

**MINUTES OF
PLANNING COMMISSION MEETING
MAY 10, 1995**

PRESENT: John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
John W. Hunter, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Robert v. L. Hartwell, Commissioner At-Large
Carl L. Sell, Jr., Lee District

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The meeting was called to order at 8:35 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Chairman Murphy, referencing his May 10, 1995 memorandum, requested that all suggestions for topics of consideration or areas of interest for the upcoming Planning Commission Seminar on June 23, 24, and 25, 1995 be submitted no later than Friday, May 12, 1995 for discussion during the Seminar Committee meeting on May 18, 1995.

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On behalf of Commissioner Sell, Chairman Murphy announced that the next Parks/Telecommunications Committee would meet on Thursday, May 25, 1995, at 7:30 p.m. in Conference Room 232. He noted that there would be presentations from representatives of the telecommunications industry.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION (FURTHER) DEFER (THE) DECISION ONLY ON RZ-94-S-027, RICHMOND AMERICAN HOMES OF VIRGINIA, INCORPORATED, TO A DATE CERTAIN OF JUNE 1, 1995.

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

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SITE PLAN #8929-80-01 – OAKTON PLANTATION (Providence District)

Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT APPROVE THE SUBDIVISION PLAN FOR OAKTON PLANTATION IN ACCORDANCE WITH ITS NORMAL PROCEDURES AND SUBJECT TO SATISFACTORY RESOLUTION OF THE ADDITION OF SCREENING BETWEEN THE STORMWATER MANAGEMENT POND AND THE COURTHOUSE WOODS COMMUNITY ASSOCIATION.

Commissioner Thomas seconded the motion which carried by a vote of 6-0-4 with Commissioners Byers, Downer, Hall, and Hunter abstaining; Commissioners Hartwell and Sell absent from the meeting.

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SUBDIVISION PLAN #9004-SD-01 – L'AMBIANCE OF MCLEAN (Dranesville District)

Commissioner Murphy noted that Commissioner Downer of the Dranesville District had asked him to handle this item because of a conflict of interest. Commissioner Murphy therefore MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE DIRECTOR OF DEM APPROVAL OF SUBDIVISION PLAN 9004-SD-01, AS CONDITIONED BY DEM.

Commissioner Byers seconded the motion which carried by a vote of 6-0-3 with Commissioners Hall, Harsel, and Hunter abstaining; Commissioner Downer not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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"FEATURE SHOWN" DETERMINATION - AMERICAN PERSONAL COMMUNICATIONS (Marriott Suites at Worldgate) (Dranesville District)

Commissioner Downer MOVED THAT WE CONCUR WITH MR. ZOOK FOR THE "FEATURE SHOWN" ON APC ON THE MARRIOTT SUITES AT WORLDGATE, PURSUANT TO SECTION 15.1-456 OF THE CODE OF VIRGINIA.

Commissioners Byers and Thomas seconded the motion which carried by a vote of 9-0-1 with Commissioner Hanlon abstaining; Commissioners Hartwell and Sell absent from the meeting.

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"FEATURE SHOWN" DETERMINATION – NEXTEL COMMUNICATIONS, INC.

(Crestar Bank Building, 7617 Little River Turnpike) (Braddock District)

Commissioner Harsel MOVED TO RECOMMEND THAT THE PLANNING COMMISSION CONCUR WITH MR. ZOOK'S DETERMINATION THAT THIS IS A "FEATURE SHOWN".

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

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RZ-94-P-030 – COLD STREAM DEVELOPMENT, LTD.

FDP-94-P-030 – COLD STREAM DEVELOPMENT, LTD. (Decisions Only)

(The public hearing on these applications was held on April 26, 1995. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Hanlon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-94-P-030, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DISTRIBUTED TONIGHT AND DATED MAY 10, 1995.

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

Commissioner Hanlon next MOVED THAT THE PLANNING COMMISSION APPROVE FDP-94-P-030, SUBJECT TO BOARD'S APPROVAL OF RZ-94-P-030.

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

Commissioner Hanlon lastly MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ARLINGTON BOULEVARD.

