

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 4, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth A. Lawrence, Providence District  
Rodney L. Lusk, Lee District  
Peter F. Murphy, Jr., Springfield District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
James R. Hart, Commissioner At-Large

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The meeting was called to order at 8:18 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 Koch MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2004-SU-028, SULLY NORTH INVESTMENTS L.C., TO A DATE CERTAIN OF NOVEMBER 17, 2004.

Commissioner Byers seconded the motion which carried unanimously with Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON AF 2004-SP-001, MARK A. KOSTERS, TO A DATE CERTAIN OF NOVEMBER 18, 2004.

Commissioner Byers seconded the motion which carried unanimously with Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT S04-CW-T1 TO A DATE CERTAIN OF NOVEMBER 18, 2004.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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Commissioner Alcorn noted that the Policy and Procedures Committee would meet on Wednesday, November 17, 2004, at 7:30 p.m., in the Board Conference Room.

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S04-CW-1CP - OUT-OF-TURN PLAN AMENDMENT (Chesapeake Bay Language) (Decision Only) (The public hearing on this application was held on October 7, 2004. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT OUT-OF-TURN PLAN AMENDMENT S04-CW-1CP AS ADVERTISED WITH THE FOLLOWING TWO CHANGES:

- ONE, THE REPLACEMENT OF FIGURE 2 OF THE PROPOSED CHESAPEAKE BAY SUPPLEMENT, THE CONCEPT MAP FOR FUTURE DEVELOPMENT, WITH THE CURRENT VERSION OF THIS MAP AS CIRCULATED BY STAFF TONIGHT.
  
- AND TWO, THE ADDITION OF A NEW RECOMMENDED ACTION ITEM TO THE LIST OF RECOMMENDATIONS UNDER WATER POLLUTION SOURCES TO READ AS FOLLOWS: "CONDUCT CONCURRENT REVIEWS AND PUBLIC HEARINGS FOR EXCEPTIONS FROM CHESAPEAKE BAY PRESERVATION ORDINANCE REQUIREMENTS IN CONJUNCTION WITH OTHER LAND USE APPROVAL PROCESSES INVOLVING PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND BOARD OF SUPERVISORS."

Commissioners Byers and Lawrence seconded the motion which carried by a vote of 7-0-1 with Commissioner Hopkins abstaining; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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#### ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order of the agenda:

1. PUBLIC FACILITIES MANUAL AMENDMENTS (Parking Spaces, Cash Deposits, and Drainage Divides)
2. RZ 2003-LE-011 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION  
PCA 96-L-005-3 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION  
SEA 96-L-034-3 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION
3. SE 2004-LE-008 - MOTIVA ENTERPRISES, LLC (D/B/A SHELL OIL CO.);  
FRANCONIA SQUARE, LLC.
4. SEA 83-L-048-02 - JENSEN PLACE PARTNERSHIP, LLC

This order was accepted without objection.

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PUBLIC FACILITIES MANUAL AMENDMENTS – The proposed amendments address issues related to posting accessible parking spaces (Section 7-0802.4, Table 7-1200, and plates 32C-7 and 32CM-7), cash deposits (Section 2-0601.4B(1)), and natural drainage divides (Section 6-0202.3A). Copies of the full text of the aforementioned amendments are on file and may be inspected at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. For the convenience of the public, copies of the full text will also be available for inspection at the County's Regional and Community Public Libraries. COUNTYWIDE.  
PUBLIC HEARING.

Jan Leavitt, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed amendments.

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

Ms. Fran Wallingford, 3311 Mantua Drive, Fairfax, representing the Mantua Civic Association, spoke in opposition to the proposed Public Facilities Manual Amendment concerning natural drainage divides. She said although waivers had been routinely granted by DPWES in the past, the County Attorney had recently determined that the PFM did not allow such waivers. She said it was her opinion that waivers should only be granted by the Board of Supervisors after notification of abutting property owners and the public hearing process. Ms. Wallingford cited a recent case in the Mantua area where crossing a natural drainage divide would have further exacerbated an existing stormwater management problem. She pointed out that adoption of the proposed amendment would allow a developer to determine the adequacy of existing downstream storm drainage easements and the impact of infill development would not be mitigated. Ms. Wallingford noted that the Pine Ridge Civic Association also did not support the proposed amendment. (A copy of her remarks is in the date file.)

Michelle Brickner, DPWES, responded to a question from Commissioner Alcorn about the intended purpose of the proposed amendment, stating that there were times when a diversion of stormwater would improve the situation due to inadequate outfall, because water was being diverted to a facility to meet detention requirements, or to provide water quality improvement.

John Nicholas, 3123 Barbara Lane, Fairfax, said he supported Ms. Wallingford's position. He said the public hearing process would give stakeholders an opportunity to be heard.

In response to a question from Commissioner Koch, John Friedman, DPWES, said significant diversions were rarely requested. Responding to a question from Commissioner Wilson, Mr. Friedman said the County Attorney's Office had not been consulted about utilizing offsite easements.

