

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 16, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

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The meeting was called to order at 8:30 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Byers MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION FOR CONSULTATION WITH LEGAL COUNSEL PERTAINING TO CPA-86-C-121-4, MOBIL OIL, REQUIRING THE PROVISION OF LEGAL ADVICE BY COUNSEL PURSUANT TO THE CODE OF VIRGINIA, SECTION 2.1-344(A)(7).

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

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The closed session was called to order at 8:35 p.m. by Chairman Peter F. Murphy, Jr. and was adjourned at 9:30 p.m.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION MEMBERS CERTIFY, THAT TO THE BEST OF THEIR KNOWLEDGE, ONLY THE PUBLIC BUSINESS MATTER LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY THE MATTER IDENTIFIED IN THE MOTION TO CONVENE THE CLOSED SESSION WAS HEARD, DISCUSSED OR CONSIDERED BY THE PLANNING COMMISSION DURING THAT SESSION.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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Commissioner Smyth MOVED THAT THE DECISION ONLY ON RZ-2000-PR-007 AND FDP-2000-PR-007, JCE, INC. BE FURTHER DEFERRED TO A DATE CERTAIN OF NOVEMBER 30, 2000.

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

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Commissioner Downer MOVED THAT THE DECISION ONLY ON SE-00-D-003 AND 2232-D99-17, COMMUNITY WIRELESS STRUCTURES II, BE FURTHER DEFERRED TO A DATE CERTAIN OF NOVEMBER 30, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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Commissioner Palatiello MOVED THAT THE PUBLIC HEARING ON RZ-2000-HM-025 AND FDP-2000-HM-025, DULLES CONSOLIDATION L.L.C., BE DEFERRED TO A DATE CERTAIN OF JANUARY 31, 2000.

Commissioners Kelso and Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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FS-V00-91 - XM SATELLITE, 5903 Mount Eagle Drive

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION BY THE DEPARTMENT OF PLANNING AND ZONING THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY XM SATELLITE RADIO INC., FOR THE MULTI-FAMILY BUILDING LOCATED AT 5903 MOUNT EAGLE DRIVE KNOWN AS MONTEBELLO, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

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

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CPA-86-C-121-4 – MOBIL OIL CORPORATION (Administrative Review)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DENY CPA-86-C-121-4.

Commissioner Kelso seconded the motion which failed by a vote of 2-6-3, with Commissioners Palatiello and Kelso in favor; Commissioners Alcorn, Downer, Koch, Moon, Smyth, Wilson opposed; Commissioners Byers, Harsel and Murphy abstaining; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION APPROVE CPA-86-C-121-4.

Commissioner Smyth seconded the motion which carried by a vote of 6-1-4 with Commissioners Alcorn, Downer, Koch, Moon, Smyth and Wilson in favor; Commissioner Palatiello opposed; Commissioners Byers, Harsel, Kelso and Murphy abstaining; Commissioner Hall absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. PUBLIC FACILITIES MANUAL AMENDMENT (Dual Unit Manual)
2. ZONING ORDINANCE AMENDMENT (Virginia Coordinate System)
3. RZ-2000-MV-017 - ALD GROUP, INC.
4. SE-00-L-045 - KRISPY KREME DOUGHNUT CORPORATION
5. SE-00-D-036 - WALKER ROAD ASSOCIATES, LLC

This order was accepted without objection.

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PUBLIC FACILITIES MANUAL AMENDMENT (Dual Unit Manual) - The dual-unit PFM proposed for adoption as the Metric PFM replacement provides English & metric units of measure for all standards set forth in the PFM, prohibits construction plans prepared w/mixed units of measure unless approved by the Director or otherwise required by law, requires units of measure acceptable to VDOT for all construction plans proposing improvements w/in VDOT rights-of-way, & makes editing revisions to reflect recent name changes to certain County agencies referenced in the PFM. (PUBLIC HEARING.)

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

In response to a question from Commissioner Moon, Ms. Leavitt said that the majority of construction plans were filed in English units of measure.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action on this application. (Summary remarks and a verbatim transcript of the decision are in the date file.)

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Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED DUAL UNIT PUBLIC FACILITIES MANUAL AS SET FORTH IN THE STAFF REPORT.

