

**MINUTES OF
PLANNING COMMISSION MEETING
MAY 9, 1996**

PRESENT: 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

ABSENT: John R. Byers, Mount Vernon District
Alvin L. Thomas, Commissioner At-Large

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The meeting was convened at 8:33 p.m., by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Hartwell noted that at the last meeting of the Environment Committee he had asked John W. Koenig, Director, Utilities Planning and Design Division, Department of Public Works, to furnish a list of the Pro-rata Share Fund projects (storm water management) in Fairfax County. He complimented Mr. Koenig for furnishing the list in an expeditious manner.

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Commissioner Palatiello noted that RZ-95-H-048, Catherine Oliver Marshall Irrevocable Trust, Pageen Swiater, Trustee, Et. Al., had been scheduled for public hearing this evening but since there had been a problem with posting of the property, he MOVED THAT WE DEFER THE PUBLIC HEARING ON RZ-95-H-048, THE CATHERINE OLIVER MARSHALL IRREVOCABLE TRUST, TO A DATE CERTAIN OF JUNE 13, 1996.

Commissioner Hunter seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

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Commissioner Palatiello also noted that he would not be acting this evening on the "Feature Shown" determination for AT&T Wireless Services at 10700 Parkridge Boulevard.

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Chairman Murphy reminded everyone of the scheduled meeting of the Mini-Marts Committee at 7:00 p.m., Wednesday, May 15, 1996.

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Commissioner Downer stated that they were still working on the language and some outstanding issues on 94-III-14UP, Annual Plan Review Item, and MOVED THAT IT BE DEFERRED TO A DATE CERTAIN OF THURSDAY, MAY 23, 1996.

Commissioner Coan seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel announced the following order of the agenda:

1. SEA-85-L-059-3 – BSI, INC., T/S Browne Academy
2. PCA-86-L-020-10 – Kingstowne Commercial, L.P.
FDPA-86-L-020-2-4 – “ ” “”
3. PCA-86-L-077-2 – Cellular 1, Washington/Baltimore &
The Mount Vernon Ladies Association
4. Public Street Frontage Waiver Number 015948 (Springfield)

Without objection, it was so ordered.

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SEA-85-L-059-3 – BSI, INC.. T/S BROWNE ACADEMY – Appl. under Sec. 2-904 & 3-404 of the Zoning Ord. to amend SE-85-L-059 for a private school of gen. education to permit uses in a floodplain on prop. located at 5917 Telegraph Rd. on approx. 10.36 ac. zoned R-4. Tax Map 82-4((1))31A & 32. LEE DISTRICT. PUBLIC HEARING.

Grayson P. Hanes, Esquire, with Hazel and Thomas, P.C., represented the applicant and reaffirmed that the affidavit dated December 26, 1995 was current and correct. There were no disclosures from the Planning Commissioners.

Ms. Mary Ann Godfrey, Zoning Evaluation Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. She stated that staff recommended approval of the application, subject to the development conditions contained in Appendix 1 of the staff report.

Mr. Haynes stated that he agreed with the staff report and the development conditions contained therein. He then requested approval of the application.

In response to a question from Commissioner Harsel, Ms. Godfrey stated that the development conditions marked with an asterisk were new conditions or slight changes to previous conditions associated with this application.

There being no listed speakers and none from the audience, no further questions or comments and no rebuttal, Chairman Murphy closed the public hearing and turned to Commissioner Kelso for action on this case. (A verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA-85-L-059-3, BY BSI, INC., BROWNE ACADEMY, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 7, 1996, WITH THE REAFFIRMATION OF A PREVIOUSLY-APPROVED MODIFICATION OF TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE SEA PLAT, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1, DATED MAY 7, 1996.

Commissioners Hartwell and Koch seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

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PCA-84-L-020-10 – KINGSTOWNE COMMERCIAL L.P. – Appl.
to amend the proffers for RZ-84-L-020 to permit commercial retail develop. w/an overall FAR of 0.27 on prop. located on the S. side of Kingstowne Blvd., approx. 500 ft. S.W. of its intersect. with South Van Dorn St. on approx. 10.56 ac. zoned PDC. Comp. Plan rec: Mixed use. Tax Map 91-2((1))pt.32C & pt.32E. (Concurrent with FDPA-84-L-020-2-4.) LEE DISTRICT.

FDPA-84-L-020-2-4 – KINGSTOWNE COMMERCIAL L.P. –
Appl. to amend the second FDP for RZ-84-L-020 to permit commercial retail develop. on prop. located on the S. side of Kingstowne Blvd., approx. 500 ft. S.W. of its intersect. with South Van Dorn St. on approx. 10.56 ac. zoned PDC. Tax Map 91-2 ((1)) pt. 32C & pt. 32E. (Concurrent with PCA-84-L-020-10.) LEE DISTRICT. JOINT PUBLIC HEARING.

