

Planning Commission Meeting
January 10, 2008
Verbatim Excerpt

PCA 1999-MV-025-03 - EXXON-MOBIL CORPORATION
SE 2006-MV-033 - EXXON-MOBIL CORPORATION

After Close of the Public Hearing

Vice Chairman Alcorn: I'll close the public hearing and recognize Commissioner Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I would first like to say that I think what we have to keep in mind here is that we only have four interchanges on I-95. The first one is Lorton, the second one is the Fairfax County Parkway, the third one is Franconia Road/Springfield, and the fourth one is Edsall Road. The Beltway, of course, is not an interchange. I mean, that's where you get from one highway to another. But, the - - as a Planning Commissioner, I mean I cannot support anything that results in a gas station heaven like I see as I go south on Route I-95 to Richmond. You go down the line and there's a forest of gas station signs way up in the air, you know, on each side, and I don't consider that quality or good planning. So, Mr. Chairman, I'm not satisfied with the proposed request that it has met the general standards in Chapter 9 of the Zoning Ordinance for a special exception. And, I'm prepared to always consider not granting a special exception because that's the reason why they're special exceptions. The general standards in question are Standard number 1, which requires the proposed use at the specified location to be in harmony with the adopted Comprehensive Plan. And, there are some parts of the Comprehensive Plan you haven't heard yet. They're not in the staff report. Page 61 in the Lower Potomac Planning Sector of the Comprehensive Plan states, "The Lorton-South Route 1 area is a southern gateway to the Nation's Capital, Fairfax County, and the community. Therefore, any development within the I-95 corridor along its southern entrance to Fairfax County and along Route 1 and I-95 from the Occoquan to Fort Belvoir is envisioned to contribute to an attractive gateway to Fairfax County and to the National Capital area. Areas of particular attention include Route 1 and I-95 from the Occoquan River to Fort Belvoir; the I-95/Lorton Road interchange, which is the subject that we're dealing with here; the Route 1/I-95 interchange area; and the Route 1/Gunston Road intersection. All future development - - this is the Comprehensive Plan, which you wrote - - should be located, designed, accessed, buffered, and screened where necessary to help further the attainment of the County's gateway concept. Well-designed private and public development should be encouraged." Now, since this site was first considered for development in the year 2000 as Ms. Strobel makes a major point of, many quality gateway-type improvements have been made to this intersection on the I-95 corridor. For example, Lorton Road is no longer a two-lane County by-way, but a six-lane arterial between Richmond Highway and Silverbrook Road. Gone is the one-lane railroad underpass, it's now a six-lane underpass right next to this site. The improved northern terminal of the Amtrak Auto Train is within eyesight from the applicant's site. The proposed Lorton INOVA Healthplex is underway at Lorton and Silverbrook Roads. There's going to be a major hospital at this interchange. A hotel has been built at Lorton and Silverbrook that includes the Fairfax County Visitors Center. Our only visitors center is located right there at this interchange. The VRE, the Virginia Railway Express, has built a commuter station to the north of this site. Three gasoline service stations and one full

service car wash are within walking distance of the applicant's site. And, I think none of them - there's no shortage of gasoline or car washing facilities near the applicant's site, no shortage. A new road adjacent to the site, Lorton Market Street, now provides an alternate direct access to Lorton Road and I-95 from Richmond Highway and Mason Neck historic sites. None of these were there, you know, when this Comprehensive Plan was approved by the Planning Commission previously. It was an ugly industrial site. The I-95 interchange is also the gateway to the Laurel Hill Arts Center and to the golf facilities that have replaced the prison site. The most visible change, however, has been the construction of the Lorton Clock Tower Monument that now sits on a landscaped park next to the applicant's site. And, you've gotten to see a photo of that. This site is no longer the vacant industrial site of the year 2000 and the Lorton community has worked hard, and I mean incredibly hard - - they've had task forces - - Mr. Sargeant has chaired many of those task forces - - to fulfill the promise of a well-designed private and public development of the gateway recommended by the Planning Commission. The Comprehensive Plan for the applicant's site limits uses to office, open space, retail, cultural center, hotel/motel, and recreational uses. It doesn't say anything about a gas station. That means that gasoline stations are not permitted by-right, but only by special exception. The proposed request does not further the attainment of the County's gateway concept. What good planning in the gateway area calls for is permitted uses that are now absent. There are a lot of needs and there's very little land to provide all that. The Comprehensive Plan for Richmond Highway Corridor urges us to strongly discourage fast food, car washes, and pawn shops, as they are not consistent with quality revitalization, and strongly discourages freestanding uses with drive-through facilities and uses that create high traffic volumes - - this is a high traffic volume generator - - and along the corridor that contribute to the strip commercial character. The Lorton community resolution has examined the proposed request and also found that the request does not satisfy General Standards 3, which I think Commissioner Hart just referred to - - which requires that the proposed use be harmonious with and not adversely affect the use or development of adjacent properties, and I think we have adequately demonstrated that it does interfere with the traffic coming out of the adjacent properties. And, which states that pedestrian and vehicular traffic associated with the use not be hazardous or conflict with the existing or anticipated traffic in the neighborhood. One member remarked, "Would you build a gas station in front of the Washington Monument?" Also, the additional standards in the General Standard are Additional Standards 1(B) that state that such use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties and Additional Standard 1(C), which states that the site shall be designed to minimize the potential for movement conflicts and to facilitate safe and efficient on-site circulation. I'm all in favor of good Comprehensive Plan language. There is an existing interparcel access, as you have seen, and the staff's proposed development condition requiring the applicant to monitor the situation and close off the car wash if vehicles begin to stack in the interparcel access does not alleviate my concerns. For the reasons previously cited and the community's unanimous opposition - - they've voted on this twice - - I do not believe that these standards have been satisfied and I cannot support the proposed application. But, I will move to defer - - if I can find my - -

