

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 8, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District

//

The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

//

COMMISSION MATTERS

Commissioner Harsel noted that she would seek approval of the April and May 2002 minutes on Wednesday, October 15, 2003 and of the June and July 2002 minutes on Thursday, November 6, 2003.

//

Commissioner Hall MOVED TO DEFER THE PUBLIC HEARING ON SEA 85-L-036-2, TRUSTEES OF WORD OF LIFE ASSEMBLY OF GOD, TO NOVEMBER 12, 2003.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

//

Commissioner Byers announced that the public hearing on AF 2003-MV-001, Eugene H. Thompson, scheduled for tonight, would be postponed because the applicant was not present to reaffirm the affidavit.

//

SE 2003-HM-004 - SUNITA SINGH (Decision Only)

(The public hearing on this application was held on July 23, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2003-HM-004, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 30, 2003.

Commissioners Hall and DuBois seconded the motion which carried by a vote of 7-0-1 with Commissioner Koch abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

//

SEA 84-D-086-5 - THE LANGLEY SCHOOL (Decision Only)

(The public hearing on this application was held on October 2, 2003. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT SEA 84-D-086-5 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 8, 2003.

Commissioners de la Fe and Koch seconded the motion which carried by a vote of 6-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN AND EASTERN BOUNDARIES BE MODIFIED IN FAVOR OF THE EXISTING VEGETATION, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 8, 2003.

Commissioner de la Fe seconded the motion which carried by a vote of 6-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN BOUNDARY BE MODIFIED IN FAVOR OF THE EXISTING AND PROPOSED VEGETATION, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 8, 2003.

Commissioner de la Fe seconded the motion which carried by a vote of 6-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION RECOMMEND MODIFICATION OF THE BARRIER REQUIREMENT, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioner de la Fe seconded the motion which carried by a vote of 6-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. AR 85-V-002-2 - MARTIN B. JARVIS & VIVIAN I. JARVIS
2. AR 92-V-001 - BELMONT BAY FARM, LTD., ET AL.
3. RZ 2003-LE-001 - CALVARY ROAD BAPTIST CHURCH
SEA 85-L-001-2 - CALVARY ROAD BAPTIST CHURCH
4. PCA 84-P-035-4 - JCJ, LC
FDPA 84-P-035-4 - JCJ, LC
CSPA 84-P-035 - JCJ, LC
5. RZ 2003-LE-006 - MVHRC HOLDING, INC.
6. SE 2002-DR-036 - DALEVIEW NURSERY, L.L.C. AND MAISON ET JARDIN, LTD.

This order was accepted without objection.

//

Vice Chairman Byers relinquished the Chair to Secretary Harsel because the first two cases were in the Mount Vernon District.

//

AR 85-V-002-2 - MARTIN B. JARVIS & VIVIAN I. JARVIS - Local A&F District Renewal Appl. to permit renewal of a previously approved agricultural and forestal district authorized by Chapter 115 (County Code), effective June 30, 1983. The purpose is to preserve significant agricultural and forest lands in the County. Located at 10808 and 10814 Harley Rd. on approx. 36.40 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Approve. Tax Map 118-2 ((1)) 11 V/Z and 118-2 ((2)) 1 V/Z. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Martin Jarvis, applicant, reaffirmed the affidavit dated April 7, 2003. There were no disclosures by Commission members.

Commissioner Byers asked Secretary Harsel to ascertain whether or not there were any speakers present for this application. There were none, therefore, Secretary Harsel waived the presentations by staff and the applicant, closed the public hearing, and recognized Commissioner Byers for action on this application. (A verbatim excerpt is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 85-V-002-2 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE JARVIS LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 24, 2003.

Commissioners Kelso and Hall seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

//

AR 92-V-001 - BELMONT BAY FARM, LTD., ET AL. - Statewide A&F District Renewal Appl. to permit renewal of a previously approved agricultural and forestal district authorized by Chapter 114 (County Code), effective June 30, 1983. The purpose is to preserve significant agricultural and forest lands in the County. Located on the W. side of Belmont Blvd., approx. 1,500 ft. S. of its intersection with Gunston Dr. on approx. 287.65 ac. of land zoned R-E. A&F District Advisory Committee Rec.: Approve. Tax Map 117-2 ((1)) 2 V/Z, 4 V/Z and 15 V/Z. MOUNT VERNON DISTRICT. PUBLIC HEARING.

William Baskin, Esquire, with Baskin, Jackson, Hansbarger, and Duffett, P.C., reaffirmed the affidavit dated September 15, 2003. There were no disclosures by Commission members.