R. Bruce Thompson, Agent, with BC Consultants, Inc., represented the applicant and reaffirmed that the affidavit dated April 2, 1996 was current and correct. There were no disclosures from the Planning Commissioners.

Ms. Donna McNeally, Zoning Evaluation Division, Office of Comprehensive Planning, furnished the staff report and stated that staff recommended approval of PCA-84-L-020-10, subject to execution of the draft proffers dated April 9, 1996. She also indicated that staff recommended approval of FDPA-84-L-020-2-4, subject to the Board's approval of the PCA and subject to the proposed development conditions dated May 1, 1996.

Mr. Thompson noted that the application had been approved by both the Lee District Land Use Advisory Committee and the Kingstowne Residential Owners' Corporation. He said he agreed with the staff report and the development conditions stated therein. Mr. Thompson then requested approval of the applications.

There being no listed speakers and none from the audience, no further questions or comments and no rebuttal, Chairman Murphy closed the public hearing and turned to Commissioner Kelso for action on this case. (A verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA-84-L-020-10, BY KINGSTOWNE COMMERCIAL PARTNERSHIP, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS CONTAINED IN ATTACHMENT NUMBER 1.

Commissioner Hartwell seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

Commissioner Kelso then MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-84-L-020-2-4, BY KINGSTOWNE COMMERCIAL PARTNERSHIP, SUBJECT TO THE BOARD'S APPROVAL OF PCA-84-L-020-10, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN ATTACHMENT 1 AND

SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 2, WITH THE FOLLOWING AMENDMENTS:

- IN ITEM NUMBER 3 IN THE PROPOSED DEVELOPMENT CONDITIONS, THE LETTERS "DEM" BE STRICKEN AND "KINGSTOWNE COMMERCIAL OWNERS CORPORATION AND KINGSTOWNE RESIDENT OWNERS CORPORATION" BE INSERTED.

- AND IN ITEM NUMBER 12, THE WORD "THIRTY (30)" BE STRICKEN AND REPLACED WITH THE WORD "TWENTY (20)".

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

Commissioner Kelso also MOVED THAT THE PLANNING COMMISSION ACCEPT THE CHANGE OF THE TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENTS AS MODIFIED, IN FAVOR OF THAT SHOWN ON THE FINAL DEVELOPMENT PLAN AMENDMENT.

Commissioner Hartwell seconded the motion which carried unanimously with Commissioners Byers and Thomas absent from the meeting.

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In the absence of Commissioner Byers, Commissioner Murphy handled the following case and Secretary Harsel assumed the Chair.

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456-V96-1 – CELLULAR ONE WASHINGTON/BALTIMORE & THE MOUNT VERNON LADIES' ASSOCIATION – Under provisions of Sec. 15.1-456 of the Code of VA, as amended, to construct a mobile telephone site on the Mount Vernon Estate @ 3200 Mount Vernon Memorial Hwy., Mount Vernon. The proposed site will include a 100-foot tree pole (monopole) with 9 panel antennas & 3 whip antennas, & one communications equipment building adjacent on the ground. Tax Map 110-2((1))12. Area IV. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Mr. Michael P. Hines, Planning Division, Office of Comprehensive Planning, furnished the staff report, a copy of which may be found in the date file. He stated that staff recommended that the Planning Commission find that the application was in substantial accord with the provisions of

the adopted Comprehensive Plan. Mr. Hines further noted that the proposed use was acceptable because the current Zoning Ordinance allowed public use in that area.

Commissioner Hartwell noted that a bald eagle's nest was located about twelve hundred (1200) feet from the proposed monopole. He said that though the bald eagle was no longer an endangered species, it was considered a threatened species and asked staff to ascertain whether there were any endangered species legislation which would impact on this application. Mr. Hines said he was not aware of the eagle's nest but would look into the matter.

In response to a question from Commissioner Hartwell, Mr. Hines stated that the biking and walking trail along Hunting Creek ended in a parking lot which would be approximately one hundred feet from the proposed monopole site.

Mr. Hines stated, in response to a question from Commissioner Palatiello, that the public park, the elementary school, and Water Authority properties located adjacent to the subject property could be considered as alternative sites, however, neither the School Board nor the Park Authority had indicated a willingness to have the monopoles on their property. He further noted that the Water Authority property appeared to be too small to accommodate the monopole. Mr. Hines said that the applicant had not indicated the suitability or non-suitability of the aforementioned properties. He also noted that the Mount Vernon Ladies' Association was in agreement with this application.

