

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, MAY 4, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large  
John R. Byers, Mount Vernon District  
Judith W. Downer, Dranesville District  
Janet R. Hall, Mason District  
Suzanne F. Harsel, Braddock District  
Peter F. Murphy, Jr., Springfield District  
Ilryong Moon, Commissioner At Large  
Ronald W. Koch, Sully District  
John M. Palatiello, Hunter Mill District  
Linda Q. Smyth, Providence District  
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John B. Kelso, Lee District

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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**

Chairman Murphy reminded the Commissioners to return their forms regarding date preferences for the annual Planning Commission Seminar.

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**RZ-1999-BR-066 - CHRISTOPHER MANAGEMENT** (Decision Only)

(The public hearing on this application was held on April 12, 2000. A complete verbatim transcript of the decision made on this item is included in the date file.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1999-BR-066, CONSISTENT WITH THE PROFFERS RECEIVED THIS EVENING AND DATED MAY 3, 2000.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Murphy abstaining; Commissioner Kelso absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE FOR R-2 CLUSTER DEVELOPMENT.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Murphy abstaining; Commissioner Kelso absent from the meeting.

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#9971-SP-01 - GUM SPRINGS GLEN

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DPWES THAT THE SITE PLAN IS IN CONFORMANCE WITH THE APPROVED GENERAL DEVELOPMENT PLAN AND SPECIAL EXCEPTION PLAT AND THE APPLICABLE DEVELOPMENT CONDITIONS AND PROFFERS, AND THAT DPWES SHOULD APPROVE THE SITE PLAN FOR THE ELDERLY HOUSING FACILITY AT GUM SPRINGS GLEN IN ACCORDANCE WITH NORMAL PROCEDURES.

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-1 with Commissioner Smyth abstaining; Commissioner Harsel not present for the vote; Commissioner Kelso absent from the meeting.

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#7693-SP-37 - McNAIR FARMS ELEMENTARY SCHOOL

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, OR HIS DESIGNEE, THAT HE APPROVE THE SITE PLAN FOR McNAIR FARMS ELEMENTARY SCHOOL, SITE PLAN #7693-SP-37, IN ACCORDANCE WITH NORMAL PROCEDURES, PROVIDED THAT:

ONE, PEDESTRIAN ACCESS THROUGH THE FENCE ON THE NORTH SIDE OF THE SCHOOL IS SHOWN; AND

TWO, THAT THE SITE PLAN DESIGNATE AND PROVIDE SIGNAGE FOR THE KISS-AND-RIDES LANES ON THE WESTERN FRONTAGE OF THE SCHOOL.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Moon and Smyth abstaining; Commissioner Harsel not present for the vote; Commissioner Kelso absent from the meeting.

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Commissioner Koch MOVED THAT WE FURTHER DEFER, FOR DECISION ONLY, LEAVING THE RECORD OPEN FOR WRITTEN COMMENT, RZ-1999-SU-065, LANDMARK PROPERTIES, TO MAY 11, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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FS-Y00-53 - NEXTEL, 4221 Walney Road

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DIRECTOR'S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTEL COMMUNICATIONS, INC., FOR THE OFFICE BUILDING LOCATED AT 4221 WALNEY ROAD, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS SET FORTH IN THE STAFF REPORT FOR FS-Y00-53.

Commissioner Palatiello seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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FS-Y00-55 - NEXTEL, 13135 Lee Jackson Highway

Commissioner Koch MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DIRECTOR'S DETERMINATION THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY NEXTEL COMMUNICATIONS, INC., FOR THE OFFICE BUILDING LOCATED AT 13135 LEE JACKSON MEMORIAL HIGHWAY, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS SET FORTH IN THE STAFF REPORT FOR FS-Y00-55.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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RZ-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE  
FDP-1998-PR-027 - HEARTHSTONE VANGUARD JOINT VENTURE (Decisions Only)

(The public hearing on these applications was held on April 27, 2000. A complete verbatim transcript of the decision made on these items is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-1998-PR-027, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 27, 2000.

Commissioners Byers and Koch seconded the motion which carried by a vote of 9-1-1 with Commissioner Palatiello opposed; Commissioner Wilson abstaining; Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE FDP-1998-PR-027, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-1998-PR-027.

