTION.

Commissioner Hartwell seconded the motion which carried by a vote of 7-1-2 with Commissioner Byers opposed; Commissioners Harsel and Hunter abstaining; Commissioner Coan not present for the vote; Commissioner Palatiello absent from the meeting.

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#### ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. S96-IV-MV1 – OUT-OF-TURN PLAN AMENDMENT
2. ZONING ORDINANCE AMENDMENT (ADA)  
PUBLIC FACILITIES MANUAL (PFM) AMENDMENT (ADA)
3. ZONING ORDINANCE AMENDMENT (Floodplains)
4. 94-III-2P – AREA PLAN REVIEW ITEM
5. S96-II-F1 – OUT-OF-TURN PLAN AMENDMENT
6. S96-IV-S1 – OUT-OF-TURN PLAN AMENDMENT

This order was accepted without objection.

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S96-IV-MV1 – OUT-OF-TURN PLAN AMENDMENT – To consider proposed revisions to the Adopted Comp. Plan for Fairfax County, VA, in accordance with the Code of VA, Title 15.1, Chapt. 11, concerns approx. 2.98 ac. bounded by Rt. 1 to the E., the Valley View subdivision to the N., Holly Hills Rd. to the S. & the Nazarene Church to the W. The area is planned for a mix of garden apartments at 16-20 du/ac w/retail & office use up to .35 FAR. The Plan Amendment will consider mini-warehouse use. Rec. relating to the transportation network may also be modified. Tax Map 92-4((1))42-47. LEE DISTRICT. PUBLIC HEARING.

Ms. Anita Capps, Planning Division (PD), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 5 and 6 of the staff report.

Chairman Murphy explained that Commissioner Hartwell would be handling this item since Commissioner Kelso had a conflict of interest and had therefore recused himself from participation.

Mr. Fred Selden, PD, OCP, responded to questions from Commissioners Byers, Harsel and Downer concerning why this Plan Amendment was before the Commission. He noted that the public hearing had been authorized by the Board of Supervisors.

In response to a question from Commissioner Harsel, Ms. Capps said that the property would have to be rezoned to the C-8 district to accommodate the proposed mini-warehouse use.

Chairman Murphy called for speakers from the audience and listed the rules for public testimony.

Ms. Marie Travesky, Travesky and Associates, representing the contract purchaser of the subject property, spoke in support of the proposed amendment. She commented on the surrounding land uses, the topography of the site, and noted that citizens in the area supported the proposal. Ms. Travesky said that the mini-warehouses would have less traffic impact than the use currently recommended in the Plan.

In response to questions from Commissioners Hartwell and Hall, Ms. Travesky explained that the buildings on the subject property were run-down and had been vandalized. She distributed photographs to demonstrate her point.

There being no further speakers, Chairman Murphy called on Ms. Capps for closing staff comments. Ms. Capps clarified the answer she had given Commissioner Harsel earlier, adding that a special exception application would have to accompany the C-8 rezoning request.

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

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Commissioner Hartwell MOVED TO (RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT) APPROVE THE OUT-OF-TURN PLAN AMENDMENT S96-IV-MV1, WITH THE MODIFICATIONS DATED JULY 18, 1996, OPTION 2.

Commissioner Hall seconded the motion which carried by a vote of 7-3 with Commissioners Byers, Thomas, and Harsel opposed; Commissioner Kelso not present for the vote; Commissioner Palatiello absent from the meeting.

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ZONING ORDINANCE AMENDMENT AND PUBLIC FACILITIES MANUAL (PFM) AMENDMENT (ADA) – On the matter of an amendment to Chapter 112, the Zoning Ord. of the 1976 Code of the Co. of Fairfax & to the Public Facilities Manual, as follows: Amend Art. 1, 2, 8, 9, 11, 15, 16, 17, 18 & 20 of the Zoning Ord. & amend the PFM to revise the provisions regarding accessibility improvements for persons with disabilities to accommodate a change to the VA Uniform Statewide Building Code (VUSBC) & to facilitate the provision of accessibility improvements for uses such as nonconformities. PUBLIC HEARING.

Ms. Maggie Stehman, Zoning Administration Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 3 through 9 of the staff report for the Zoning Ordinance Amendment and pages 10 and 11 for the Public Facilities Manual Amendment.

