Planning Commission Meeting
October 29, 2009
Verbatim Excerpt

SEA 89-L-080 – SUNOCO, INC. (R&M) (Decision Only)
(Public Hearing held on October 15, 2009)

During Commission Matters

Commissioner Lusk: The Commission will recall that we deferred the decision only for Springfield Sunoco, SEA 89-L-080, to this evening. So, by way of background very quickly, the applicant is proposing to renovate and upgrade the existing Sunoco service station, basically taking four pump islands with three service bays and converting them into a newly renovated center that would include 2,907 square feet of a quick service food store and increase the number of pump islands from four to six. We heard and understand that the staff is recommending denial of this application and they are interpreting this special exception use as not an interim use. They are also of the position that the proposed changes connected with this application are an intensification of the use on the property and that they have a number of other issues relative to consolidation and roadway dedications. While I understand the position that the staff has taken, I do not agree with their recommendation. First, I view these improvements as both a renovation and an upgrading of the application property, and see them as something that we would like to see happen in a revitalization district. I would further reiterate my belief that this gas station will be an interim use and that it will not preclude future redevelopment as proposed by the Comprehensive Plan. Interestingly, the proposed uses would hardly be construed as a significant intensification of the site when you look at the Plan requirement that has a maximum FAR of .40, and this project is proposing only an FAR of .07. Now, I would, however, agree and support the staff in this objection if this were a new service station use being proposed at this site. As we heard at the public hearing, there were only a few service stations in this immediate area and this Sunoco is the only service station that is located in the Springfield CBC. And I personally liked that the proposed use will result in the provision of additional food and beverage items for patrons living in this area. Like the staff, I support the future redevelopment of this property and other neighboring parcels in this CBC. And also, as a person who understands the role of the market facilitating this redevelopment, I realize that it will be a number of years before we are able to fully realize this vision. In the interim, the site is proposing a number of changes that will provide a facelift for the Sunoco and provide the residents of this area with additional services. The project also provides a number of community related amenities, including for one, the increase in the open space from roughly 15 percent to a little more than 35 percent of the site. The applicant has committed to develop the quick service food store as a LEED new construction facility, and I would argue that that's a pretty good thing. And third, the proposal will result in improved traffic safety by eliminating one of ingress/egress connections to Bland Street. Pursuant to the three deferral issues that were raised at the public hearing two weeks ago, I will provide you the following status report: First a new development condition has been added to provide the ingress/egress easement for the neighboring property to the south at the time that Backlick Road no longer permits access for this property. This access easement also encourages, I believe, the consolidation of these two parcels in the future. Additionally, the applicant has agreed to a development condition to work with VDOT and the Fairfax County DOT to construct

a No Left Turn sign during the hours of 3:00 to 6:00 p.m. to minimize the stacking of cars from Bland Street onto Backlick Road. And finally Sunoco has agreed to a development condition to provide a $2,000 contribution to TAGS, which is the Transportation Association of Greater Springfield. These dollars will help support its mission to provide shuttle service within the CBC. For the reasons I've just mentioned and recognizing that the Lee District Land Use Committee is overwhelmingly in favor of this special exception amendment, I would now like to make the following motions. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 89-L-080, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS WHICH ARE NOW DATED OCTOBER 28TH, 2009.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This case presents a planning dilemma with Countywide implications. We have an application which in many respects seems reasonable but is not consistent with the adopted Comprehensive Plan. And staff is recommending denial. I appreciate Commissioner Lusk having deferred decision; and he makes a reasonable analysis in support of the use, but I cannot support the motion. In my view, where the Comprehensive Plan in retrospect may be too ambitious, it would be preferable to amend the Plan before recommending approval on an application which conflicts with it. This case offers two principal conflicts with Plan objectives. First, without consolidation the adjacent parcel in the center of the block is orphaned. Its street access is limited already and may be limited once the Backlick Road bridge is constructed. The orphan parcel also appears too small and narrow to redevelop to its potential intensity on its own. The decoupling of these parcels probably delays the redevelopment of this central block. Prolonging the automobile-oriented uses also creates no synergy for the surrounding blocks to redevelop. Secondly, the local street grid is compromised. The layout is not configured to allow room for refueling trucks onsite if right-of-way is reserved for the widening of Bland Street. If the expansion is approved without some reconfiguration away from Bland Street, as staff suggested might be possible, we're teeing up a significant conflict for later resolution and complicating any widening project. It has been suggested that this expansion is only an interim use but I can agree with that only in the very broadest sense. This is not a pumpkin stand or a Christmas tree lot. A commitment to construct a new building to LEED certification standards ordinarily represents a significant financial investment. We've learned on other cases that the recovery of the added construction costs of LEED certification may require many years of operation. There also do not appear to be other viable sites nearby on the Comprehensive Plan suitable for new filling stations. As far as we know, people are going to continue to drive cars and buy gasoline. The strong need for this use right here may continue