Commissioner Byers seconded the motion which carried by a vote of 9-1-1 with Commissioner Palatiello opposed; Commissioner Wilson abstaining; Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE REQUIREMENT FOR AN ESQUESTRIAN TRAIL ALONG HUNTER MILL ROAD AND THAT THE MAXIMUM LENGTH OF THE PRIVATE STREETS BE WAIVED.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Wilson abstaining; Commissioner Kelso absent from the meeting.

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RZ-1999-PR-033 - M/I SCHOTTENSTEIN HOMES (Decision Only)

(The public hearing on this application was held on April 12, 2000. A complete verbatim transcript of the decision made on this item is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1999-PR-033, SUBJECT TO THE EXECUTION OF PROFFERS CONSISENT WITH THOSE DATED MAY 2, 2000.

Commissioners Alcorn and Byers seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Murphy abstaining; Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE FOR A CLUSTER SUBDIVISON AND A WAIVER OF THE OPEN SPACE REQUIREMENT FOR A CLUSTER SUBDIVISION.

Commissioners Alcorn and Byers seconded the motion which carried by a vote of 8-1-2 with Commissioner Harsel opposed; Commissioners Moon and Murphy abstaining; Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT

ALONG IDYLWOOD ROAD IN FAVOR OF IMPROVEMENTS TO THE EXISTING TRAIL WHICH MINIMIZES TREE DISTURBANCE AS APPROVED BY DPWES IN COORDINATION WITH THE URBAN FORESTER.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Murphy abstaining; Commissioner Kelso absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for the agenda items:

1. 2232-Y00-9 - BELL ATLANTIC MOBILE
2. 2232-D00-14 - BELL ATLANTIC MOBILE, INC.
3. 2232-D00-6 - AT&T WIRELESS SERVICES
4. 2232-Y99-19 - DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
5. RZ-1999-LE-072 - DIANE BURGESS
6. SEA-86-P-104-2 - SPACENET, INC.
7. SE-99-P-046 - FLINT HILL SCHOOL

This order was accepted without objection.

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2232-Y00-9 - BELL ATLANTIC MOBILE, INC. - Appl. under provisions of Sects. 15.2-2204 & 15.2-2232 of the Code of Virginia establish a telecommunications facility, consisting of a 104-ft. tall monopole, panel antennas, & equipment shelter, located on property between I-66 & Bobann Drive near Lamb St. in Centreville. Tax Map 54-2 (VDOT right-of-way). SULLY DISTRICT. PUBLIC HEARING.

Ms. Pam Nee, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Frank Stearns, Esquire, with Wilkes, Artis, Hedrick and Lane, spoke about the need for telecommunications facilities at this site. He said that there was very little development in the area and that the equipment would have minimal visual impact. He presented photos of the site.

Mr. Stearns responded to questions from Commissioner Koch regarding the location of Virginia Department of Transportation light poles.

In response to a question from Commissioner Byers, Mr. Stearns said the proposed monopole would be capable of accommodating another telecommunications provider.

Commissioner Downer pointed out that there was an area of Centreville Farms nearby where former Commissioner Lawrence Baldwin lived and where new development would soon be taking place. Commissioner Koch assured her that if any adverse impact on Mr. Baldwin's neighborhood was anticipated, he would have been here tonight testifying in opposition.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Koch for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT WE DETERMINE THAT, IN ACCORDANCE WITH SECTION 15.2-2232 OF THE CODE OF VIRGINIA, THE TELECOMMUNICATIONS FACILITY ESTABLISHED BY BELL ATLANTIC INC. ALONG I-66 NEAR BOBANN DRIVE AND LAMB STREET IN CENTREVILLE, BE FOUND SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AS SET FORTH IN THE STAFF REPORT FOR 2232-Y00-9.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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2232-D00-14 - BELL ATLANTIC MOBILE, INC. - Appl. under provisions of Sects 15.2-2204 & 15.2-2232 of the Code of Virginia to establish a telecommunications facility, consisting of a 103-ft. tall monopole, panel antennas, & an equipment shelter, located on property W. of I-495 at the George Washington Memorial Pkwy. exit in McLean. Tax Map 21-2. (VDOT right-of-way.) DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Frank Stearns, Esquire, with Wilkes, Artis, Hedrick and Lane, explained that the subject facilities were already in place, the site having been selected by the Virginia Department of Transportation (VDOT) as a good location for a traffic camera. He added that the monopole was located in the middle of a cloverleaf interchange and was very well screened. He presented photographs of the site.

