

**MINUTES OF  
PLANNING COMMISSION MEETING  
MAY 1, 1996**

PRESENT: John R. Byers, Mount Vernon District  
Carl A. S. Coan, Jr., Providence District  
Judith W. Downer, Dranesville District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
Robert v. L. Hartwell, Commissioner At-Large  
John W. Hunter, Commissioner At-Large  
John B. Kelso, Lee District  
Ronald W. Koch, Sully District  
Peter F. Murphy, Jr., Springfield District  
John M. Palatiello, Hunter Mill District  
Alvin L. Thomas, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Byers announced that Peter F. Murphy, Jr., Chairman of the Planning Commission, had been named by the Volunteer Center of Fairfax County as the 1995 "Individual Volunteer of the Year for Fairfax County." Following congratulatory applause by fellow Commissioners, Chairman Murphy extended his appreciation to all members and staff that had attended the event on April 26, 1996.

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Commissioner Harsel MOVED TO DEFER THE PUBLIC HEARING ON S95-III-P1, OUT-OF-TURN PLAN AMENDMENT, INDEFINITELY.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote.

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Secretary Harsel MOVED TO APPROVE THE FOLLOWING 1990 MINUTES:

6/20/90, 6/21/90, 7/11/90, 7/12/90, and 7/25/90

Commissioners Byers and Thomas seconded the motion which carried by a vote of 5-0-6 with Commissioners Coan, Downer, Hall, Hartwell, Hunter and Kelso abstaining; Commissioner Palatiello not present for the vote.

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Commissioner Hunter reminded everyone that the Transportation Committee would meet on Wednesday, June 12, 1996 at 7:30 p.m. in the Board Conference Room.

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Commissioner Hartwell announced that the Environment Committee would hold a meeting at 7:30 p.m. on Thursday, May 9, 1996 in the Board Conference Room and the topic would be the Mason Neck Overlay District. He added that all interested citizens were invited to attend.

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"FEATURE SHOWN" DETERMINATION – AT&T WIRELESS SERVICES (Best Western Hotel @ 8751 Richmond Highway – Mount Vernon District)

Commissioner Byers MOVED THAT IN THE CASE OF THE AT&T WIRELESS SERVICES FOR THE ROOFTOP OF THE HOTEL AT 8751 RICHMOND HIGHWAY, WE FIND THAT (IT IS) IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSIDER IT A "FEATURE SHOWN" UNDER SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote.

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"FEATURE SHOWN" DETERMINATION – NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC. INC. (6677 Richmond Highway – Mount Vernon District)

Commissioner Byers MOVED THAT WE FIND THAT (APPLICATION) IN SUBSTANTIAL CONFORMANCE WITH THE COMPREHENSIVE PLAN AND THAT IT IS A "FEATURE SHOWN" PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote.

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"FEATURE SHOWN" DETERMINATION – AT&T WIRELESS SERVICES (PBS Tower @ 6455 Stephenson Way – Mason District)

Commissioner Hall (MOVED TO) RECOMMEND THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF MR. ZOOK, THE DIRECTOR OF THE OFFICE OF COMPREHENSIVE PLANNING, AND DETERMINE THAT THE AT&T WIRELESS SERVICES FACILITY TO BE LOCATED ON THE PBS TOWER, 6455 STEPHENSON WAY, MASON DISTRICT, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND BE DETERMINED A "FEATURE SHOWN" (PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.)

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote.

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FDP-87-C-060-13 – BATMAN COMPANY, INC. (Decision Only)

(The public hearing on this item was held on March 28, 1996. A complete verbatim transcript of the decision made this evening is in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION APPROVE FDP-87-C-060-13, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED APRIL 30, 1996 WITH THE FOLLOWING REVISIONS:

--THAT DEVELOPMENT CONDITION #4 BE STRICKEN AND EACH SUCCEEDING CONDITION BE RENUMBERED ACCORDINGLY;

--DEVELOPMENT CONDITION #6 BE MODIFIED BY STRIKING "20 FEET" AND INSERTING IN LIEU THEREOF "18 FEET."