Commissioner Byers asked Secretary Harsel to ascertain whether or not there were any speakers present for this application. There were none, therefore, Secretary Harsel waived the presentations by staff and the applicant, closed the public hearing, and recognized Commissioner Byers for action on this application. (A verbatim excerpt is in the date file.)

//

Commissioner Byers MOVED THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 92-V-001 AND AMEND APPENDIX C OF THE

FAIRFAX COUNTY CODE TO RENEW THE BELMONT BAY STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS DATED SEPTEMBER 24, 2003.

Commissioners Hall and Kelso seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote; Commissioners Moon and Murphy absent from the meeting.

//

Vice Chairman Byers resumed the chair.

//

RZ 2003-LE-001 - CALVARY ROAD BAPTIST CHURCH - Appl. to rezone from R-1 to R-3 to permit the addition of land area and the expansion of an existing church with a private school of general education and child care center at an overall Floor Area Ratio (FAR) of 0.02. Located in the N.E. quadrant of the intersection of Beulah St. and Charles Arrington Dr. on approx. 2.0 ac. of land. Comp. Plan Rec: Public facilities, institutional and governmental uses. Tax Map 91-1 ((1)) 63-66. (Concurrent with SEA 85-L-001-2.) LEE DISTRICT.

SEA 85-L-001-2 - CALVARY ROAD BAPTIST CHURCH - Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 85-L-001 previously approved for a church with private school of general education and child care center to permit building additions, change in development conditions, site modifications and increase in land area. Located in the N.E. quadrant of the intersection of Beulah St. and Charles Arrington Dr. on approx. 8.13 ac. of land zoned R-3. Tax Map 91-1 ((1)) 61, 63 – 66. (Concurrent with RZ 2003-LE-00.) LEE DISTRICT. JOINT PUBLIC HEARING.

Arlene Pripeton, Esquire, attorney for the applicant, reaffirmed the affidavit dated September 19, 2003. There were no disclosures by Commission members.

Lindsay Shulenberger, 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 applications.

Ms. Pripeton proposed the following revisions to the development conditions:

Condition Number 9 - Reduce time between services from 90 minutes to 30 minutes upon completion of Phase II.

Condition Number 11 - Insert "approximately" before the square footage and "exclusive of cellar space" after the square footage.

Condition Number 13 - Insert "approximately" before the square footage.

Condition Number 16 - Delete the last sentence so areas in front and back of the church could be used as playground areas for quiet play.

Condition Number 27 - Change the width of the sidewalk from five feet to four feet to be more compatible with the three-foot sidewalk it would connect to.

Condition Number 28 - Delete the last sentence.

Condition Number 29 - At the end of the last sentence add the words "when needed."

Commissioners Hall, Kelso, and Harsel said they did not support the changes to Conditions 9 and 11 because they felt a limit to the square footage should be set.

In response to a question from Commissioner Smyth concerning Condition Number 11, Ms. Pripeton said the cellar space would most likely be used for classrooms. In response to another question from Commissioner Smyth, Ms. Shulenberg said Phase I cellar space would consist of about 7,000 square feet and Phase II about 15,000 square feet. Commissioner Kelso added that parking for a religious facility was based on sanctuary seating only, not cellar space.

Responding to a question from Vice Chairman Byers about Condition Number 16, Ms. Shulenberg said that although playground areas were not required to be fenced, staff felt that those areas were not appropriate for active play.

Ms. Shulenberg and Ms. Pripeton responded to questions from Commissioner Wilson concerning Condition Number 27 about PFM requirements for sidewalk widths.

Commissioner Kelso commented that he was agreeable to revising Condition Numbers 9 and 27 as requested by the applicant, but instead of deleting Condition Number 28, he said the phrase "...if the shelter is located along the site's frontage." would be added at the end of the condition. He added that all of the other requested revisions had been agreed upon. Ms. Shulenberg noted that staff was agreeable to adding language at the end of Condition Number 29.

Continuing her presentation, Ms. Pripeton said that the size of the sanctuary and the increase in enrollment had been significantly reduced since the application had been filed in June 2002. She said the applicant had worked with the Virginia Department of Transportation, the Fairfax County Department of Transportation, the Lee District Land Use Committee, and staff, to resolve all issues associated with this application except for those raised tonight.

In response to a question from Commissioner Wilson, Commissioner Kelso said since there were several means of egress from the church, he thought 30 minutes between services was adequate.

Commissioner Hall said she did not feel comfortable moving on this case because she had not had time to fully review the proposed revisions to the development conditions received tonight.