In response to a question from Commissioner Byers, Mr. Stearns reiterated that VDOT had requested a monopole at this site for a traffic camera.

In response to a question from Commissioner Palatiello, Mr. Stearns explained that the additional height of the pole above the camera position was needed for the signals to clear the tree line.

Commissioner Palatiello quoted Objective 40(i) in the Comprehensive Plan which indicated that communication towers should be located in areas of commercial or industrial land use. He asked Mr. Jillson to explain how the subject application met that objective. Mr. Jillson stated that, while there were no commercial or industrial uses nearby, the subject property was public property and the Plan also recommended locating telecommunications facilities on public property.

In reply to Commissioner Downer's question, Mr. Stearns said that there had been no discussion with AT&T Wireless Services, owner of a nearby telecommunications facility, for possible co-location on one pole. Mr. Jillson noted that the pole owned by AT&T was currently being used by two carriers.

In response to a question from Commissioner Byers, Mr. Stearns explained that VDOT had chosen this location because a bend in the road did not allow a clear camera view from AT&T's tower.

In reply to Commissioner Alcorn, Mr. Jillson stated that the AT&T pole was approximately 2000 feet east of the subject property.

Mr. Stearns pointed out that the McLean Citizens Association supported the application and that the National Park Service had expressed no objection.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Ms. Susan Notkins, 1179 Crest Lane, McLean, noted that she had been a member of the Telecommunications Task Force that examined the Comprehensive Plan recommendations regarding telecommunications facilities and suggested changes to the objectives regarding their location. She commented on the intent of the objectives and how important it was to use them in evaluating telecommunications applications. She suggested that the decision on this application be deferred to allow time to further review the applicant's proposal.

Chairman Murphy and Mr. David Marshall, Director, PD, DPZ, discussed the impact of the decision in a recent lawsuit regarding the location of telecommunications facilities in VDOT rights-of-way. In response to questions from Chairman Murphy, Mr. Marshall stated that existing telecommunications facilities would have to be removed if a 2232 request was denied. He said the question of whether the pole itself would have to be brought down would depend on varying factors.

In response to questions from Commissioner Harsel, Mr. Marshall said that the lawsuit only referred to facilities in VDOT rights-of-way, but that the law applied to all state agencies. He added that most of VDOT's land had an underlying zoning of R-1, but that some VDOT properties had no specific zoning classification. He also explained why a special exception application was not required.

Commissioners Alcorn, Hall, Downer and Mr. Stearns discussed the ownership of monopoles in VDOT rights-of-way. Mr. Stearns explained that the co-location of traffic cameras and telecommunications facilities was a state-wide program and that in some instances VDOT was the owner, in some instances the telecommunications provider was the owner and in some instances the monopole was owned jointly by both parties.

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

Mr. Stearns indicated his willingness to continue working with concerned citizens to resolve outstanding issues.

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

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Commissioner Downer MOVED THAT THE DECISION ON APPLICATION 2232-D00-14 BE DEFERRED FOR TWO WEEKS TO A DATE CERTAIN OF MAY 17, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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2232-D00-6 - AT&T WIRELESS SERVICES - Appl. under provisions of Sects. 15.2-2204 & 15.2-2232 of the Code of Virginia to establish a telecommunications facility, consisting of a 100-ft. tall monopole, panel antennas, & an equipment shelter, located east of I-495 at the George Washington Memorial Pkwy. exit. The application also includes co-located telecommunications facilities established by Cellular One, consisting of panel antennas & an equipment shelter. Tax Map 21-2 (VDOT right-of-way.) DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Terrence Cooke, Esquire, with Cole, Raywid and Braverman, concurred with the staff's evaluation of this application. He noted that the existing facility had a gated, graveled access road and operated within the power levels approved by the FCC. He added that the monopole was inspected on a monthly basis and also served as a Virginia Department of Transportation (VDOT) camera mount. He stated that the location had been selected in consultation and cooperation with VDOT to further its objectives. Mr. Cooke said that the antennas at this location filled a coverage gap in telecommunications services and were a critical link in the system. He pointed out that Objective 42(f) in the Comprehensive Plan encouraged the location of telecommunications facilities on light standards and camera poles within rights-of-way. He added that the pole accommodated two carriers and was surrounded by substantial mature vegetation.