Commissioners Byers, Hunter and Koch seconded the motion which carried by a vote of 10-1 with Commissioner Coan opposed, Commissioner Kelso not present for the vote.

Commissioner Palatiello next MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER, AS REQUESTED, OF THE REQUIREMENT FOR SIDEWALKS ON BOTH SIDES OF THE STREET.

Commissioner Thomas seconded the motion which carried by a vote of 7-2-2 with Commissioners Byers and Coan opposed; Commissioners Hall and Harsel abstaining; Commissioner Kelso not present for the vote.

Commissioner Palatiello last MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED WAIVER OF THE 600-FOOT LIMITATION ON THE LENGTH OF PRIVATE STREETS.

Commissioners Koch and Thomas seconded the motion which carried by a vote of 10-1 with Commissioner Coan opposed; Commissioner Kelso not present for the vote.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. RZ-95-P-030 – EDGEMOORE HOMES, L.L.C.
2. SE-95-M-026 – MCDONALD'S CORPORATION
3. 456-H95-27 – AMERICAN PERSONAL COMMUNICATIONS

This order was accepted without objection.

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RZ-95-P-030 – EDGEMOORE HOMES, L.L.C. – Appl. to rezone approx. 5.82 ac. located on the W. side of Hibbard St., approx. 300 ft. N. of Blake Lane from R-2 to R-3 to permit residential development at a density of 2.58 du/ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 47-2((7)) 7, 7A & 8. PROVIDENCE DISTRICT. PUBLIC HEARING.

Michael S. Horwatt, Esquire, with Michael Horwatt and Associates, the applicant's representative, reaffirmed the affidavit dated November 30, 1995. There were no disclosures by Commission members.

Ms. Donna McNeally, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of RZ-95-P-030, subject to the executed proffers dated April 12, 1996.

Mr. Horwatt advised that this application had undergone many changes since it was first submitted. He explained the accommodations the applicant had made in an attempt to satisfy citizens in the surrounding neighborhoods, and expressed his dismay that there was still opposition to the application. Mr. Horwatt submitted for the record, a petition containing over 40 signatures, of persons who were in favor of the development. (A copy may be found in the date file.)

Chairman Murphy called the first three of the listed speakers and explained the rules and procedures for addressing the Planning Commission.

Mr. Peter Montanino, President, Grays Oakton Civic Association, Oakton, gave a brief description of the character of the neighborhood. He was opposed to increasing the number of dwelling units to the high end of the density range, widening the streets, and cutting down trees. He noted that, contrary to Mr. Horwatt's statement, Edgemoore Homes was not directly across the street from the applicant's property. (A copy of his statement may be found in the date file.)

Chairman Murphy referred to the transportation analysis in Appendix 7. He said he saw nothing in that analysis that would require a dedication of 26 feet of right-of-way from the center line on Hibbard Street to the property line, or the construction of a 19-foot cross section from the center line to the face of the curb. Ms. McNeally said the applicant would be required to provide all of that as a frontage improvement even if the application was for R-2 zoning, just as the by-right subdivision directly across the street on Hibbard Street had to do.

The following individuals were also in opposition to the application for the following reasons: increased density; the character of the neighborhood would be affected; widening of Hibbard Street would remove trees and increase cut-through traffic; fear that the proposed stormwater detention pond wouldn't be adequate enough to control runoff; and security would be compromised. Many of the speakers indicated that they were not opposed to redevelopment; however, they preferred to keep the zoning density at R-2.

- ♦ Ms. Susan Cohen, 2944 Gray Street, Oakton, stated that she was speaking instead of the second listed speaker, Ms. Adrienne Stefan, who could not be present this evening.
- ♦ Ms. Patricia Park, 2920 Gray Street, Oakton, submitted a petition, a copy of which may be found in the date file. Ms. Park also presented a slide showing some recently-built homes in the vicinity of the proposed development that had complied with the R-2 zoning.
- ♦ Mr. Thomas Macklin, 2923 Gray Street, Oakton.
- ♦ Mr. Peter Anspach, 2904 Hibbard Street, Oakton.
- ♦ Ms. Joan Acquadro, 2946 Gray Street, Oakton.
- ♦ Mr. Jeffrey Heubusch, 10149 Oakton Drive, Oakton. Mr. Heubusch responded to questions raised by Commissioners Byers, Coan, and Hall concerning his position on the rezoning. Ms. McNeally answered questions pertaining to setback requirements in a by-right subdivision, tree cover, tree save, and plantings.
- ♦ Mr. Rafael Garces, 10201 Oakton Drive, Oakton. Mr. Garces responded to Commissioner Coan's questions concerning his position.