Responding to a question from Commissioner Hall, Ms. Pripeton said she could not say whether or not the three-foot sidewalk next to the church property would be replaced with a wider one because it belonged to the adjacent residential development. In response to another question from Commissioner Hall, Ms. Shulenberger said that staff was satisfied with a four-foot sidewalk.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no further comments or questions, and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Kelso for action on these applications. (A verbatim transcript is in the date file.)

//

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON RZ 2003-LE-001 AND SEA 85-L-001-02 TO A DATE CERTAIN OF OCTOBER 23, 2003, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT, AND REQUEST THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING TO OCTOBER 27, 2003.

Commissioners DuBois and de la Fe seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioners Moon and Murphy absent from the meeting.

//

PCA 84-P-035-4/FDPA 84-P-035-4 - JCJ, L.C. - Appls. to amend the proffers and final development plan for RZ 84-P-035 previously approved for retail sales, car wash and service station to permit retail sales, car wash and vehicle light service establishment at an overall Floor Area Ratio (FAR) of 0.30 while retaining approval for office use at 1.65 FAR. Located on the N. side of Leesburg Pi., approx. 350 ft. S.E. of Chain Bridge Rd. on approx. 1.78 ac. of land zoned PDC, HC and SC. Comp. Plan Rec: Retail and other uses. Tax Map 29-4 ((2)) 14A. (Concurrent with CSPA 84-P-035.) PROVIDENCE DISTRICT.

CSPA 84-P-035 - JCJ, L.C. - Appl. to amend the previously approved Comprehensive Sign Plan for RZ 84-P-035 to permit replacement of

existing signage and to permit additional signage. Located on the N. side of Leesburg Pi., approx 350 ft. S.E. of Chain Bridge Rd. on approx. 1.78 ac. of land zoned PDC, HC and SC. Tax Map 29-4 ((2)) 14A. (Concurrent with PCA/FDPA 84-P-035-4.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING

Hillary Zahm, with Cooley Godward LLP, reaffirmed the affidavit dated September 9, 2003. There were no disclosures by Commission members.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Ms. Zahm stated that the applicant was seeking approval to remove the existing Mobil gas station and replace it with an oil and lube operation and a detailing area. She explained that the oil and lube building would consist of building materials and colors compatible with the existing building and the change in usage would result in an improved design and layout. She noted that the applicant had worked closely with staff, Commissioner Smyth, and Providence District Supervisor Gerry Connolly to address concerns and questions raised during the review of the applications. She requested that the decision be deferred for one week to allow time to resolve one minor issue concerning signage.

Commissioner Smyth agreed that there was a minor issue with signage and concurred in the request to defer the cases for one week.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no further comments or questions and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Smyth for action on these applications. (A verbatim transcript is in the date file.)

//

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA/FDPA 84-P-035-4 AND CSPA 84-P-035 TO A DATE CERTAIN OF OCTOBER 15, 2003, WITH THE WRITTEN RECORD TO REMAIN OPEN.

Commissioners Hall and de la Fe seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

//

RZ 2003-LE-006 - MVHRC HOLDING, INC. - Appl. to rezone from R-3 and C-8 to C-8 to permit expansion of existing health and racquet club and the addition of indoor commercial recreation uses such as

indoor soccer and other indoor sports courts with an overall Floor Area Ratio (FAR) of .40. Located on the N. side of Audubon Ave., approx. 400 ft. W. of Ladson La. on approx. 5.32 ac. of land. Comp. Plan Rec: Private recreation. Tax Map 101-2 ((1)) 14 and 15. LEE DISTRICT. PUBLIC HEARING.

Elizabeth Baker, with Walsh, Colucci, Lubeley, Emrich and Terpak, P.C., reaffirmed the affidavit dated August 20, 2003. There were no disclosures by Commission members.

Leslie Shulenberg, 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 denial of the application because the proposed development was not in conformance with the Comprehensive Plan designation for private recreation.

Ms. Baker stated that the proposed addition would include a soccer court, a basketball court, and a rock climbing wall. She pointed out that there would not be three courts as indicated in the staff report. She noted that criminal activity occurred on the site and said it was hoped that the proposed development, if approved, would improve the area. She said the adjacent Colchester Towns condominium development supported the application. She also said the applicant had worked with the adjacent Audubon Estates mobile home park and assured them that fencing between their development and club would be continuous. She disagreed with staff's analysis that the application was not in conformance with the Comprehensive Plan because the Plan map defined private recreation as "privately owned recreation facilities which may include golf course, swim clubs, tennis clubs, and country clubs." She said nothing in the Plan suggested that private recreation had to be an exclusively community-serving facility. She explained that the club had been a good neighbor and would not expand its hours of operation. She noted that the Lee District Land Use Committee supported the application and she requested favorable consideration.