Commissioner Hart: It's right here.

Commissioner Flanagan: I believe it's here someplace. I MOVE to - - THAT THE PLANNING COMMISSION DEFER ITS DECISION ON THE PCA 1999-MV-025-03 AND SE 2006-MV-033 TO A DATE CERTAIN OF - - I'm not too sure we're meeting again until the 16th?

Vice Chairman Alcorn: Correct.

Commissioner Flanagan: Until JANUARY 16TH.

Vice Chairman Alcorn: Is there a second?

Commissioners Sargeant and Hall: Second.

Vice Chairman Alcorn: Seconded by Commissioners Sargeant and Hall.

Commissioner Hall: Mr. Chairman?

Vice Chairman Alcorn: Commissioner Hall.

Commissioner Hall: I am delighted that this application is being deferred because I feel that Mount Vernon area is going to have to look long and hard at this application. The Planning Commission does not write the Comprehensive Plan. It's written by the citizens of Fairfax County. And, the citizens of Fairfax County have had an opportunity to revise the language in the Comprehensive Plan for Mount Vernon. So, if they didn't like it, they had an opportunity to change it. We get into trouble when we ignore what the Comprehensive Plan says. Let me follow up with staff; is this application in conformance with the Comprehensive Plan, in your opinion?

Cathy Lewis: Yes, in our opinion.

Commissioner Hall: Okay. Clearly, it's going to be something for the Commissioner to review with, I would imagine, counsel during this deferral. But, just because, you know, you listed a whole litany of things that have been planned 10 years ago and they're just coming to fruition now or have within the last year. The tower - - all these things just didn't pop up, they were planned. So, I do get very concerned when we're following the Plan and then suddenly you want to abandon it. I think you have to think long and hard about what's written. I'm not saying that you can't recommend deferral, but you really need to look and see what the conditions are and how they apply and they're going to have to stand up because just as there is case law, it isn't unusual for the Planning Commission to be sued when it's not doing something that it considers to be in conformance with the Comprehensive Plan. That's my concern and so as I said, I'm delighted and that's why I seconded the deferral. But, just because the Plan was done in 2000 doesn't mean it can be ignored now in 2008 - - we're in 2008? Yes, that's it. Thank you.

Vice Chairman Alcorn: Thank you. With consideration that we are on verbatim, any more discussion?

Commissioner Hart: Mr. Chairman?

Vice Chairman Alcorn: Mr. Hart.

Commissioner Hart: I'd like to add to my two cents to this. I think we have to conclude that an application for a special exception is not only in harmony with the Comprehensive Plan, which is often a judgment call with a lot of conflicting weasel words and interpretation. But, we also have to find that it's in conformance with Zoning Ordinance provisions. And, the point that I was trying to make earlier, I think at least three of the Zoning Ordinance provisions, which are mandatory; they really don't have to do with the Comprehensive Plan's aspirations for gateways or clock towers or anything else. We have to find that this special exception meets all of these. I read the word, "shall," as mandatory. And at least, with 9-006, subsection 4; 9-505, subsections 1(B) and 1(C), I'm having trouble that those Ordinance provisions have been met and that would be a completely independent and appropriate basis for denial of this special exception even if somewhere in the penumbra of ideas in a very broad Comprehensive Plan, it may be a filling station with a car wash, maybe that works, maybe it doesn't. It still got to meet pedestrian/vehicular traffic, not have conflicts, it can't be - - it has to be coordinated with the adjacent properties, we have to have safe and efficient onsite circulation with parking and stacking provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access, etcetera. Thank you.

Vice Chairman Alcorn: Thank you. All in favor of deferring decision only on combined application PCA 1999-MV-025-03 and SE 2006-MV-033, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. And is deferred to a date certain of January 16th. Thank you.

Commissioner Flanagan: Mr. Chairman, WITH THE RECORD BEING KEPT OPEN.

Vice Chairman Alcorn: Yes, with the record kept open for comment - - FOR WRITTEN COMMENT.

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(The motion carried unanimously with Commissioner Murphy not present for the vote; Commissioner Hopkins absent from the meeting.)

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