Commissioner Wilson noted for the record that a letter dated October 27, 2004, supporting the proposed amendment, had been received from Philip Yates of Dewberry. She also noted that email messages dated November 3, 2004, had been received from Ruth Knee, 8809 Arlington Boulevard, Fairfax, and Greg and Linda Hansen, 8815 Arlington Boulevard, Fairfax, indicating their support of the position of the Mantua Civic Association as articulated by Ms. Wallingford. (Copies of the letter and email messages are in the date file.)

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy 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 DEFER THE PUBLIC FACILITIES MANUAL AMENDMENTS ON PARKING SPACES, CASH DEPOSITS, AND DRAINAGE DIVIDES TO A DATE CERTAIN OF NOVEMBER 18, 2004, WITH THE RECORD TO REMAIN OPEN UNTIL THAT DATE.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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RZ 2003-LE-011 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION - Appl. to rezone from R-1 and R-3 to R-3 to permit residential development at a density of 1.58 dwelling units per acre (du/ac). Located in the S.E. quadrant of the intersection of Hampton Creek Way and Spring Village Dr. and the N. and S. sides of the Franconia-Springfield pkwy. on approx. 13.83 ac. of land. Comp. Plan Rec: institutional. Tax Map 90-1 ((1)) 62A. (Concurrent with PCA 96-L-005-3 and SEA 96-L-034-3.) LEE DISTRICT. PUBLIC HEARING.

PCA 96-L-005-3 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION - Appl. to amend the proffers for RZ 96-L-005 previously approved for housing for the elderly to permit deletion of land to be included in RZ 2003-LE-011. Located in the S. E. quadrant of the intersection of Hampton Creek Way and Spring Village Dr. on approx. 2.42 ac. of land zoned R-3. Comp. Plan Rec: 2-3 du/ac. Tax Map 90-1 ((1)) 62A pt. (Concurrent with SEA 96-L-034-3 and RZ 2003-LE-011.) LEE DISTRICT.

SEA 96-L-034-3 - FOUNDATION FOR APPLIED TECHNICAL EDUCATION - Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 96-L-034 previously approved for housing for the elderly to permit deletion of land to be included in RZ 2003-LE-011. Located in the S.E. quadrant of the intersection of Hampton Creek Way and Spring Village Dr. on approx. 2.42 ac. of land zoned R-3. Tax Map 90-1 ((1)) 62A pt. (Concurrent with PCA 96-L-005-3 and RZ 2003-LE-011.) LEE DISTRICT. JOINT PUBLIC HEARING.

Reid Dudley, Director of Foundation for Applied Technical Education, Inc. (FATE), reaffirmed the affidavit dated October 26, 2004. 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.

Mr. Dudley stated that FATE was a partnership between the private sector and the Fairfax County Public Schools to provide students the opportunity to learn about and participate in home construction. He said the homes built by the Foundation were of high quality and compatible with surrounding communities. Mr. Dudley said the proffers addressed all issues raised and the proposed development was in conformance with Zoning Ordinances and the Comprehensive Plan.

In response to a question from Commissioner Lawrence, Mr. Dudley said the Foundation would consider constructing handicapped accessible houses in the future.

Chairman Murphy called the listed speaker.

David Gai, 5723 Mason Bluff Drive, Burke, representing the Springfield Youth Club, expressed opposition to the proposed development because it would result in a loss of athletic fields in the southern area of the County.

Commissioner Koch noted that property owners often permitted the use of their land to athletic organizations at no cost until it was developed, but pointed out that if demands were made to keep athletic fields, owners would be less likely to grant the use of their land for this purpose on a temporary basis.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Dudley for rebuttal remarks.

Mr. Dudley said that it had been fully disclosed that the soccer fields would be temporary until the property was developed. He pointed out, however, that one field would be available until development was completed which would take approximately six or seven more years.

Commissioner Lusk commented that since the Parks bond referendum had recently passed, more funds would be available for active and passive recreational uses.

Chairman Murphy agreed with Commissioner Koch that if resistance was mounted against the development of property because it was used for recreational purposes, property owners might be reluctant to grant temporary use.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2003-LE-011, SUBJECT TO THE DRAFT PROFFERS CONTAINED IN APPENDIX 1 AND DATED OCTOBER 19, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT PCA 96-L-005-3 AND SEA 96-L-034-3 BE APPROVED.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED WAIVER OF THE TRAIL REQUIREMENT ALONG THE FRANCONIA-SPRINGFIELD PARKWAY IN FAVOR OF THE EXISTING ASPHALT TRAIL.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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SE 2004-LE-008 - MOTIVA ENTERPRISES, LLC (D/B/A SHELL OIL CO.); FRANCONIA SQUARE, LLC - Appl. under Sect. 7-607 of the Zoning Ordinance to permit improvements to an existing service station. Located at 6136 Franconia Rd. on approx. 32,088 sq. ft. of land zoned C-5 and HC. Tax Map 81-3 ((4)) 4A. LEE DISTRICT. PUBLIC HEARING.

John McBride, Esquire, Vanderpool, Frostick, & Nishanian, PC, reaffirmed the affidavit dated September 24, 2004. 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 application.