indefinitely. I'm sympathetic to the community's wishes and recognize that the application has citizen support. The site is in a revitalization district between a muffler shop and a strip club. No matter what the Comprehensive Plan says, we are unlikely to see applications for a Ritz Carlton and Tiffanys. Maybe an expansion of an old filling station to add additional gas pumps and a LEED certified mini-mart is as good at it's going to get. Maybe nothing will ever happen if we stick to the adopted Plan. But if the Plan is no longer viable then maybe it should be revised to allow options for expansion of existing automobile-oriented uses without consolidation, subject to other criteria. But as of now the Plan says what it says. I recognize also that the Plan is only a guide and that the Board of Supervisors has the important prerogative to disregard the adopted Plan in its wisdom. In a revitalization district, where redevelopment has not materialized as the citizens hoped, maybe that prerogative occasionally should be exercised. But when the Planning Commission makes its recommendation in direct conflict with the Plan, we devalue the Plan text elsewhere. The critical objectives of parcel consolidation before redevelopment and accommodation of right-of-way dimensions for the planned street grid appear in the Plan Countywide. Many of the Area Plans also contain text discouraging expansion or proliferation of automobile-oriented uses. These were written into the Plan after careful deliberation. This application appears to interfere with the redevelopment of the orphan parcel at the planned intensity, delay coordinated redevelopment of this core block, and complicate planned transportation improvements, as well as expanding a type of use the Plan discourages in this location. I therefore will be abstaining. Thank you.

Chairman Murphy: Further discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. My analysis lacks the elegance of Commissioner Hart's, but I end in the same position. The argument of an interim use seems to me to lose weight as compared against the expanse of the construction on the site. I too will abstain. I cannot support the application, but I will not oppose it. Thank you.

Chairman Murphy: Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. I, like Commissioner Lawrence, agree that Commissioner Hart has basically hit the nail on the head. And I will be abstaining also from this application.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 89-L-080, say aye.

Commissioners de la Fe, Donahue, Litzenberger, Lusk, Murphy, and Sargeant: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, Hall, Harsel, Hart, and Lawrence: Abstain.

Chairman Murphy: Motion carries. Mr. Hart, Mr. Lawrence, Ms. Hall, Ms. Harsel, and Mr. Alcorn abstain.

Commissioner Lusk: Mr. Chairman?

Chairman Murphy: Okay, Mr. Lusk.

Commissioner Lusk: My last motion on this request: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS MODIFY THE MAJOR PAVED TRAIL AND ON-ROAD BIKE REQUIREMENTS ALONG BACKLICK ROAD.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners de la Fe, Donahue, Litzenberger, Lusk, Murphy, and Sargeant: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn, Hall, Harsel, Hart, and Lawrence: Abstain.

Chairman Murphy: Motion carries. Same division.

Commissioner Lusk: Mr. Chairman, I guess we're off verbatim. One point I'd like to reiterate: I heard Mr. Hart say that the Midas property was being orphaned. And as I recall, we did make an attempt with regard to the language relative to the ingress/egress easement to address their having access. So, I'm a little lost on the point that we orphaned that parcel, just as a point of clarification.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you, I appreciate the change to the development condition this evening that requires an ingress/egress easement between the two parcels at the time of site plan approval. Nevertheless, it creates a situation where the two small parcels will develop separately

instead of a consolidated piece, as the Plan contemplates. An ingress/egress easement doesn't accomplish what the Plan calls for. If it did, maybe that would have been an appropriate option in the Plan.

Commissioner Lusk: One last point I'll make, Mr. Chairman, is I'm not sure how these parcels are going to develop in the future. I think that we will see, based on market conditions – and there still is a potential – I assert this – there's still a potential for that parcel, that Midas property, to be consolidated with the Sunoco. I do not believe that the action that we've taken here precludes that future option from happening. It's a question of what the market will bear and what we will see as a result of the Plan language. Thank you, Mr. Chairman.

//

(Commissioner Sargeant seconded the motions which carried by a vote of 6-0-5 with Commissioners Alcorn, Hall, Harsel, Hart, and Lawrence abstaining; Commissioner Flanagan absent from the meeting.)

JN