Responding to questions from Commissioner Kelso, Ms. Baker said the facility, which had been operating since 1974, was totally enclosed; no complaints had been received from neighbors; and the Colchester Towns community, immediately west of the proposed development, and the Mount Vernon District Police Department both strongly supported the application. In response to further questions from Commissioner Kelso, Ms. Baker said a proffer required the removal of sheds on the applicant's property belonging to the Audubon Estates mobile home park and that Proffer Number 3 had been revised to clarify permitted uses by adding a rock climbing wall and deleting "similar indoor recreational uses."

In response to a question from Commissioner Byers, Ms. Baker agreed to add a proffer requiring the applicant to maintain the wooden fence.

Ms. Shulenberg responded to questions from Commissioner Wilson about compliance of the applicant's lighting plan with the new Zoning Ordinance Amendment on lighting.

Ms. Baker responded to questions from Commissioner Harsel about the number and uses of the proposed courts. In response to another question from Commissioner Harsel, Jay Snyder, General Manager, Mount Vernon Health Club, said that the party room was an existing facility.

Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no further comments or questions and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Kelso for action on these applications. (A verbatim transcript is in the date file.)

//

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2003-LE-006, SUBJECT TO THE PROFFERS DATED OCTOBER 3, 2003.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE SOUTHERN PORTION OF THE NORTHEASTERN BOUNDARY ADJACENT TO AUDUBON ESTATES TO ALLOW THE EXISTING VEGETATION AND SUPPLEMENTAL PLANTINGS, AS SHOWN ON THE GDP, TO SATISFY THE TRANSITIONAL SCREENING REQUIREMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING ALONG THE SOUTHERN PROPERTY LINE TO ALLOW EXISTING VEGETATION AND SUPPLEMENTAL PLANTINGS, AS SHOWN ON THE GDP, TO SATISFY THE TRANSITIONAL SCREENING REQUIREMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN PROPERTY LINE TO PERMIT EXISTING VEGETATION AND SUPPLEMENTAL PLANTINGS, AS SHOWN ON THE GDP, TO SATISFY THE TRANSITIONAL SCREENING REQUIREMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING ALONG THE WESTERN PROPERTY LINE TO ALLOW EXISTING VEGETATION TO SATISFY THE TRANSITIONAL SCREENING REQUIREMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE EASTERN PROPERTY LINE AND THE SOUTHERN PORTION OF THE NORTHEASTERN PROPERTY LINE TO ALLOW THE EXISTING BOARD-ON-BOARD WOOD FENCE TO SATISFY THE BARRIER REQUIREMENTS.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

//

SE 2002-DR-036 - DALEVIEW NURSERY, L.L.C. AND MAISON ET JARDIN, LTD. - Appl. under Sect. 3-E04 of the Zoning Ordinance to permit a plant nursery. Located at 9023 Old Dominion Dr. on approx. 5.25 ac. of land zoned R-E. Tax Map 13-4 ((1)) 18. DRANESVILLE DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, Hunton and Williams LLP, reaffirmed the affidavit dated September 18, 2003. There were no disclosures by Commission members.

Tracy Swagler, 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.

Mr. McDermott stated that the nursery had operated on the subject property since 1944, preceding the development of most of the surrounding homes. He said the nursery was a low

intensity use and suitable for the location. He described access to the site and said no additional structures would be added. He explained that the landscape contracting use was an accessory use and that all plants on the property were sold at retail prices. He noted that the nursery provided a needed service in the community and he requested a favorable recommendation.

Mr. McDermott and Ms. Swagler responded to questions from Commissioner Wilson about parking on the site.

Vice Chairman Byers called the first listed speaker and recited rules for testimony before the Commission.

Elizabeth Trumbull, 9019 Old Dominion Drive, McLean, representing the Mill Pond Valley Homeowners Association, submitted a petition signed by area residents, a statement by Lowell Thomas and Laramie McNamara, and a letter from James Corrigan and Juliana Dunlap, in opposition to this application. (Copies of these documents are in the date file.) She said the proposed use was inappropriate for the surrounding neighborhood because it was similar to a commercial landscaping business than it was a plant nursery. She said opposition was based on the intensity of the use, commercial traffic, and environmental concerns.

Responding to a question from Commissioner Hall, Ms. Trumbull said trucks often parked on her property for 30 minutes to 2 hours throughout the day.