In response to a question from Commissioner Downer, Mr. Cooke stated that AT&T Wireless Services owned the pole on the subject property. He added that VDOT had expressed interest in acquiring ownership, but that negotiations were not in progress at this time.

Mr. Chris Scott, radio frequency engineer for the applicant, presented maps depicting current telecommunications coverage.

Chairman Murphy called for speakers from the audience.

James Michal, Esquire, with Jackson and Campbell, spoke on behalf of Cellular One, owner of an antenna on the subject monopole. He explained that Cellular One needed the antenna at this location to maintain adequate coverage for its customers. He added that the pole was as short as was technically possible and that adding more carriers on this or any other pole would no doubt result in a higher pole that would be visible to area residents.

Ms. Susan Notkins, 1179 Crest Lane, McLean, pointed out that Objective 43a also referred to protection of the public view on interstate highways.

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

Mr. Cooke stated that AT&T had investigated alternative sites before agreeing with VDOT to erect a monopole at this location.

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

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Commissioner Downer MOVED THAT APPLICATION 2232-D00-6 BE DEFERRED FOR DECISION ONLY TO A DATE CERTAIN OF MAY 17, 2000, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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2232-Y99-19 - DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES - Appl. under provisions of Sects. 15.2-2204 & 15.2-2232 of the Code of Virginia for Fairfax County to acquire approx. 0.6 ac. of land & construct a sanitary sewer pump station at 4722 Village Dr., Fairfax. Tax Map 56-4 ((4))64. SULLY DISTRICT. PUBLIC HEARING.

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 this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION, IN ACCORDANCE WITH SECTION 15.2-2232 OF THE CODE OF VIRGINIA, FIND THE PROPOSAL BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES FOR FAIRFAX COUNTY TO ACQUIRE APPROXIMATELY .6 ACRES OF LAND AND CONSTRUCT A SANITARY SEWER PUMP STATION AT 4722 VILLAGE DRIVE, FAIRFAX TO BE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AS SET FORTH IN THE STAFF REPORT FOR 2232-Y99-19.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Downer and Harsel not present for the vote; Commissioner Kelso absent from the meeting.

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RZ-1999-LE-072 - DIANE G. BURGESS - Appl. to rezone from R-1 & HC to R-2 & HC to permit residential development at a density of 1.95 du/ac on property located in the N.E. quadrant of the intersection of Higham Dr. & Kathmoor Dr. on approx. 1.53 ac. Comp. Plan Rec: 1-2 du/ac. Tax Map 81-4((2))31A & 32A. LEE DISTRICT. PUBLIC HEARING.

Chairman Murphy noted that Commissioner Wilson would be handling this case in the absence of Commissioner Kelso, the Lee District representative.

Ms. Diane Burgess, the applicant, reaffirmed the affidavit dated October 27, 1999. There were no disclosures by Commission members.

Ms. 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 recommended denial of the application because a variance from the Board of Zoning Appeals was required which staff did not support.

In response to questions from Commissioner Byers, Ms. Belgin explained that staff had originally recommended denial because the applicant had not met  $\frac{3}{4}$  of the applicable residential development criteria required for approval of the high end of the density range. She added, however, that the latest set of proffers submitted by the applicant had remedied that situation and that staff was now recommending denial based on the variance issue alone. Ms. Belgin acknowledged the variance of the minimum lot width only involved a difference of five inches.

Ms. Burgess presented background and explained her intentions. She noted that every effort would be made to preserve trees and enhance the environment. She stated that no opposition to the application had been expressed by immediate neighbors or members of the Lee District Land Use Advisory Committee.

In response to a question from Chairman Murphy, Ms. Burgess stated that she concurred with the proffers dated May 4, 2000.

Commissioner Wilson commented that the applicant had recently submitted a signed copy of the proffer statement and Ms. Belgin confirmed that staff had a copy of that statement.

In reply to Commissioner Alcorn's question, Ms. Belgin stated that there was no administrative process whereby a variance for five inches could be approved without a formal application.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary.

Commissioner Wilson noted that the Commission had received a letter of support from Barbara Tritapoe, 5903 Kingham Court, Alexandria, an adjacent homeowner. (A copy of the letter is in the date file.)

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

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In the absence of Commissioner Kelso, Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-1999-LE-072, BY DIANE BURGESS, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED MAY 4, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Downer, Harsel, and Koch not present for the vote; Commissioner Kelso absent from the meeting.