Mr. McBride noted that the applicant's proposal represented a significant reinvestment in the older Franconia Road retail corridor and had the support of the Lee District Land Use Advisory Committee. He said approval of the application would make the site less non-conforming in terms of landscaping, entrances, parking, and signage and that best management practices (BMPs) would be added to the site. He explained that the proposed canopy, the office in the rear of the property, and one additional gas pump may not be built and requested that the Commission recommend approval of the application with or without these improvements.

In response to a question from Commissioner Byers, Mr. McBride confirmed that if a waiver of stormwater management and BMPs was not granted, the applicant would provide an underground detention facility, as stated on page 8 of the staff report.

Responding to a question from Commissioner Alcorn, Mr. McBride said the applicant was requesting a waiver for stormwater detention only, not BMPs, and that all water quality requirements would be met. Mr. McBride submitted for the record a letter in support of the application from Somsre Gaston, the abutting property owner, a copy of which is in the date file.

Ms. Shulenberger explained to Commissioner Alcorn that wording in the staff report should be changed to reflect that the applicant was not asking for a waiver of BMPs.

Chairman Murphy called the listed speaker.

Charles Stanley Jr., 5900 Clermont Drive, Alexandria, stated he felt the process for obtaining approval for improvements was unfairly inconsistent. Mr. Stanley explained that when he had

wanted to make improvements to his service station he went through the proper channels and was told that he would have to make road improvements and pay for the installation of a traffic light on Valley View Drive and Franconia Road at a cost of \$400,000. He said because it would not be financially feasible for him to do so, he had abandoned his plans. Mr. Stanley pointed out that the applicant had made improvements without obtaining approval first and expressed concern that all business owners were not treated fairly by the County.

Somsre Gaston, 6230 Valley View Drive, Alexandria, said she was a neighbor of the Shell station and she wanted to make sure that the applicant provided the landscaping and fencing he had promised.

There being no further speakers, Chairman Murphy called upon Mr. McBride for a rebuttal statement.

Mr. McBride said that the location of the wooden fence and additional landscaping on Ms. Gaston's side of the fence would be provided as shown on the SE plat.

In response to the concerns expressed by Ms. Gaston, Ms. Shulenberger said that staff would ensure that a fence and additional screening were provided. She said she could not address the comments made by Mr. Stanley other than to say that when she had received the file it had contained many violation notices and letters from citizens raising the same concerns Mr. Stanley had mentioned.

Responding to a question from Commissioner Alcorn, Ms. Shulenberger said that the Department of Transportation had not addressed the need for installing a traffic signal at Valley View Drive and Franconia Road in their review of this application.

The Commission had no further comments or questions and staff had no further remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-LE-008, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 21, 2004 AND AMENDED TODAY.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN PROPERTY

LINE IN FAVOR OF THAT SHOWN ON THE SE PLAT, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT ALONG FRANCONIA ROAD TO THAT SHOWN ON THE SE PLAT, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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SEA 83-L-048-02 - JENSEN PLACE PARTNERSHIP, LLC - Appl. under Sects. 4-504 and 9-622 of the Zoning Ordinance to amend SE 83-L-048 previously approved for a service station to permit the establishment of a vehicle light service establishment and modifications and waivers in a commercial revitalization district. Located at 6626 Backlick Rd. on approx. 15,299 sq. ft. of land zoned C-5, CRD, HC and SC. Tax Map 90-2 ((1)) 17A. LEE DISTRICT. PUBLIC HEARING.

John Manganello, with Land Development Consultants, Inc., reaffirmed the affidavit dated June 11, 2004. 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 application.

Mr. Manganello provided a brief history of the property, noting that the applicant had purchased it in June 2004. He explained the light vehicle service facility would still be in operation, but that gasoline would not be sold and that all gasoline tanks and underground storage had been removed. He noted that the applicant maintained Calamo Park next to the Brookfield Plaza Shell. He said the site would be redeveloped and upgraded with an attractive brick building; two entrances on Backlick Road would be eliminated; open space would be increased from 5 to 13 percent; five mature trees on the site would be preserved; parking would be set back ten feet from Backlick Road; the area between Backlick Road and the parking lot would be mulched; a monument sign would be provided; and best management practices would be provided on site. Mr. Manganello stated the application had support of the Springfield Civic Association, the

Central Springfield Area Revitalization Council, and the Lee District Land Use Advisory Committee.

Chairman Murphy called for speakers from the audience but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 83-L-048-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 21, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM REQUIRED OPEN SPACE PURSUANT TO SECTION 9-622 OF THE ZONING ORDINANCE.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM REQUIRED REAR YARD PURSUANT TO SECTION 9-622 OF THE ZONING ORDINANCE.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT ALONG BACKLICK ROAD, IN FAVOR OF A SIDEWALK AND STREETScape AS SHOWN ON THE SEA PLAT.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A PARKING REDUCTION OF UP TO 17

PERCENT IN THE CRD IN ACCORDANCE WITH SECTION A7-509 OF THE ZONING ORDINANCE, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners de la Fe, Hall, Harsel, and Hart absent from the meeting.

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The meeting was adjourned at 9:45 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: Susan M. Donovan

Approved on: March 14, 2007

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