Stephen Dyer, 9012 Falls Run Road, McLean, said he lived two doors away from the nursery and was concerned about its impact on his well water and septic field. He also expressed concerns about pesticides used by the nursery, the fuel tank stored on the property, and the loss of wildlife in the area.

In response to a question from Commissioner Alcorn, Mr. Dyer said his well was located in the basement of his house and was 29 feet deep.

Responding to a question from Vice Chairman Byers, Mr. Dyer said that his well did not go dry during the last drought.

In response to a question from Commissioner Hall, Mr. Dyer said that a test of his well water indicated that it was fit for human consumption. He said more extensive testing could be done at his expense. Responding to another question from Commissioner Hall, Ms. Swagler said as far as she knew, a fuel tank could be located on the property.

John Ulfelder, 9151 Old Dominion Drive, McLean, representing the Great Falls Citizens Association, expressed opposition to the application due to concerns about truck traffic on Falls Run Road, stormwater management, and outdoor lighting. He also said that the overall impact of the plant nursery, which was operated as a landscape design and contracting business, had an adverse affect on the neighborhood. (A copy of his remarks is in the date file.)

Mr. Ulfelder responded to a question from Commissioner Harsel about the sale of seasonal items at the nursery and from Commissioner DuBois about truck traffic on Falls Run Road.

Scott Trumbull, 9019 Old Dominion Drive, McLean, said he felt the nursery had outgrown its location. He said Falls Run Road was used as a staging area for the nursery, with workers often showing up before the business was opened, and delivery trucks often arrived as early as 6:00 a.m.

Responding to a question from Commissioner Hall, Mr. Trumbull said numerous citations had been issued to drivers for stopping on a roadway.

In response to questions from Commissioner DuBois, Mr. Trumbull said that his mailbox had been damaged on many occasions and the workers lining up in the morning worked inside the nursery.

Ms. Swagler responded to questions from Commissioner Hall about the number of employees on-site and off-site on a daily basis.

There were no further speakers, therefore, Vice Chairman Byers called upon Mr. McDermott for rebuttal remarks.

Mr. McDermott stated that only a small area of the property was devoted to the accessory landscape contracting business and that those employees arrived in cars and then got into crew trucks to deliver and install plant stock. He said only the drivers returned during the day to pickup more product. Addressing the concern raised by Mr. Dyer, he noted that water from the nursery flowed to an off-site collection pond which had been tested by the Virginia Department of Environmental Quality and was found to be non-toxic. He pointed out that Development Condition Number 25 required the applicant to develop an Integrated Pesticide, Vegetation, and Nutrient Management Plan to be approved by the Northern Virginia Soil and Water Conservation District. He explained that the nursery's policy requiring all deliveries to be made via Old Dominion Drive had been sent in writing to all suppliers, but was violated from time to time. He said a development condition could be added prohibiting deliveries during the times children were picked up or dropped off by school buses. He noted that deliveries peaked during the spring and fall seasons and were not continuous all year long. He pointed out that Mr. Trumbull's mailbox was illegally located in the right-of-way.

Responding to questions from Commissioner Hall, Mr. McDermott said for the last four or five years, approximately eight crew trucks had been in service and that employees were allowed on the property between 7:00 to 7:30 a.m. He added that arrangements could be made to have them wait somewhere other than Falls Run Road.

In response to questions from Commissioner DuBois, Mr. McDermott said the nursery did not employ day workers; a development condition could be added requiring employees and delivery trucks to use the Old Dominion Drive entrance; and the retail component of the nursery would be moved off-site by December 2003.

Responding to a question from Commissioner Harsel, Mr. McDermott said that the Old Dominion Drive entrance was at the northeast corner of the property and was a gravel driveway which would be paved. Responding to another question from Commissioner Harsel, Mr. McDermott identified the location of the three wells on the property and explained the use of various tanks on the property.

Mr. McDermott responded to questions from Commissioner Wilson about the number of parking places and a vinyl fence as shown on the plat.

In response to a question from Commissioner DuBois, Mr. McDermott said that the hours of operation for retail sales would be 10:00 a.m. to 5:00 p.m. Monday through Saturday.

There were no further comments or questions from the Commissioner and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner DuBois for action on this item. (A verbatim excerpt is in the date file.)

//

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2002-DR-036, DALEVIEW NURSERY, TO A DATE CERTAIN OF OCTOBER 15, 2003, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Moon and Murphy absent from the meeting.

//

The meeting was adjourned at 11:26 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: Linda B. Rodeffer

Approved on: April 19, 2006

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission