

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 18, 2004**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District

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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 Wilson MOVED THAT THE DECISION ON THE PROPOSED PUBLIC FACILITIES MANUAL AMENDMENTS ON POSTING SIGNAGE FOR ASSESSABLE PARKING SPACES, CASH DEPOSITS, AND NATURAL DRAINAGE DIVIDES, BE FURTHER DEFERRED TO A DATE CERTAIN OF DECEMBER 1, 2004.

Commissioner Hart noted that he was not present for the public hearing but had viewed the video recording of the hearing and planned to vote on any scheduled motions on this case.

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

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Commissioner Murphy MOVED THAT THE PUBLIC HEARING ON AF 2004-SP-001 BE DEFERRED TO A DATE CERTAIN OF DECEMBER 9, 2004.

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

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Commissioner Lusk MOVED THAT THE PUBLIC HEARING ON SE 2003-LE-028, SE 2003-LE-029, AND SE 2003-LE-031, SILVIO DIANA, BE DEFERRED TO A DATE CERTAIN OF FEBRUARY 2, 2005.

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

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Chairman Murphy reminded Commissioners that next week the Planning Commission would be on Thanksgiving recess and he wished everyone a Happy Thanksgiving in advance. He added that public hearings would resume the following week, on December 1, 2004.

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SITE PLAN #1183-SP-12-2, SPRING HILL SENIOR CAMPUS

Commissioner Byers MOVED THAT THE PLANNING COMMISSION INFORM THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES THAT THE COMMISSION HAD REVIEWED AND APPROVED SITE PLAN #1183-SP-12-2, SPRING HILL SENIOR CAMPUS, WITH A NOTATION THAT THE CLUBHOUSE AND THE POOL MAY BE CHANGED IN THE FUTURE.

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

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SE 2004-SU-023 - ROSENAL BETCHAR D/B/A HAPPYFACES DAYCARE
2. 2232-B04-14 - FAIRFAX COUNTY PARK AUTHORITY
3. RZ 2004-MV-020 - GUNSTON CENTER LLC
4. S04-CW-T1 - OUT-OF-TURN PLAN AMENDMENT

This order was accepted without objection.

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SE 2004-SU-023 - ROSENAL BETCHAR D/B/A HAPPYFACES DAYCARE - Appl. under Sect. 4-804 of the Zoning Ordinance to permit a child care center. Located at 13923 Braddock Rd. on approx. 21,611 sq. ft. of land zoned C-8, HC, SC and WS. Tax Map 54-4 ((1)) 48. SULLY DISTRICT. PUBLIC HEARING.

Rosenal Belcher reaffirmed the affidavit dated September 24, 2004. There were no disclosures by Commission members.

Commissioner Koch asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on the case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-SU-023, ROSENAL BETCHAR D/B/A HAPPYFACES DAYCARE, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 16, 2004.

Commissioners Lusk, Hart, and Byers seconded the motion which carried unanimously with Commissioner Lawrence absent from the meeting.

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2232-B04-14 - FAIRFAX COUNTY PARK AUTHORITY - Appl. for recreational facility and site improvements at Ossian Hall Park, located at 7900 Heritage Drive, Annandale. Tax Maps 70-2 ((1)) 4A and 7. Area I. Copies of the application and a more specific description of the facility may be obtained from the Dept. of Planning and Zoning, 7th fl., Herrity Building, 12055 Government Center Pkwy., Fairfax. BRADDOCK DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, Department of Planning and Zoning, introduced Leanna Hush, a new planner, and said she would be presenting the staff report on this application.

Ms. Hush presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal by the Fairfax County Park Authority (FCPA) to be substantially in accord with provisions of the adopted Comprehensive Plan.

Commissioner Harsel called attention to pages 15 through 17 of the staff report and stated that Ms. Hush had made an outstanding case on character, extent, and location for this application.

In response to questions from Commissioner Harsel, Ms. Hush said that there had been an existing community park at the subject location for over 30 years and the proposal included the removal and addition of certain uses on the site.

Angie Allen, Planning Development Division, FCPA, stated that the existing master plan for this site had been adopted by the FCPA in 1973 and was now overdue for a revision. She explained that the plan for the community park would meet the needs of the community, address renovations and facility upgrades, and provide individual and organized recreation activities. She said the site was located in a high-density neighborhood located within the Beltway and had some components of an “urban park” such as plazas to provide essential gathering spaces. Ms. Allen noted that there was a deficit of six fields in this location, which the proposed rectangular field would help meet, as well as other service standards, such as one multi-use court per 1,200 residents, one playground site per 2,800 residents, and one reservable picnic area per 12,000 residents. She pointed out that the recreation facilities and social gathering spaces would be clustered in the southern half of the site to create a hub of activity in the central corridor and offer spectators the opportunity to engage in the park while being in close proximity to the fields. Ms. Allen explained that this concentrated development on the southern half would allow the northern half to remain wooded with trails, which would be landscaped to remove exotic invasives, create openings to develop small seating areas, and increase sightlines into and through the park, while preserving the majority of trees. She noted that public input was a crucial component of the master planning process and that a citizens’ task force had been created to assist in developing recommendations. She pointed out that, as the result of public input, several changes had been made to the plan. She noted that the Conceptual Development Plan was revised to reduce the scale of open pockets in the woods to limit tree removal and to reduce the size and scale of the plaza in the southwest corner. She further noted that language had been added to specify that a forest treatment plan should be completed prior to tree removal or landscape maintenance and that the forest treatment plan would be used to determine the best method to open up the woods and to improve the health of remaining trees and the identification and removal of detrimental species. Ms. Allen said that the draft plan had originally proposed a small neighborhood skate park but, due to concerns expressed by the public, it had been replaced with a multi-use area.

Responding to an earlier question from Commissioner de la Fe, Ms. Allen noted that the houses located closest to the proposed field would be along Roanoke Road and would be a minimum of 120 feet away from the field with a minimum 50-foot vegetative buffer.

Responding to further questions from Commissioner de la Fe, Ms. Allen said that the FCPA would supplement the buffer with additional plantings where needed and that the proposed rectangular field would be unlit because of its proximity to other lit fields.

In response to questions from Commissioner Harsel, Ms. Allen explained that 120 parking spaces would be provided due to the site's proximity to a bus stop and existing pedestrian connections to surrounding neighborhoods; the term "urban park" was sometimes used to describe the park since it was located in a densely populated area and the proposed social gathering spaces would provide a social interaction element to the park; and that funds would be allocated from the Park bond referendum for basic renovations and facility up-keep for Ossian Hall Park.

Ms. Allen responded to questions from Commissioner Hart about the trail network and pedestrian connection as shown on the Conceptual Development Plan.

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

James Cromwell, Jr., 7613 Gaylord Drive, Annandale, noted that he was a football coach and said that there was not a huge deficit of playing fields. He spoke in opposition to the application because it would only cater to the needs of Annandale High School. Since he lived in close proximity to the park, he expressed concerns about excess noise, the increase in parking spaces, and the clearing of trees which would cause the four stadium lights at the existing two baseball fields to shine brightly toward his home.

In response to questions from Commissioner Harsel, Mr. Cromwell said that the baseball games played at the two fields would sometimes go on until 10:00 or 11:00 at night and added that once the trees were cleared, the stadium lights would illuminate the park.

Responding to questions from Commissioner Murphy, Mr. Cromwell explained that all eight Annandale Boys' Club football teams were capable of practicing at Braddock Elementary School and there were houses located near the school.

Commissioner Harsel noted that there were new lighting standards and believed that the lights would not have the impact expressed by Mr. Cromwell.

