

McLEAN CITIZENS ASSOCIATION

RESOLUTION REGARDING PROPOSED AMENDMENT OF THE FAIRFAX COUNTY ZONING ORDINANCE REGARDING THE DEFINITION OF "PUBLIC USE"

October 20, 2005

WHEREAS, The McLean Citizens Association has long been on record favoring the efforts of the West Lewinsville Heights Citizens Association (WLHCA) to obtain a fair hearing on the many issues surrounding an agreement between the Fairfax County Park Authority (FCPA) and McLean Youth Soccer (MYS) involving the lease of Field # 2 at Lewinsville Park to MYS for a period of 10 years, with the further right to make substantial playing time available to athletic teams from Marymount University -- a private educational institution based in Arlington, Virginia -- in conflict with the County's established field allocation policies; and

WHEREAS, on April 28, 2003, the Fairfax County Zoning Administrator determined that Marymount's use of Lewinsville Park did not require a special exception or special permit, and this determination was appealed to the Fairfax County Board of Zoning Appeals (BZA) by WLHCA; and

WHEREAS, the McLean Citizens Association passed a resolution supporting the WLHCA position that a public hearing should be held, and a representative of the McLean Citizens Association testified against the Zoning Administrator's determination at a hearing of the BZA on September 16, 2003; and

WHEREAS, the BZA ruled unanimously to overturn the Zoning Administrator, declaring that Marymount's use of Field #2 did not meet the Zoning Ordinance definition of public use; and

WHEREAS, Fairfax County appealed the BZA decision to the Circuit Court, the end result of which was an appeal by BZA and WLHCA to the Virginia Supreme Court, and the Supreme Court's decision of September 16, 2005, which in effect reinstates the BZA decision; and

WHEREAS, an application for a special use permit or special exception would be required under the current Zoning Ordinance if Marymount University wishes to conduct athletic practices and games at Lewinsville Park, thereby requiring the County to study the impacts of such activities and affording members of the public the right to be heard at public hearings; and

WHEREAS, instead of allowing such public process to begin, the Board of Supervisors (BoS) elected to file a Petition for Rehearing of the Supreme Court decision and to initiate a fast-track amendment to the Zoning Ordinance which would effectively approve the aforesaid agreement retroactively without a public hearing; and

WHEREAS, in attempting to solve a problem regarding the use of one playing field in one specific park, the Board of Supervisors has proposed an amendment to the Zoning Ordinance that would apply to all facilities belonging to the Fairfax County Park Authority or the Fairfax County School Board; and

WHEREAS, such a process denies the general public the opportunity to be heard on the underlying issues involving Lewinsville Park; and

WHEREAS, in the rush to change the law, the proposed amendment is far-reaching and ambiguous, and would open any park in the County to regular use by any "organized group" and would provide the Park Authority and the School Board with unbridled discretion to enter into agreements with private persons and companies and never be held responsible by public process; and

WHEREAS, such an amendment would not only preempt the rights of the citizens of the County to be heard on a matter of great importance to them, but also both prevent other communities in the future from being heard with respect to use of public park land and negate the field allocation policies adopted by the County to ensure equitable access to public facilities; therefore

BE IT RESOLVED, that the McLean Citizens Association strongly opposes the proposed amendment to the Zoning Ordinance and recommends that the Planning Commission and the Board of Supervisors reject the amendment to the Zoning Ordinance and reaffirm their respect for the right to public hearing.

Distribution:

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