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

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S94-III-UP2 – OUT-OF-TURN PLAN AMENDMENT (Worldgate) (Decision Only)

(The public hearing on this item was held on April 26, 1995. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Downer (MOVED) THAT WE ASK THE BOARD OF SUPERVISORS TO ADOPT THIS VERY CAREFULLY CRAFTED LANGUAGE ON OUT-OF-TURN PLAN AMENDMENT, S94-III-UP2, WITH A FACSIMILE DATE OF MAY 8, 1995 (AND) RECOMMEND (ITS) APPROVAL TO THE BOARD OF SUPERVISORS.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Hanlon abstaining; Commissioners Hartwell and Sell absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for tonight's agenda items:

1. Zoning Ordinance Amendment (Veterinary Hospitals)
2. Zoning Ordinance Amendment (Eating Establishments)
3. SEA-79-S-086 – Upper Occoquan Sewage Authority
4. SE-95-M-002 – Mt. Pleasant Baptist Church
5. RZ-94-H-062 – Haddon Group, Inc.
6. RZ-94-Y-061 – Batal Builders, Inc.
FDP-94-Y-061 – Batal Builders, Inc.
7. RZ-94-M-039 – Harold O. Miller, Trustee for Gordon Tuck Estate

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Veterinary Hospitals) –
On the matter of an amendment to Chap. 112, the Zoning Ord. of the 1976 Code of the County of Fairfax, as follows: Amend Art. 4 & 8 to permit veterinary hospitals by right in the C-5 District & to eliminate the special permit requirement for such facilities in the C-5 District.
PUBLIC HEARING.

Ms. Mavis Stanfield, Zoning Administration Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of this amendment.

Chairman Murphy called for speakers from the audience. Receiving no response, he noted that no rebuttal was necessary. Ms. Stanfield had no closing staff comments; therefore Chairman Murphy closed the public hearing and recognized Commissioner Hunter for a motion on this application. (Verbatim excerpts are in the date file.)

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Commissioner Hunter MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE PROPOSED ZONING ORDINANCE AMENDMENT TO ARTICLES 4 AND 8, VETERINARY HOSPITALS IN THE C-5 DISTRICT, AS PROPOSED.

Commissioner Byers seconded the motion which carried by a vote of 6-0-1 with Commissioner Harsel abstaining; Commissioners Downer, Hanlon, and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Eating Establishments)

– On the matter of an amendment to Chap. 112, the Zoning Ord. of the 1976 Code of the Co. of Fairfax, as follows: Amend Art. 4 & 9 to delete the special exception requirement for eating establishments in the C-3 & C-4 District & to allow eating establishments by right in the C-3 & C-4 Districts. PUBLIC HEARING.

Mr. E. Gordon Goodlette, Zoning Administration, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. He stated that staff recommended approval.

Mr. Goodlette responded to Commissioner Thomas's questions regarding the number of applications submitted for eating establishments located in office buildings and free-standing eating establishments.

Chairman Murphy called for speakers. Receiving no response, he noted that no rebuttal was necessary. Mr. Goodlette had no closing staff comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Thomas for a motion on this application. (Verbatim excerpts are in the date file.)

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Commissioner Thomas MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT, ARTICLES 4 AND 9, EATING ESTABLISHMENTS, IN THE C-3 AND 0-4 DISTRICTS, AS PUBLISHED IN THE STAFF REPORT DATED FEBRUARY 1, 1995.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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SEA-79-S-086 – UPPER OCCOQUAN SEWAGE AUTHORITY
– Appl. under Sec. 3-804 of the Zoning Ord. to amend SE-79-S-086 for a sewage pumping station to permit upgrading of the existing facilities & a decrease in land area on property located at 14614 Compton Rd. on approx. 1.16 ac. zoned R-8 & WS. Tax Maps 65-3 ((1)) 30A; 65-3((3))pt.J1. SULLY DISTRICT. PUBLIC HEARING.

Mr. Charles Boepple, Technical Services Director for UOSA, reaffirmed the affidavit dated January 18, 1995. No disclosures were made by Commission members.

Ms. Denise James, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She stated that staff recommended approval.

Mr. Boepple voiced his support of staff's recommendation.

Ms. James clarified for Commissioner Byers the deletion of land area surrounding the pump facility.

Chairman Murphy called for speakers. Receiving no response, he noted that no rebuttal was necessary.

In closing staff comments, Ms. James noted for the record that Mr. Boepple's name did not appear on the affidavit. Chairman Murphy instructed the applicant to assure that whomever presents the application to the Board of Supervisors be listed on the affidavit.

There being no further questions or comments from the Commission, Chairman Murphy closed the public hearing and turned to Commission Koch for a motion on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-79-S-086, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon, Palatiello, and Thomas not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

Commissioner Koch then MOVED (THAT) WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF TRANSITIONAL SCREENING IN FAVOR OF THAT DEPICTED ON THE SPECIAL EXCEPTION PLAT PURSUANT TO PARAGRAPH 4 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon, Palatiello, and Thomas not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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SE-95-M-002 – MT. PLEASANT BAPTIST CHURCH – Appl.
under Sec. 9-609 of the Zoning Ord. to permit parking in a R
District on property located on the W. side of Old Columbia Pike
approx. 200 ft. S. of its intersection with Columbia Pike on approx.
21,889 sq. ft. of land zoned R-2 & HC. Tax Map 61-3((3))268.
MASON DISTRICT. PUBLIC HEARING.