- ♦ Mr. Patrick Dominick, 10209 Oakton Station Court, Oakton. Mr. Dominick and Commissioner Hall discussed his objections to the proposed development.
- ♦ Mr. Bob Brown, 2965 Palmer Street, Oakton. Commissioner Byers and Mr. Brown discussed his objections to an increased zoning density.
- ♦ Mr. Drew McKay, 2964 Palmer Street, Oakton. Commissioner Hall and Mr. McKay discussed issues concerning by-right development and rezonings.
- ♦ Ms. Robin Gustine, 2891 Hibbard Street, Oakton.
- ♦ Mr. John Barba, 10211 Oakton Drive, Oakton.

At this point, Chairman Murphy reminded the speakers that Fairfax County had an underlying zoning and planned density range on every parcel of land; the zoning "floor" for this proposed development was R-2 which could go in by-right; and, the Comprehensive Plan called for 2-3 dwelling units per acre (du/ac). He stated that the application was in conformance with the Plan and the Commission would base its decision on whether or not it was also in conformance with the applicable Zoning Ordinance provisions.

- ♦ Ms. Janet Klayton, 10207 Oakton Station Court, Oakton. Commissioner Coan and Ms. Klayton discussed her concern about neighborhood security, or the lack thereof, should the density be increased.
- ♦ Mr. Ernie Wilder, St. John's Episcopal Church, Centreville.
- ♦ Mr. Eric Nelson, 2886 Hibbard Street, Oakton. Chairman Murphy responded to Mr. Nelson's complaint that the Planning Commission seemed to have no apparent interest in their community and the need for a public hearing by explaining the role of the Planning Commission and the public hearing system. As part of his testimony, Mr. Nelson presented a video tape showing the Grays Oakton community. He responded to Commissioner Palatiello's questions concerning the locations of various homes shown in the video. Mr. Nelson could not respond to Commissioner Downer's question as to whether or not members of their community were a part of the Planning Horizons Task Force in 1991. She explained that the planned zoning for the subject area was done at that time.
- ♦ Dr. William Turner, 2895 Hibbard Street, Oakton, asked that the Commission take into account the will of the people. Commissioner Coan took exception to Dr. Turner's statement that the County was trying to change the rules and reminded him that the Plan was a guide.
- ♦ Mr. Andy Coan, 2944 Gray Street, Oakton.
- ♦ Mr. Ed O'Burdy, Oakton (address unknown).

The next five speakers requested approval of the application citing the following reasons: the designs would be aesthetically pleasing and would enhance the beauty of the community; the roadway would be improved; and, the proposed development was consistent with the Comprehensive Plan.

- ♦ Ms. Stephanie Simpson, Hibbard Street, Oakton.
- ♦ Mr. Richard Williams, co-owner of the subject property; and Mr. Ronald Williams, co-owner of the subject property.
- ♦ Mr. Donald F. Martin, 2957 Hibbard Street, Oakton.
- ♦ Mr. Wayne Adams, on behalf of his father, George Adams, 2945 Hibbard Street, Oakton.

The following persons were not present when called:

Speaker #7, Mr. Corrado Acquadro, 2949 Gray Street, Oakton.

Speaker #10, Mr. William Benthall, 2914 Gray Street, Oakton.

Speaker #16, Mr. Peter Rim, 2968 Palmer Street, Oakton.

Speaker #19, Ms. Rosemarie Lucero Nelson, 2886 Hibbard Street, Oakton.