Chairman Murphy called for speakers, but received no response. He noted that there was no need for closing staff comments, and there being no comments or questions from the Commission, he closed the public hearing and recognized Commissioner Hunter for action on this item. (Verbatim excerpts are in the date file.)

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Commissioner Hunter MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO ARTICLES 1, 2, 8, 9, 11, 15, 16, 17, 18, AND 20 OF THE ZONING ORDINANCE AND TO THE PUBLIC FACILITIES MANUAL, INCLUDING ALTERNATE 1 TO SECTION 2-0212.20, ALL INVOLVING ACCESSIBILITY IMPROVEMENTS FOR PERSONS WITH DISABILITIES, AS CONTAINED IN THE STAFF REPORT DATED MAY 8, 1996.

Commissioners Byers, Hall and Kelso seconded the motion which carried unanimously with Commissioners Coan and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Floodplains) – On the matter of an amendment to Chapter 112, the Zoning Ord., of the 1976 Code of the Co. of Fairfax, as follows: Amend Art. 2 & 18 to add the requirement for the Federal Emergency Management Agency's Elevation Certificates & Floodproofing Certificates for structures in floodplains, & to allow the Director of the Department of Environmental Management to approve certain minor accessory structures in a floodplain & additions closer than 15 ft. from a floodplain for single family dwellings built prior to August 14, 1978.  
PUBLIC HEARING.

Mr. Michael Congleton, Zoning Administration Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the language outlined on pages 4 through 7 of the staff report.

Chairman Murphy called for speakers, but received no response. He noted that there was no need for closing staff comments, and there being no comments or questions from the Commission, he closed the public hearing and recognized Commissioner Hartwell for action on this item. (Verbatim excerpts are 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 AMENDMENTS TO ARTICLES 2 AND 18, FLOODPLAIN REGULATIONS, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 2, 1996, WITH THE FOLLOWING EXCEPTIONS:

DO NOT INCLUDE THE PROPOSED AMENDMENTS TO SECTION 2-415 AS SHOWN ON PAGE 4 OF THE STAFF REPORT; AND

DO NOT INCLUDE THE PROPOSED AMENDMENT TO PARAGRAPH 8 OF SECTION 2-903 AS SHOWN ON PAGES 5 AND 6 OF THE STAFF REPORT.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Downer and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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94-III-2P – AREA PLAN REVIEW ITEM – To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax Co., VA, in accordance w/the Code of VA, Title 15.1, Chapter 11, which concern approx. 6.6 ac. in the N.E. quadrant of the intersection of Ox Rd. & Zion Dr. A portion of parcel 7A is planned for retail &

use at 1-2 u/ac. The Plan Amendment will consider expanding the area planned for retail & other uses to include all of parcel 7A, & adding text for the balance of the subject area to reflect the adopted Plan map designation of residential use at 1-2 du/ac. Rec. relating to the transportation network may also be modified. Tax Map 68-3((1))7A, 8A, 9A, 10A, 11A & 12A. BRADDOCK DISTRICT. PUBLIC HEARING.

Ms. Marianne Gardner, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on page 3 of the staff report.

Chairman Murphy called the first listed speaker, Ms. Noma Alliston, 5206 Lindsay Street, Fairfax, who was not present.

Commissioner Harsel read into the record a letter received from Ms. Alliston (copy in date file) which expressed Ms. Alliston's opposition to the proposed amendment.

Mr. Frank Rinaldi, 5506 Beech Ridge Drive, Fairfax, owner of lots 9A, 10A, 11A, and 12A of the subject property, objected because he had not been included in the discussions concerning this Plan Amendment. He said that the entire subject property, all six lots, should be planned for the same use or alternatively, a transitional area between the commercial and residential area should be considered. He suggested that a decision be postponed until a compromise could be achieved. (A copy of Mr. Rinaldi's statement is in the date file.)

Commissioner Harsel noted that the task force had several meetings to which Mr. Rinaldi had been invited, but had not attended. She added that the public hearings had been legally advertised and were open to any citizen. She noted that this item had been under consideration since 1994 and that further deferral would serve no purpose. Commissioner Harsel suggested to Mr. Rinaldi that the next open review of the Area Plans was scheduled to begin in January of 1997 and that he could submit a new nomination at that time if he was unhappy with the current Plan Amendment.