Commissioners Byers and Wilson seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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ZONING ORDINANCE AMENDMENTS (Virginia Coordinate System) - To amend portions of Chaps. 101 (Subdivision Ord.) & Chap. 112 (Zoning Ord.) & the PFM. The proposed amendments to the Subdivision Ord. require boundary surveys to be related to the Virginia Coordinate System (VCS) 83, not to include surveys for properties located more than a 1.24 mile (2.0 kilometer) radius from a VCS 83 monument or surveys for properties subdivided to create no more than two lots. The amendments also require a note on all affected plats certifying that the boundary survey has been referenced to VCS 83. In addition, the amendments require boundary surveys for plats to have an error of closure w/in the limit of one in twenty thousand instead of one in ten thousand to be consistent w/the Zoning Ord. & regulations for surveying in the Commonwealth of VA. The proposed amendments to the Zoning Ord. require boundary surveys to be related to VCS 83, not to incl. surveys for props. located more than a 1.24 mi. (2.0 kilometer) radius from a VCS 83 monument. The amendments also require a note on all affected plans certifying that the boundary survey has been referenced to VCS 83. The amendments delete reference to State grid N. on vicinity maps. The proposed amendments to the PFM require a N. direction arrow referenced to VCS 83 on each sheet of the subdivision plan & site plan. It is the surveyor's responsibility to ascertain the existence of VCS 83 control monuments. (PUBLIC HEARING.)

Mr. Burt Sours, Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed Amendment.

Mr. Sours responded to a question from Commissioner Smyth concerning the need for recertification of existing surveys, if the proposed Amendment was adopted.

Commissioner Palatiello disclosed that he managed two trade associations of surveyors, photogrammetrists and GIS professionals.

In response to questions from Commissioner Palatiello, Mr. Sours said that the proposed Ordinance Amendment had the recommendation of the Engineers and Surveyors Institute and was in accordance with the State mandate that VCS-83 be the datum of any GIS established in the Commonwealth of Virginia. He added that if approved, the Amendment would not require a wholesale readjustment of all the boundary surveys in the County.

Mr. Sours responded to a question from Commissioner Byers about the similarity of VCS 83 monuments to National Geodetic Survey monuments.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this application. (Summary remarks and a verbatim transcript of the decision are in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO CHAPTER 112 AND CHAPTER 101 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, AND TO THE PUBLIC FACILITIES MANUAL, AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 25, 2000.

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

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RZ-2000-MV-017 - ALD GROUP, INC. - Appl. to rezone from R-1 to R-8 to permit residential development at a density of 5.41 du/ac on property located on the S. side of Newington Rd., approx. 100 ft. E. of its intersection w/Cinder Bed Rd. on approx. 6.28 ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 99-4((1))21A & 22. MT. VERNON DISTRICT. (PUBLIC HEARING.)

Robert Lawrence, Esquire, with Reed, Smith, Hazel and Thomas, LLP, reaffirmed the affidavit dated October 24, 2000. There were no disclosures by Commission members.

Ms. Catherine Belgin, 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. Lawrence stated that the application had the favorable recommendation of the Mount Vernon District Council's Planning and Zoning Committee and area civic associations. He noted for the record that letters of support had been received from the Newberry Station Homeowners Association and the Newington Citizens Association. (Copies of these letters are in the date file.) He explained that the Mount Vernon Citizens Association had voted not to oppose the application. He said the applicant had worked diligently to address all concerns raised by citizens and requested a favorable recommendation.

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

Mr. Brandon Farlander, 6908 Trestle Court, Lorton, representing the Newberry Station Homeowners Association, expressed concern about the adequacy of the line of sight at the intersection of Newington Road and Hamilton Court.

Mr. Kevin Brugman, 6910 Trestle Court, Lorton, a member of the Newberry Station Homeowners Association and the Mount Vernon representative to the Non-motorized Transportation Committee, requested that favorable consideration be given to the proposed extension of a sidewalk from the Newberry Station property line to Cinderbed Road. He expressed concern about access to the new development, citing unsafe conditions on area roads.

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

Addressing the concerns raised by the speakers, Mr. Lawrence recommended that Proffer Number 13 be amended by adding a sentence stating that the proposed berm and vegetation should be located so as to allow adequate sight distance for traffic exiting Hamilton Court onto Newington Road. He noted that the proposed road configuration had been reviewed by the County Department of Transportation and the Virginia Department of Transportation. He explained that his proposed amendment would ensure that adequate sight distance take precedence over the location of the berm or a tree.

Mr. Lawrence responded to questions from Commissioner Byers about sight distance at the entrance to the proposed development and the length of the proposed sidewalk. In response to a question from Commissioner Smyth, Mr. Lawrence said that the applicant had proffered to contribute funds for traffic calming measures on Newington Road.

There were no further comments or questions from the Commission. Staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized

Commissioner Byers for action on this application. (Summary remarks and a verbatim transcript of the decision are in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ-2000-MV-017, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT WITH THE FOLLOWING CHANGE: PROFFER 13, THE BERM: ADD AT THE END OF THAT PROFFER: "THE BERM AND ANY VEGETATION SHALL ALSO BE LOCATED SO AS TO ALLOW ADEQUATE SIGHT DISTANCE FOR TRAFFIC EXITING HAMILTON COURT ONTO NEWINGTON ROAD."

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Alcorn, Downer and Harsel not present for the vote; Commissioner Hall absent from the meeting.

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SE-00-L-045 - KRISPY KREME DOUGHNUT CORPORATION - Appl. under Sects. 4-804, 7-607 & 9-620 of the Zoning Ord. to permit a fast food restaurant w/drive-through & a waiver of certain sign regulations in a Hwy. Corridor Overlay Dist. on property located at 6332 Richmond Hwy. on approx. 1.08 ac. zoned C-8, HC & CRD. Tax Map 83-3((5))(1)10 & 10A. LEE DISTRICT. (PUBLIC HEARING.)

William Thomas, Esquire, with Fagelson, Schonberger, Payne and Deichmeister, PC, reaffirmed the affidavit dated July 10, 2000. There were no disclosures by Commission members.

Ms. Cathy Lewis, 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. Thomas stated that there was much community support for the proposed addition of a drive-through fast food restaurant to the Krispy Kreme bakery.

Commissioner Kelso noted that the Southeast Fairfax Development Corporation had passed a resolution supporting the proposed development. (A copy of the resolution is in the date file.)

In response to a question from Commissioner Wilson, Mr. Thomas said that if the proposed application were approved, the doughnuts would be sold in the restaurant not the bakery. He added that a left turn lane off Richmond Highway would be constructed for access to the restaurant.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this application. (Summary remarks and a verbatim transcript of the decision are in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-L-045 BY KRISPY KREME DOUGHNUT CORPORATION, SUBJECT TO THE DEVELOPMENT CONDITIONS DISTRIBUTED LAST NIGHT AND DATED NOVEMBER 15, 2000.

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

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD A WAIVER OF THE BARRIER REQUIREMENT ALONG A PORTION OF THE EAST PROPERTY LINE AND WAIVER OF THE PARKING LOT LANDSCAPING REQUIREMENT ALONG THE NORTH PROPERTY LINE.

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

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE RICHMOND HIGHWAY STREETSCAPING AND TRAIL REQUIREMENTS BE MODIFIED TO THAT SHOWN ON THE SE PLAT AND AS NOTED IN THE DEVELOPMENT CONDITIONS, AND THAT THE SERVICE DRIVE REQUIREMENT BE WAIVED IN FAVOR OF THE INTERPARCEL ACCESS DEPICTED ON THE SE PLAT.

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

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE DIRECTOR OF DPW&ES THAT THE STORMWATER WAIVER REQUEST BE DENIED.

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

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SE-00-D-036 - WALKER ROAD ASSOCIATES, LLC - Appl. under Sect. 4-804 of the Zoning Ord. to permit a vehicle light service establishment on property located at 719 Walker Rd. on approx. 37,897 sq. ft. of land zoned C-8. Tax Map 13-1((2))1A1. DRANESVILLE DISTRICT. (PUBLIC HEARING.)

Keith Martin, Esquire, Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated May 19, 2000. There were no disclosures by Commission members.

Commissioner Downer requested that Chairman Murphy ascertain whether there were any speakers present for this application. Chairman Murphy called for speakers, but received no response. Commissioner Downer requested that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed, therefore Chairman Murphy waived presentations by staff and the applicant and closed the public hearing and recognized Commissioner Downer for action on this application. (Summary remarks and a verbatim transcript of the decision are in the date file.)

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Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-00-D-036, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 15, 2000.

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

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED MODIFICATION OF TRANSITIONAL SCREENING ON THE NORTHERN PROPERTY BOUNDARY.

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

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The meeting was adjourned at 10:40 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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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: September 12, 2001

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