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SEA-86-P-104-2 - SPACENET, INC. - Appl. under Sect. 5-404 of the Zoning Ord. to amend SE-86-P-104 for satellite earth stations to permit reconfiguration & relocation of previously approved satellite earth stations on property located at 1750 Old Meadow Rd. on approx. 4.00 ac. zoned I-4 & HC. Tax Map 29-4((6)) 100A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Greg Riegler, Esquire, with McGuire, Woods, Battle & Boothe, reaffirmed the affidavit dated April 13, 2000. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Riegler spoke about SpaceNet's qualifications and community service program. He explained that this proposed facility was an integral part of the company's telecommunications system. He noted that the number of satellite dishes would not be increased, that the new facility would be less visible than the present one, and that there had been no complaints from neighbors since 1996 when the current facility was established.

In response to a question from Commissioner Alcorn, Mr. Riegler confirmed that SpaceNet's new program to provide internet service in conjunction with Microsoft did not require monopoles. He added that a pilot program was currently in progress and that the goal was to begin service to households in Fairfax County by the end of the year.

In reply to a question from Commissioner Wilson, Mr. Riegler stated that this proposed facility would meet SpaceNet's needs for the foreseeable future and that no plans for further expansion was anticipated.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Smyth for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION SEA-86-P-104-2 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 18, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A RE-AFFIRMATION OF THE PREVIOUSLY APPROVED BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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(The Commission went into recess at 10:20 p.m. and reconvened in the Board Auditorium at 10:35 p.m.)

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SE-99-P-046 - FLINT HILL SCHOOL - Appl. under Sect. 3-104 of the Zoning Ord. to permit a private school of general education which has an enrollment of 100 or more students daily on property located at 10910, 10900, 10824, 10816 Oakton Rd. & 3408, 3400, 3310, 3308 & 3300 Jermantown Rd. on approx. 29.05 ac. zoned R-1. Tax Map 47-3((1))16 pt., 20, 21, 22, 22A, 23, 24 & 34 pt., plus approx. .42 ac. of VDOT public right-of-way on Jermantown Rd. & a portion of the prior alignment of Oakton Rd. to be vacated and/or abandoned. PROVIDENCE DISTRICT. PUBLIC HEARING.

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated April 12, 2000. There were no disclosures by Commission members.

Ms. Mary Ann Godfrey, 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 recommended approval of the application.

Mr. McDermott stated that this proposal met a significant public need with minimum public impact. He spoke about Flint Hill's assemblage efforts and explained that the new building would house a private high school for grades 9-12. He added that the sewer service area requirements and emergency vehicle access dictated the location of the new building. He introduced Mr. Thomas Whitworth, headmaster of Flint Hill.

Mr. Whitworth spoke about the history of the school and the need for this new facility.

Mr. McDermott continued his presentation, noting that all the issues raised by staff, including parking and lighting, had been addressed. He spoke about the surrounding land uses and pointed out that this proposal would have more open space and less impact than residential development.

Mr. McDermott responded to questions from Commissioner Alcorn regarding environmental control measures; from Commissioner Wilson about hours of operation; and from Commissioner Palatiello regarding sewer service to the new building.

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

Mr. Claude Sutherland, 10816 Oakton Road, Oakton, expressed concern about the emergency access behind the school. He suggested that the barrier fence between the school property and Lot 19 be raised to six feet rather than the four feet recommended in the proposed development conditions.

Ms. Maureen Plombon, 11128 Tattersall Trail, Oakton, representing the Miller Heights Neighborhood Association, supported the application. She asked that full screening be required on the eastern border along Jermantown Road and that no trailers be allowed on the school property.

In reply to Commissioner Smyth's inquiry, Ms. Godfrey confirmed that there were no trailers shown on the current development plan and that the addition of trailers would require the applicant to return to the Commission for a special exception amendment and new public hearing.

In reply to Commissioner Wilson's questions about administrative approval of a minor modification, Chairman Murphy stated, and Ms. Godfrey confirmed, that no additional structures of any kind could be added without a special exception amendment.

Mr. David Trickett, 10708 Rosehaven Street, Fairfax, said that he basically supported the application, but felt that more work was needed to protect the environment and resolve parking issues. He suggested that the decision be deferred.