Bo Tumasz, 8305 Epinard Court, Annandale, representing the Chapel Square Court Community Association, expressed support for the application, pointing out that the Park's master plan recommended that Ossian Hall Community Park become the first urban park in Fairfax County which would balance the recreation needs of the community and the need to preserve open space. He noted that one key design element of the plan was safety and that regular maintenance would increase visibility and extend sightlines in the natural area of the park so that activity could be monitored within the site.

Richard McCormack, 7713 Newcastle Drive, Annandale, representing the Annandale High School PTSA, stated that the Annandale High School community supported the application because it would be a vast improvement to the entire community and would address the school's security and safety concerns. He requested that the clearing of the underbrush at the park be implemented as soon as the application was approved.

Catherine Quigley, 4505 Weyburn Drive, Annandale, requested that the Planning Commission postpone this decision until a more comprehensive study of the master plan's impact could be completed. She voiced objection to the proposed additional 100 parking spaces and hours of operation and its impact on traffic, noise, and air quality. Ms. Quigley noted that when the master plan had been presented to the adjoining homeowners in April 2004, over 80 persons had signed a petition to the FCPA Board requesting a revised master plan. (A copy of her remarks is in the date file.)

James Hickey, 5308 Nutting Drive, Springfield, spoke in support of the application, noting that the proposed changes would enhance the park, increase its usage, reduce gang activity, and benefit Annandale High School by providing a practice field and additional student parking.

Cindy Rubino, 7609 Roanoke Avenue, Annandale, said that she endorsed the proposal because it would make the park appealing and safe, provide recreational improvements, and be utilized by the high school.

Bill Stearns, 5218 Garner Street, Springfield, representing the Atoms Booster Club at Annandale High School, expressed support for the application due to the inclusion of an athletic field at the park. He noted that Annandale High School had an agreement with the FCPA to use the existing softball field and assumed that the school could also use the proposed rectangular field. He stated that freshman and junior varsity teams currently had to use other elementary and junior high schools within a five to six mile radius for practice everyday. Mr. Stearns concluded by saying that Annandale did not have any additional space for playing fields besides this park.

Responding to questions from Commissioner Harsel, Mr. Stearns agreed that the proposed field would not be able to accommodate all teams but added that it would be used only a few hours a day for practice and help eliminate some of the travel.

Rick Neave, Girls Varsity Softball Coach at Annandale High School, spoke in support of the application and stated that the proposal would be beneficial to the entire community and the high school.

Commissioner Hall commented that the students who lived in the neighborhood were just as much a part of the community as the abutting homeowners were. Mr. Neave agreed and said that the high school was a very important and vibrant part of the neighborhood.

Linda Lipscomb, 7611 Roanoke Avenue, Annandale, noted that she had received a flyer in the mail stating that "Phase 1" had been approved and she inquired as to what "Phase 1" entailed.

There were no further speakers; therefore Chairman Murphy called upon Ms. Allen to answer Ms. Lipscomb's question.

Ms. Allen responded that money allocated from the Parks bond referendum was referred to as Phase I, though it was not known at this time exactly what renovations would be made.

In response to an inquiry from Chairman Murphy, Ms. Allen agreed that all phases incorporated all proposals included in the application and there would be no additions or deletions.

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

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE 2232-B04-14.

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

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The Commission went into recess at 9:45 p.m. and reconvened in the Board Auditorium at 9:58 p.m.

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RZ 2004-MV-020 - GUNSTON CENTER LLC - Appl. to rezone from R-1 and I-4 to I-4 to permit industrial use with an overall Floor Area Ratio (FAR) of 0.22 and a waiver of minimum lot width requirement. Located E. of Route 1, W. of Richmond, Fredericksburg and Potomac Railroad tracks and N. and S. of Furnace Rd. on approx. 14.07 ac. of land. Comp. Plan Rec: Alternative Uses. Tax Map 113-3 ((1)) 40 and 41. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Inda Stagg, land use planner with Walsh, Colucci, Lubeley, Emrich & Terpak, P.C., reaffirmed the affidavit dated September 23, 2004. There were no disclosures by Commission members.

Cathy 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 would not recommend approval of the application until the following issues had been further addressed: (1) the inclusion of an affirmative statement regarding a collective corporate responsibility among the future property owners to manage the water and waste flow into their septic system beyond the individual responsibility for obtaining and conforming to permits; and (2) the inclusion of a commitment to extend public water to the adjacent residential properties to the south in the event that those homeowners' wells should fail.

Ms. Stagg stated that the applicant had worked with staff over the last two weeks and provided numerous revisions to the proffers based on their concerns. She noted that the first issue raised by Ms. Belgin was addressed in the preamble to the proffers, which obligated future property owners to abide by the proffers. She further noted that the second issue had been raised by the citizens of Old Colchester due to their concerns that the industrial uses would contaminate the septic system and thus contaminate their wells. Ms. Stagg described the property and the history of the application and said the only development that would be permitted to occur on Parcel 40 would be a septic system for I-4 District use. She explained that the applicant had been working closely with the citizens of the area to address their concerns related to the use of the proposed septic field and had assured them that the system was designed for human waste and that laws prohibited the outflow of chemical waste into either a septic system or a sewer system. She stated that an on-site meeting had been held with citizens and members of the Fairfax County Health Department to address these concerns and the citizens had requested that the Health Department review the application and investigate the proximity of the septic system to their wells. Ms. Stagg noted that this research had determined that the proposed system would not negatively impact the wells and that these findings were contained in the staff report. She pointed out that the applicant had also met with members of the Health Department and with their input the proffers had been revised to provide proper review and protection of the groundwater. She said the proffers provided guidelines regarding appropriate septic system use and maintenance and required review and approval by the Health Department prior to the issuance of a non-residential use permit. Ms. Stagg concluded that the application had the support of the Health Department and a recommendation of approval by the Mount Vernon Council of Citizens.

Commissioner Byers commended the applicant for adding proffers requiring the installation of a monitoring well and the exclusion of floor drains to insure that accidental spillage would not occur into the septic system.

Responding to questions from Commissioner Byers, Ms. Stagg said that the proposed development would have a condominium owners association and the Health Department could enforce Proffer 11c, which required that condominium owners reduce their disposals in the case of excess use of the septic system. Commissioner Byers recommended that this proffer be enforced by the condominium association.

Commissioner Byers further suggested that if well contamination could be traced directly back to one of the condominiums, a proffer be added to require the applicant to repair the impacted well and to provide public water to the affected home.

Ms. Stagg responded that there were already laws in place requiring the person or entity whom contaminated a well to remedy the situation. She added that the applicant had not addressed the possibility of an illegal use of the septic system in the proffers because it was unnecessary to restate the laws. Commissioner Byers noted that the remedy set forth by the laws required the plaintiff and the damaged person to sue.

Responding to a question from Commissioner Wilson, Ms. Stagg said that the applicant would consider providing a liability insurance policy covering adjacent homeowners.

In response to questions from Commissioner Hart, Ms. Belgin explained that there was not a distinction in the Zoning Ordinance between residential and non-residential properties regarding the use of an off-site septic field. She further explained that the Ordinance required septic service to be provided on the same lot as the use it was serving.

In response to another question from Commissioner Hart, Ms. Belgin stated that she was not aware of an application that included multiple parcels for a non-residential use and proposed to locate a septic field on only one of the parcels.

Commissioner Hall pointed out that if a well was contaminated, it could be the result of the home located on the same property to which Ms. Stagg agreed. Commissioner Hall then expressed concern that Commissioner Byers was predetermining who was at fault if a septic tank failed.

Commissioner Byers said that a chemical detected in a well could be easily traced. He recalled that the County required that a septic system be located at least 100 feet away from the septic tank and added that the nearest well in this application was approximately 400 feet away from the septic field and the probability of an accidental spillage from the septic field into a well would be remote.

Commissioner Hall commented that it would not be easy to prove who was responsible for the contamination and that she felt this was not a land use issue. She disagreed that there should be remedies determined for possible violations that might not be the fault of the applicant.

Commissioner Alcorn agreed with Commissioner Byers that contamination of a well on an adjacent property would be a remote possibility. He felt that it was a land use issue because it would be "classic nuisance" if a septic system was allowed that might cause harm to a property.

Chairman Murphy called the first listed speaker and noted that the same rules for public testimony as previously stated applied.

Marion Kelly, 10712 Old Colchester Road, Lorton, disclosed that the well on her property had been there for over 250 years and that she had 30 years' experience in solid waste disposal, wastewater sampling and analysis, and sewer sludge disposal. She voiced her objection to the proposed septic system and suggested that the proffer regarding the monitoring wells specify location and materials to be analyzed. Ms. Kelly explained that unless there was to be a sampling and analysis plan to monitor for certain compounds, it would be difficult to tell whether a septic system was working since it did not take much to disturb the system.

Commissioner Alcorn concurred with Ms. Kelly's remarks and inquired as to whether she had suggested that the applicant proffer additional restrictions on activities that might cause the release of chemicals into the septic system.

Ms. Kelly responded by saying that she thought there was no substance to the proffers and a penalty for violations that might occur needed to be included. She also recommended that the application include a monitoring well or tracer so that the Heath Department could perform a sampling analysis plan for multiple compounds and chemicals.

Marilyn Hildebeidel, 10900 Harley Road, Lorton, President of the Mason Neck Citizens Association, noted that Gerald Lyons would be speaking on the behalf of her association. She said that according to the association's letter dated November 5, 2004, its members had voted to oppose the application. (A copy of the letter is in the date file.) She outlined the concerns expressed by the community regarding the inadequate proffers and the potential impact on water quality, the environment, and the health of citizens by the possible failing of the proposed septic system. Ms. Hildebeidel suggested that at a minimum, the test well be monitored monthly for as long as the building was occupied and that other technology be utilized to test some of the chemicals that might spill into the ground. She proposed that there be assurance that property owners be protected and concluded that deferral would give the applicant, staff, and the community an opportunity to try to resolve its issues.

Nancy Sheetz, 10738 Anita Drive, Mason Neck, representing the Harbor View Homeowners Association, expressed opposition to the application, citing safety and traffic concerns due to the proposed changes to Furnace Road. She requested staff provide statistics on how many accidents had occurred at the intersection of Route 1 and Hassett Street. Ms. Sheetz further requested that the Virginia Department of Transportation permit access directly to Route 1 for the proposed development by blocking its access to Furnace Road. (A copy of her remarks is in the date file.)

Sallie Lyons, 10705 Old Colchester Road, Mason Neck, spoke in opposition to the proposed septic system because it would be unsuitable for processing industrial toxic effluents generated from potential noxious uses allowed under the I-4 zoning and it would potentially threaten the ground water, wells, springs, surface water, and lifelong investments in the neighbors' homes. She recommended that if this application was approved, an archaeological assessment be performed before any disruption of the subsoil was initiated and that any change in zoning should provide for the future protection of the property and the community from further industrial development and disruption. Ms. Lyon noted that Old Colchester Road had been nominated by the Virginia Department of Historic Resources to the National Register, a designation that offered protection from destructive road alterations. (A copy of her remarks is in the date file.)

Commissioner Wilson asked Ms. Lyons how long it would take after the completion of the Phase 1 study to review the results and to determine whether a Phase 2 or Phase 3 would be needed. Ms. Lyons responded that it would only take a few weeks and explained that Phase 1 would easily determine what needed to be done next, but a Phase 2 or Phase 3 process would be more extensive.

In response to another question from Commissioner Wilson, Ms. Lyons said that there needed to be a commitment by the applicant to conduct a full archaeological excavation for all phases.

Norma Mage, 10841 Green Drive, Mason Neck, inquired as to whether the applicant was aware that there needed to be a septic field on the subject property prior to its purchase. She also expressed concerns about the proposed septic system's impact on her neighbors, especially those who lived on historical sites and about traffic and safety impacts on the community. She suggested that a traffic impact study be conducted.

Gerald Lyons, 10705 Old Colchester Road, Mason Neck, representing the Mason Neck Citizens Association, voiced opposition to this application, citing the high risk to public health. He read from a list of the "normally allowed" uses and related uses within an I-4 District as described in the Fairfax County Zoning Ordinance that he recommended be prohibited on the subject property. Mr. Lyons read another list of compounds that the U.S. Environmental Protection Agency considered being among the most hazardous to public health. (A copy of his remarks is in the date file.)

Marty Schirmacher, 9534 Third Place, Lorton, representing the South County Federation, noted that the Federation at its November 9th meeting voted not to oppose the application if the Mason Neck Civic Association, after further meetings with the applicant, decided not to oppose it. In reference to Proffer Number 2, he suggested that its wording continue with the phrase "the property will not be allowed for any industrial uses, it shall revert back to R-1 with new options." He expressed concerns regarding special permit and special exception uses permitted on Parcel 41, possible abandonment of monitoring wells, and enforcement of reducing excess waste disposal by condominium owners.

James Brener, 10733 Anita Drive, Lorton, pointed out that this application could possibly set a precedent. He expressed opposition to this proposal, citing transportation issues in an already dangerous area. He noted that the applicant had proffered that the CSX railroad tunnel be widened 120 feet but he did not believe that the tunnel would be improved or widened. Mr. Brener outlined some of the objectives listed in Appendix 6 of the staff report concerning groundwater pollution and tree preservation and restoration and pointed out that the developer had already clear-cut the subject property and had shown disregard for these objectives. He mentioned that it was unreasonable to assume that the applicant was not aware of the restrictions on this property and if so, he felt that it was not the role of Fairfax County to protect private investors from a bad decision.

Jackie Horton, resident of Harbor View, address unknown, voiced her opposition to inadequate sewer, increased traffic, and the clear-cutting of trees. She added that neither she nor her neighbors had been aware of the application prior to this public hearing.

There were no further speakers; therefore Chairman Murphy called for a rebuttal statement from Ms. Stagg.

Ms. Stagg addressed the following concerns raised by speakers:

- Traffic issues: She said that a traffic analysis performed by PHR&A showed that the proposed use would not have a significant impact on the area road network; approximately \$250,000 for road improvements to the intersection on the western side of the CSX railroad tracks and Furnace Road had been proffered; streetlights would be provided; and a concrete median to prohibit a left-hand turn out of the subject property onto Old Colchester and Mason Neck would be constructed.
- Sampling of the monitoring wells: She said that the applicant will work with the Health Department to develop a sampling and monitoring plan to help alleviate some of the fears that citizens have on this issue.
- Archaeological Study: She said that the Phase 1 study had been performed and the applicant was awaiting its results; if a Phase 2 was necessary, the applicant would comply if it was in an area that would be disturbed by the septic system and if not, then avoiding that area might be possible.

Responding to a question posed by Ms. Mage earlier, Ms. Stagg explained that the applicant had legally completed the filing process for a site plan and had been issued a grading plan, but when County staff had reviewed the building permit, staff discovered that the site plan had been submitted in error. She further explained that at this point the building had been partially sold to potential condominium owners so the applicant had been instructed to apply for a rezoning of the southern parcel since the septic system had to be located in a similar zoning district as the primary use. Ms. Stagg assured the speakers that the applicant had proceeded to grade in accordance with the permit, had not done anything illegal and had not clear-cut the site with no parameters. She then addressed Mr. Lyons' concerns and said that his recommended list of prohibited uses was based on assumptions that might or might not be true. She noted that before the initial utilization of the proposed septic system, the applicant would have to file a health permit application to determine what type of chemicals would be permissible for that particular operation. She concluded that a septic system was the only option since citizens were opposed to having this property tie into the sewer system and the County was opposed to the installation of a small wastewater treatment system, known as a package plant, which was designed to treat limited sewage flow.

In response to questions from Commissioner Harsel, Ms. Stagg said that the applicant owned other businesses in Fairfax County, had bought both parcels at the same time, had been aware that a septic system would be needed, and that it could only be located on the southern parcel.

Responding to an inquiry from Commissioner Wilson, Ms. Stagg noted that there would be three stop signs: one for vehicles exiting the subject property, one for vehicles entering the property, and one located at the intersection of Furnace Road and the CSX railroad tracks.

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

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2004-MV-020, GUNSTON CENTER LLC, TO A DATE CERTAIN OF DECEMBER 2, 2004, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

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S04-CW-T1 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Plan Amendment concerns proposed modifications to the transportation network and interparcel access at the Kings Crossing area, which is located in the Penn Daw Community Business Center, at the intersection of North and South Kings Highway and Richmond Highway in the Lee and Mount Vernon Supervisor Districts (Tax Map 83-3). The area is located within the Richmond Highway Commercial Revitalization District. LEE AND MOUNT VERNON DISTRICTS. PUBLIC HEARING.

Jaak Pedak, Fairfax County Department of Transportation, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of this Out-of-Turn Plan Amendment.

Chairman Murphy called the first listed speaker.

Donald Hinman, 2991 Huntington Grove Square, Alexandria, representing the Huntington Grove II Homeowners Association, voiced his objections to the extension of Fairview Drive to South Kings Highway and the construction of a major intersection at the entrance to his community. He requested that this amendment not go forward without considerable consultation with communities in the immediate area. He outlined deficiencies in the proposal regarding the Virginia Department of Transportation interchange plan, the closing of the Penn Daw Plaza connection to Route 1, and the lack of traffic lights for the proposed intersection. Mr. Hinman added that the proposal had not adequately addressed the current traffic on South Kings Highway and requested that detailed traffic counts be made available with an explanation of how this proposal would take in account the traffic flow. He concluded that there needed to be clarification as to how this project would help facilitate revitalization in the Richmond Highway

corridor and if not, he asked that the Planning Commission deny this amendment. (A copy of his remarks is in the date file.)

Commissioner Lusk noted that at a November 15th meeting with the Lee District Land Use Committee, Commissioner Byers had announced that he would be deferring the decision on this Plan amendment. He recommended that Mr. Hinman's association meet with staff and Committee members to further discuss the extension of Fairview from Route 1 onto South Kings Highway.

Mr. Hinman requested that the decision date not be scheduled soon to allow his association a sufficient amount of time to address issues with neighboring communities. He added that there had been no funds allocated for this project currently and he was informed that the proposed changes might not occur for 10 or 20 years.

David Paul, representing the Archive Group, noted that his organization was the owner of an 11-acre site located on the east side of Richmond Highway at Kings Crossing. He said that the group had discussed traffic improvements along Route 1 at the task force meetings, which had provided the opportunity to listen to the concerns of the community. He added that the Archive Group had also met with local residents in the Spring Bank community, which was adjacent to the Kings Crossing site, and with the community's President, David Dell. As a result of the meeting, Mr. Paul stated that his organization was in agreement with the changes that Mr. Dell suggested to the Plan amendment, which would be beneficial to potential development and the surrounding communities. He concluded that the Archive Group anticipated working with staff and the communities to resolve all issues.

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

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON OUT-OF-TURN PLAN AMENDMENT, S04-CW-T1, TO A DATE CERTAIN OF JANUARY 12, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

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

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT, S04-CW-T1, TO A DATE SUBSEQUENT TO JANUARY 12, 2005.

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

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The meeting was adjourned at 11:47 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: Kara A. DeArrastia

Approved on: March 14, 2007

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