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

Mr. Horwatt thanked everyone for the time and effort they spent in working with all parties concerned on the various aspects of this application. He stressed that the applicant had tried on many occasions to come to an understanding with the citizens in the area. He listed the concessions the applicant had made and called attention to the proffers. Mr. Horwatt requested that the Commission approve the application.

In answer to Commissioner Byers' question, Mr. Horwatt said the applicant had already compromised on the number of proposed dwelling units to be built and felt there was no room for further compromise.

Mr. Horwatt, responding to Commissioner Coan's query, indicated that the original proposal had called for lot size ranges of 6,000 to 7,000 square feet.

Commissioner Harsel asked Mr. Horwatt if Lot 7A, which had an existing home on it, was part of the proposal. He said the applicant had counted that dwelling in its calculation of density; however, one of the sellers of the property wanted to retain the lot and build a home on it and had

done so. He agreed with Commissioner Coan that it was one of the 15 lots listed in the proposal. Ms. McNeally explained that the existing new house was on Lot 10 which was a portion of parcel 7A.

Ms. McNeally answered Commissioner Coan's question concerning screening. She advised that a 7-foot fence would not be erected, as had been proposed in the previous application. She said the revised application called for a 4-foot fence and additional landscaping. Ms. McNeally stressed that the section facing Hibbard Street was, by Zoning Ordinance standards, considered to be a front yard and a 4-foot fence would be the maximum height allowed.

There being no further comments or questions, and no closing comments from staff, Chairman Murphy closed the public hearing and recognized Commissioner Coan for action on this item. (Verbatim excerpts are in the date file.)

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Commissioner Coan MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT GRANT APPROVAL TO RZ-95-P-030, SUBJECT TO THE PROFFERS DATED APRIL 12, 1996.

Commissioner Koch seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Kelso not present for the vote.

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The Commission went into recess at 11:19 p.m. and reconvened in the Board Auditorium at 11:38 p.m.

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SE-95-M-026 – MCDONALD'S CORPORATION – Appl. under Sec. 7-607 of the Zoning Ord. to permit the addition of a drive-through window & other building additions to an existing fast food restaurant in a Highway Corridor Overlay Dist. located at 6729 Arlington Blvd. on approx. 1.06 ac. zoned C-8 & HC. Tax Map 50-4((17))G. MASON DISTRICT. PUBLIC HEARING.

William C. Thomas, Jr., Esquire, Fagelson, Schonberger, Payne & Deichmeister, P.C., representing the applicant, reaffirmed the affidavit dated August 22, 1995. There were no disclosures by Commission members.

Ms. Julie Schilling, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of SE-95-M-026, subject to the development conditions contained in Attachment 1, and a

modification of transitional screening in accordance with Paragraph 2 of Section 13-304 of the Zoning Ordinance.

Mr. Thomas stated that McDonald's felt it had addressed all the concerns expressed by County staff and citizens. He referred to the development conditions and asked the Commission to consider retention of the parking spaces referenced in Condition #9; to uphold the requested hours of operation for the drive-through noted in Condition #8; and, to allow the existing non-conforming sign to remain as noted in Condition #7.

Chairman Murphy called the listed speakers for this item.

Mr. Raymond Weiss, President, Westlawn Civic Association, referred to a letter he had entered into the record on behalf of his association. (A copy may be found in the date file.) He spoke in opposition to the application, citing an increase in traffic and the potential danger of additional accidents at the intersection in front of the McDonald's.

Mr. Weiss read into the record a letter from Mr. Robert D. Hull, Virginia House of Delegates, expressing his opposition to the proposed drive-through operation, noting that egress from the site would be hampered due to increased traffic. He requested that the Commission deny the application. (A copy of Mr. Hull's letter was not provided.)

Mr. Stuart Finley, Operations Director, Lake Barcroft Watershed Improvement District (WID), submitted a report on its efforts to protect the Holmes-Tripps Run watershed from upstream pollution. He expressed WID's appreciation to the McDonald's Corporation for agreeing to a development condition that would assist in rehabilitating Tripps Run in accordance with the standards and criteria of the Work Plan of the Environmental Protection Agency's (EPA's) Watershed Grant Program. Mr. Finley suggested that the County require the commercial community to provide modest development condition contributions which would ensure protection of its watersheds. (A copy of Mr. Finley's report may be found in the date file.)