Commissioner Harsel and Ms. Gardner responded to questions from Commissioner Hall regarding the advertising of this item.

Mr. John Shivik, President of the Country Club View Civic Association, 10815 Colton Street, Fairfax, supported the nomination. (A copy of Mr. Shivik's statement is in the date file.)

Jay duVon, Esquire, Walsh, Colucci, Stackhouse, Emrich, and Lubeley, representing Exxon Corporation, the nominator, spoke in support of the nomination. He noted that highway dedications had severely limited the size of the service station portion of parcel 7A and that

approval of this nomination would allow the station to be renovated and improved.

Commissioner Harsel noted that the subject property was first considered for a Plan Amendment in 1985 and that over the last 11 years, three staff members, two attorneys, three engineers, two Supervisors and one Planning Commissioner had been involved in the process. She stated that the nomination met the primary planning objectives outlined in the Area III Plan for the subject property and that it was her intention to recommend approval.

There being no closing staff comments, and no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for action on this item. (Verbatim excerpts are in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROPOSED PLAN AMENDMENT APR ITEM 94-III-2P, AS FOUND ON PAGE 3 OF THE STAFF REPORT DATED JULY 3, 1996.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Byers and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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The Commission went into recess at 10:25 p.m. and reconvened in the Board Auditorium at 10:40 p.m.

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S96-II-F1 – OUT-OF-TURN PLAN AMENDMENT – To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County, VA, in accordance w/the Code of VA, Title 15.1, Chapter 11, concerning approx. 15 ac. bounded by West Ox Rd. on the W. Piney Branch Rd. on the S., the Cambryar subdivision on the E. & Bethlehem Baptist Church on the N. The area is planned for residential use at the baseline & intermediate levels & townhouse office use at the overlay level. This Amendment will consider industrial/flex use at all three levels w/an option for a service station in the S.W. corner of the Sub-unit at the Overlay Level. Rec. relating to the transportation network may also be modified. Tax Map 56-1((1))8,9; ((13))1, 2, 3, 4. SULLY DISTRICT. PUBLIC HEARING.

Ms. Susan Leonard, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on page 6 of the staff report.

In response to an inquiry by Commissioner Koch, Ms. Leonard confirmed that this proposed amendment would in no way allow expansion of the trash service operation currently on parcel 9.

Chairman Murphy called for speakers from the audience.

Ms. Marie Travesky, Travesky and Associates, representing Mobil Oil Corporation, the nominator, explained that the proposal would allow continuation of commercial uses on the subject property which was surrounded by C-6 commercial zoning. Ms. Travesky said there were no outstanding transportation problems or adverse impacts, and that citizens in the area supported the nomination.

Commissioner Koch announced his intention to defer the decision on this item.

Ms. Travesky and Mr. Robert Moore, Office of Transportation, responded to questions from Commissioner Koch regarding ingress and egress to the proposed service station.

John Farrell, Esquire, with Odin, Feldman & Pittleman, representing the owners of parcels 1, 2, 3, and 4 of the subject property, expressed concern that the recommended floor area ratio (FAR) of 0.15 was too low. He noted that the property was zoned I-5 and listed the possible by-right uses allowed in that district as well as those allowed through the special exception or special permit process, many of which typically had FARs higher than 0.15.

In response to a question from Commissioner Coan, Mr. Farrell explained that his client's property consisted of the four lots in the southern half of the subject property.

Ms. Leonard had no closing staff comments, and there being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Koch for a deferral motion. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT WE DEFER, FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENTS, ITEM S96-II-F1, UNTIL AUGUST 1, 1996.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hartwell and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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S96-IV-S1 – OUT-OF-TURN PLAN AMENDMENT – To consider proposed revisions to the Adopted Comprehensive Plan for Fairfax

County, VA, in accord. w/the Code of VA, Title 15.1, Chapt. 11,  
concerning approx. 167 ac. bounded by Springvale subdivision on  
the N., Franconia Heights subdivision on the E., Franconia-Spring-  
S96-IV-S1 – OUT-OF-TURN PLAN AMENDMENT  
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field Pkwy. & Hooes Rd. on the S., & Accotink Creek on the W.  
The area is planned for residential use at 1-2 & 2-3 du/ac. as well  
as public park, private open space & public facilities uses. The Plan  
Amendment will consider an option for housing for the elderly &  
accessory uses (assisted living & acute care facilities.) Rec. relating  
to the transportation network may also be modified. Tax Map 90-1  
(1)55, 55A, 57, 58, 59, 60, 60A, 61, 62. LEE DISTRICT. PUBLIC  
HEARING.