The next five speakers all supported the application. Ms. Kilgore noted that she had two children enrolled at Flint Hill School.

4. Ms. Carrie Kilgore, 9508 Macy Avenue, Vienna,
5. Mr. Chip Swab, 11579 Southington Lane, Herndon
6. Mr. Chip Ryan, 2098 Hunters Crest Way, Vienna
7. Ms. Patti Pfeiff, 5555 Shooters Hill Lane, Fairfax
8. Ms. Judy Mechanick, 3228 Foxvale Drive, Oakton

Ms. Barbara Coen, 11698 Fox Glen Drive, Oakton, spoke in opposition to the application. She said that the proposal was too intense for the subject property and would damage the environment. She suggested modifications to the development conditions regarding hours of operation, parking on residential streets, use of outdoor speakers, and tree save. She further suggested additional conditions to address temporary trailers and access to the site. (A copy of Ms. Coen's statement is in the date file.)

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

Mr. McDermott explained that a right in, right out entrance on Jermantown Road, as suggested by Ms. Coen, was not needed because the capacity of the newly widened road in that area was more than adequate to meet the school's needs. He added that the applicant planned additional road improvements that would further enhance traffic movement. He explained the applicant's intention with regard to environmental protection. In response to Mr. Trickett's suggestion that decision be deferred to allow more time for citizen input, Mr. McDermott outlined the applicant's efforts to work with the community. He said that the school hoped to open the new building in September, 2001 and that any delay would jeopardize that goal. He pointed out that adequate parking would be provided as described in Condition Number 8. With regard to the screening issue raised by Ms. Plombon, he explained that the applicant was requesting a modification of screening in that area to ensure that the plantings proposed would survive. He noted that staff's analysis of the applicant's screening was provided on pages 10 and 11 of the staff report. In conclusion, Mr. McDermott said this was an excellent location for a high school, especially considering that the applicant's proposal would be smaller than the average public high school.

In response to questions from Commissioner Smyth regarding parking and access, Ms. Angela Rodeheaver, Department of Transportation, explained that the applicant did not have the authority to post "No Parking" signs on residential streets. She added, however, that the residents could petition the Board of Supervisors to establish a residential permit parking district. She noted that the Condition Number 14 specified that the Oakton Road access was for emergency and service vehicles only.

In response to questions from Commissioner Smyth, Mr. Keith Kline, Urban Forester with the Site Review Division, Department of Public Works and Environmental Services, confirmed Mr. McDermott's statement regarding the transitional screening.

Ms. Godfrey and Mr. McDermott responded to questions from Commissioners Hall and Alcorn regarding pest management and lawn care.

Mr. Kline and Mr. McDermott responded to questions from Commissioner Harsel regarding the height of the trees proposed and replacement in the event of failure.

Mr. McDermott and Ms. Rodeheaver responded to questions from Commissioner Wilson concerning pedestrian access.

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

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-99-P-046, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 4, 2000, WITH THE FOLLOWING MODIFICATIONS:

AMEND CONDITION NUMBER 7 TO REVISE THE HEIGHT OF THE FENCE FROM FOUR TO SIX FEET; AND

ADD A NEW CONDITION NUMBER 29 TO READ: "THE APPLICANT WILL DEVELOP AND SUBMIT AN INTEGRATED PEST MANAGEMENT PROGRAM/PLAN FOR MAINTENANCE OF PLAYING FIELDS CONCURRENTLY WITH THE SUBMISSION OF THE SITE PLAN TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES."

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A MODIFICATION TO THE TRANSITIONAL SCREENING REQUIREMENT TO PERMIT AN ALTERNATIVE PLANTING SCHEDULE AS DEPICTED ON THE SE PLAT, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 4, 2000.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT TO PERMIT A REDUCTION IN THE WIDTH OF THE PLANTING STRIP AS DEPICTED ON THE SE PLAT AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 4, 2000.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG

JERMANTOWN ROAD AND OAKTON ROAD, SUBJECT TO THE DEVELOPMENT CONDITIONS AND APPROVAL OF A MODIFICATION OF THE BARRIER LOCATION ALONG THE SOUTH AND SOUTHWEST, SUBJECT TO THE DEVELOPMENT CONDITIONS.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Kelso absent from the meeting.

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The meeting was adjourned at 12:10 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.

Minutes by: Gloria L. Watkins

Approved on: March 1, 2001

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