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

Mr. Thomas responded to Mr. Weiss' comments concerning increased traffic generation and accident potential. He said the operation already existed as if a drive-through was in existence and a traffic engineering study had taken into consideration the number of peak hour trips which would be approximately five vehicle trips per hour.

Mr. Thomas answered Commissioner Downer's question concerning the number of hourly trips expected through the drive-through and the length of time it would take to process an order.

In response to a question posed by Commissioner Downer, Ms. Robin Antonucci, Office of Transportation (OT), said staff was using the Institute of Traffic Engineers (ITE) rates to

calculate drive-through trip generation. She also advised that ITE had done extensive land use studies on this subject all over the country and their figures were accurate.

Ms. Schilling, responding to a request from Commissioner Hall, summarized the reasons why three previous applications for a drive-through on this site had been disapproved and explained the differences between them and the one before the Planning Commission this evening.

Ms. Antonucci answered Commissioner Hall's query about the effect the application would have on Route 50 traffic. She said McDonald's had agreed to the recommendations for the intersection and noted that traffic accidents were consistent all along the service road. Ms. Antonucci concurred with Commissioner Hall that with the proposed development conditions in place, the intersection should become safer and OT staff believed that the applicant had mitigated the concerns associated with its drive-through windows.

Commissioner Hall referred to a suggestion that had been made for a "pork chop" design and asked why that wasn't considered in this application. Ms. Antonucci said the Virginia Department of Transportation (VDOT) had been consulted by OT staff and had been informed that they would not support the construction of such a median in the service drive area. She said VDOT had explained that their main concern was to keep traffic moving and that to prohibit those kinds of movements with that type of design would further degrade operations in both directions on Route 50.

Commissioner Hall advised that revised development conditions had been included in the Commissioners' packets this evening, and in order to ensure that there was ample time for review, she would be deferring this case for one week. She indicated that the Mason District Land Use Committee supported the application and she would provide testimony from them at a later date. She noted that the Committee felt it was not fair to lay blame for all the traffic problems associated with Route 50 on McDonald's. She said she hoped that the actions to be undertaken by the McDonald's Corporation would make the area safer. Commissioner Hall, referencing a comment made earlier about traffic being generated by the Bill Page automobile dealership, said they were in conformance with County regulations. Commissioner Hall stated that she wanted a reference to stop bars and an oversized stop sign to be included in the conditions.

Commissioner Hall entered into the record a comment sent in by Mrs. Stever indicating that she was in agreement with the application; a copy may be found in the date file.

Ms. Schilling responded to Commissioner Harsel's question concerning Condition #8 by stating that the revised conditions, which would be included in the Commissioner's packets on Wednesday, May 8, 1996, would include the limitation on the hours of operation.

There being no further comments or questions, and no closing comments from staff, Chairman Murphy closed the public hearing and recognized Commissioner Hall for a deferral motion. (Verbatim excerpts are in the date file.)

Commissioner Hall MOVED TO RECOMMEND THAT THE PLANNING COMMISSION DEFER DECISION UNTIL A DATE CERTAIN OF WEDNESDAY MAY 8, 1996 WITH THE RECORD TO REMAIN OPEN (FOR WRITTEN COMMENTS).

Commissioner Byers seconded the motion which carried unanimously with Commissioners Coan, Kelso, and Koch not present for the vote.

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456-H95-27 – AMERICAN PERSONAL COMMUNICATIONS

– Under provisions of Sec. 15.1-456 of the CODE OF VA, as amended, to construct a telecommunications base station facility at 1110 Reston Ave., Herndon. The facility will include a new 150 ft. monopole with 9 panel antennas & 2 dish antennas, & 2 radio equipment cabinets on the ground. Tax Map 11-2((1))18A, 18B. Area III. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application because it was not in substantial accord with provisions of the adopted Comprehensive Plan.

In response to Commissioner Byers' question, Mr. Jillson indicated that the home on Lot 17, listed in the staff report, would be approximately 200 feet from the proposed monopole and the monopole would be approximately 200 feet tall.