Ms. Anita Capps, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 4, 5, and 6 of the staff report.

In response to questions from Commissioner Coan, Ms. Capps explained how the density allowed could be multiplied if housing for the elderly was proposed. She confirmed that the portion of the subject property on which this applied contained approximately 104 acres.

Chairman Murphy called the only listed speaker.

Mr. Phillip Bohall, 6818 Ben Franklin Road, Springfield, represented the Ben Franklin Park Subdivision. He spoke in opposition, commenting on the character of the area, the present Comprehensive Plan recommendations, the staff's land use analysis, and the transportation network in the area. (A document detailing Mr. Bohall's position is in the date file.)

Chairman Murphy then called for speakers from the audience.

Mr. Michael Chase, 7312 Oriole Avenue, Springfield, noted that his property was immediately north of the subject property. He was not opposed to this Plan Amendment, but expressed concern for the effect development would have on his property value, the density proposed and stormwater management.

Chairman Murphy explained to Mr. Chase that those issues would be addressed in more detail during the rezoning process.

Robert Lawrence, Esquire, with Hazel and Thomas, represented the applicant in the rezoning application that triggered this Plan Amendment, Springfield Campus L.L.C. He noted that he and other applicant representatives had been meeting with citizens in the area for the last seven months. For Mr. Chase's benefit, he noted that the stormwater management pond would be located in accordance with the County's requirements and would be heavily landscaped. He added that more details would be discussed when the public hearing on the rezoning was held.

Mr. Lawrence and Mr. Selden responded to questions from Commissioner Coan regarding housing for the elderly, affordable dwelling units, building heights, and the Comprehensive Plan language.

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Mr. Selden responded to questions from Commissioner Hall regarding the housing types that might be required if the housing for the elderly option were exercised and why a limit on the capacity was needed.

Commissioner Harsel concurred with staff that a limit on capacity was necessary.

Commissioner Coan commented that this would be a major development and that more details and consideration were required. He said that approval of this Plan Amendment, as it was currently written, would limit future choices.

In response to a question from Commissioner Harsel, Commissioner Kelso said it was his intention to add an additional bullet on page 5 of the language presented in the staff report.

Since staff had no closing comments, and there being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF COMPREHENSIVE PLAN AMENDMENT S96-IV-S1, AS PROPOSED IN THE STAFF REPORT DATED JULY 3, 1996, WITH THE ADDITIONAL PARAGRAPH ADDED TO THE CONDITIONS ON PAGE 5 OF 6:

"AS AN OPTION, THAT PORTION OF THE HUNTER TRACT LOCATED ON THE SOUTH OF THE ABOVE-REFERENCED ACCOTINK CREEK TRIBUTARY AND NORTH OF THE FRANCONIA-SPRINGFIELD PARKWAY IS PLANNED FOR THE ELDERLY DEVELOPMENT, SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS. SUCH A DEVELOPMENT COULD HAVE UP TO 1420 UNITS OF HOUSING FOR THE ELDERLY AND ACCESSORY USES TO SERVE THE RESIDENTS, TO INCLUDE ASSISTED-LIVING AND ACUTE CARE FACILITIES."

Commissioners Harsel and Koch seconded the motion carried by a vote of 6-1-2 with Commissioner Coan opposed; Commissioners Byers and Hall abstaining; Commissioners Hartwell and Thomas not present for the vote; Commissioner Palatiello absent from the meeting.

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ADJOURNMENT  
1996

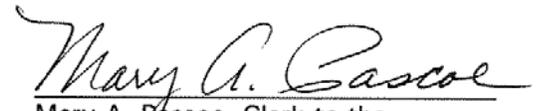
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The meeting was adjourned at 11:40 p.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

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: October 30, 1997

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