Responding to a question from Commissioner Downer, Commissioner Hartwell stated that the "tree monopole" would rise above the existing tree tops but would not be visible from the river or the George Washington Parkway.

Commissioner Murphy noted that the Telecommunications Committee had been trying to open government sites in the County to accommodate monopoles.

Commissioner Harsel noted that this area was close to National Airport and asked if the FAA and the Fairfax County Police had been asked to determine if a red light would be required atop this monopole tree. Mr. Hines said they had not done so but the comments from Network Services Division did not include a request to light the monopole.

James Michal, Esquire, with Jackson and Campbell, represented Cellular One and the Mount Vernon Ladies' Association. He said the monopole would not be seen from the river because it was downhill and when looking up at a forest one would not notice the height of the tree monopole. He also noted that the antennas would be located within the canopy of the artificial limbs and leaves of the monopole and nothing would protrude above that. Mr. Michal stated that they had the support of the Mount Vernon District Council and that Cellular One would comply

with all Federal laws with regard to the bald eagle. He showed an artificial owl which was often placed on the top of a regular monopole to discourage any birds, including the bald eagle. Mr. Michal then noted that they concurred with the staff report and requested approval of the application.

There was a lengthy discussion between Mr. Michal, Commissioners Palatiello, Downer, Coan and Hall concerning the need for a light atop the monopole; and the prudence of having a monopole on Mount Vernon property. Mr. Michal, in response to a question from Commissioner Palatiello, said that the National Park Service had not been contacted because they had asked for an exemption from the Presidential directive on building monopoles on parkland. He said the application had gone to all County agencies and the County Police had not requested a red light atop this monopole.

Mr. Michal, responding to a question from Commissioner Palatiello, stated that the titleholder of the application property was the Mount Vernon Ladies' Association. He then introduced Jay Saadian, Deputy Director of Finance and Administration at Mount Vernon, who stated that Mount Vernon was a private, non-profit organization; tax exempt under the Internal Revenue Code 501C(3); and Mount Vernon had been given the designation of public use land.

He also stated that the monopole was needed for use on the Mount Vernon grounds and requested approval of the application.

Secretary Harsel noted that there were no listed speakers, called for speakers from the audience and explained the rules and procedures for addressing the Planning Commission.

Mr. Craig Howland, Parkway Historian for the National Park Service, was opposed to the proposed monopole because it would be on property adjacent to parkland and the National Park Service believed that it would be inconsistent with their mission. He requested denial of the 456 application.

There continued discussions between the Commissioners, staff and Mr. Howland regarding the feasibility of having a tree monopole on the Mount Vernon property.

There being no additional speakers and no further discussions, Secretary Harsel closed the public hearing and turned to Commissioner Murphy for action on this case. (A verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Murphy MOVED THAT WE DEFER FOR DECISION ONLY 456-V96-1 TO A DATE CERTAIN OF MAY 23, 1996, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Hall and Hartwell seconded the motion which carried unanimously with Commissioner Hunter not present for the vote; Commissioners Byers and Thomas absent from the meeting.

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Secretary Harsel continued as Chair since the following case was in the Springfield District.

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PUBLIC STREET FRONTAGE WAIVER # 015948 – Request
for a proposed subdivision of the Schafer Property @ 8447 Lee
Alan Drive. SPRINGFIELD DISTRICT. PUBLIC HEARING.

At the request of Commissioner Murphy, since there were no listed speakers and none from the audience, Secretary Harsel waived the staff report, closed the public hearing and turned to Commissioner Murphy for action on this case without objection. (A verbatim transcript of the action taken on this case may be found in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE REQUEST FOR A WAIVER OF THE PUBLIC STREET FRONTAGE REQUIREMENT FOR THE PROPOSED SUBDIVISION OF THE PROPERTY OWNED BY GARY M. SCHAFFER, LOCATED AT 8447 LEE ALAN DRIVE, FAIRFAX STATION, AND THE NUMBER IS 015948.

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

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The Chair was returned to Chairman Murphy.

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The meeting was adjourned at 10:10 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

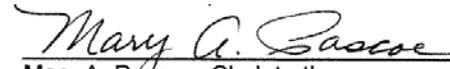
For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

CERTIFICATION

May 9, 1996

Meeting By: Dorothy E. Brittingham

Approved on: September 4, 1997

A handwritten signature in cursive script that reads "Mary A. Pascoe". The signature is written in black ink and is positioned above a horizontal line.

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