James R. Michal, Esquire, Jackson & Campbell, P.C., representing the applicant, discussed the problems American Personal Communications (APC) had incurred with respect to the leasing of the Xanadu Cleaners and the North Pointe Fire Station sites. He called attention to conflicting provisions within the Comprehensive Plan; e.g., Objective 40 called for these types of facilities to be located on commercial property and, Objective 42 called for public property location. Mr. Michal said his client should not be held responsible for the fact that the North Pointe site was not available until after they had entered into a leasing agreement with the cleaners. Referring to Commissioner Byers' previous comments, Mr. Michal said the owner of Lot 17 had been approached by APC, he had been given papers to document the project, but they had not heard from him, and he was aware of this evening's proceedings.

In answer to questions raised by Commissioner Byers, Mr. Michal said APC would not be using the two microwave dishes referred to in the application, and they'd be happy to submit a letter to that effect.

Commissioner Palatiello and Mr. Michal discussed the objectivity of the current standards as they applied to telecommunications facilities and the objectives of land use as proscribed by the Comprehensive Plan. Commissioner Palatiello and Mr. Michal discussed an appeal he had made

to the Board of Supervisors challenging a previous decision made by the Planning Commission to deny an application for a telecommunications facility in another district. Commissioner Hall took Mr. Michal to task on the issue, acknowledging that the application being referred to was in the Mason District, and noting the reasons why it had been denied.

Referring to a comment made by Mr. Michael earlier concerning the Board's telecommunications task force, Commissioner Murphy, Chairman of that task force, stressed that they were waiting for objective facts from the industry before it could act. To date, he said, that information had not been received. In his opinion, Commissioner Murphy said, there would always be subjectivity involved in the judgments of the Planning Commission because they would always listen to the citizens and base their decisions on the Comprehensive Plan.

Chairman Murphy called the listed speaker for this item.

Mr. Ed White, 1098 Loran Court, Great Falls, spoke on behalf of himself and Mr. Warren K. Montouri, who could not be present this evening. Mr. White indicated that they were in opposition to the application for the following reasons: it was not in conformance with the Comprehensive Plan or the Zoning Ordinance, screening would be inadequate, and such facilities should be placed on public land, not adjacent to residentially-zoned areas. (Mr. White's statement may be found in the date file.)

Commissioner Downer and Mr. White discussed areas he considered to be better suited to the proposed telecommunications facility than the Xanadu Cleaners site.

Mr. Larry Longenecker, 11610 Leesburg Pike, Herndon, expressed his opposition to the application, stating that the pole would be approximately three times higher than the tallest tree in the area, it could be a potential fire hazard, there was a possibility that it would not be anchored properly, and it was not in character with the neighborhood.

Mr. Jillson, in response to Commissioner Byers' question, stated that Mr. James Warfield, Director, Administration Division, Fairfax County Water Authority, had verbally indicated that the Corbalis Water Treatment Plant probably would not be available for the erection of telecommunications facilities.

There being no further speakers, Chairman Murphy called upon Mr. Michal for rebuttal.

Mr. Michal, responding to Mr. Longenecker's comments, said there was no record of any tower ever falling over. He stressed that he and his client, APC, had attended many citizens meetings and would continue to do so. Commenting on previous statements made by Commissioners Hall and Palatiello, he emphasized the fact that he and his client had a real problem with the issue of character, extent and location which he felt had not been legally addressed. He said they were not attacking the system; however, they had a right to assert their legal position.

There being no further comments or questions, and no closing comments from staff, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION DETERMINE THAT APPLICATION 456-H95-27 BE FOUND NOT TO BE IN SUBSTANTIAL ACCORD WITH THE COMPREHENSIVE PLAN, PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioner Byers seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioners Coan, Hartwell, Kelso and Koch not present for the vote.

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The meeting was adjourned at 12:54 a.m.  
Peter F. Murphy, Jr., Chairman  
Suzanne F. Harsel, Secretary

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.

Meeting taken by: Paula A. McFarland

Minutes: Mary A. Pascoe

Approved on: September 4, 1997

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