Mr. Tyrone B. Bradley, representing the applicant, reaffirmed the affidavit dated April 19, 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 contained in the date file. She stated that staff recommended approval.

Mr. Bradley noted that the church needed additional parking spaces as there were only 14 spaces on site. He gave a brief history of the application and explained the church's request. Chairman Murphy called the sole listed speaker and explained the Commission's rules for presenting testimony.

Mr. Michael Selig, 4017 Oxford Street, Annandale, voiced his support of the application as long as the applicant adhered to its commitment for plantings to buffer the site and the proposed development conditions.

Mr. Bradley, in his rebuttal statement, thanked staff for its assistance in the application procedures.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-95-M-002, BY MOUNT PLEASANT BAPTIST CHURCH, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 28, 1995.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

Commissioner Hall also MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING ALONG THE SOUTH PROPERTY BOUNDARY IN ACCORDANCE WITH PARAGRAPH 2 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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RZ-94-H-062 – HADDON GROUP, INC. – Appl. to rezone approx. 3.16 ad located on the E. side of West Ox Rd., approx. 700 ft. S. of its intersection with New Parkland Dr. fr. R-1 to R-3 to permit residential development at a density of 2.54 du/ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 25-3((1))10. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. Paul R. Jeannin, Jr., agent for the applicant, reaffirmed the affidavit dated January 26, 1995. There were no disclosures from Commission members.

Ms. Lorrie Kirst, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She stated that staff recommended approval.

Ms. Kristen Abrahamson, ZED, OCP, responded to Commissioner Byers's question regarding a \$6,968 contribution for improvements to Floris Community Park.

Ms. Kirst responded to Commissioner Byers' question concerning the fact that the applicant was not required to make an affordable dwelling unit (ADU) contribution.

Ms. Kirst explained for Commissioner Hunter the three archaeological survey phases.

At Commissioner Palatiello's request, Ms. Kirst explained the issue of landscaping regarding the site's transitional screening, the setback requirements, and the applicant's blasting commitment.

Mr. Jeannin advised that he had worked diligently with the citizens in addressing all their concerns and he believed that all issues were resolved. He explained the applicant's Park Authority contribution and their requirement for provision of ADUs.

Commissioner Downer voiced her concern and dissatisfaction over the fact that the applicant was not required to perform archaeological studies as she believed the area was very historically significant.

Chairman Murphy called for speakers from the audience for this case.

Ms. Sharon White, 2808 Classic Court, Herndon, voiced her concern about a current drainage problem which would be exacerbated and questioned how the applicant proposed to mitigate the increased runoff during construction. Her other issue of concern was the tree save proposal.

Ms. Kirst responded to Commissioner Palatiello's query regarding stormwater management and the tree save proffer.

Mr. Jeff Harsanyi, 2805 West Ox Road, Herndon, submitted written testimony, a copy of which is contained in the date file. He stated that he could support the application if several issues were addressed; i.e., reconfiguration of Lot 1, interparcel access, blasting, stormwater management and dust control during construction.

Mr. James Hawk, 13029 Farthingale Drive, Herndon, voiced his concern about drainage onto his property.

Ms. Diane Noserale, 2806 Classic Court, Herndon, concurred with Ms. White about the drainage problems. She worried about runoff during construction and questioned how the applicant would mitigate it. She requested written assurance for liability during the blasting and for the tree preservation.

Chairman Murphy called upon Mr. Jeannin for his rebuttal statement.

Mr. Jeannin maintained that the applicant had notified the Fox Mill Homeowners Association several times to inform them of the proposed rezoning. He explained the reasons why the property was not considered a floodplain. He stated that Mr. Harsanyi's concerns had been addressed. Mr. Jeannin believed that all issues concerning drainage, tree preservation, and blasting were addressed and resolved.

Commissioner Palatiello stated his intention to defer the decision on this application so as to meet with affected homeowners and address their concerns.

In closing staff comments, Ms. Kirst clarified that a measured setback depicted on a proffered development plan would take precedence over a note which might be indicated in a staff report.

There being no further questions or comments from the Commission, 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 DEFER THE DECISION ONLY ON RZ-94-H-062, TO A DATE CERTAIN OF MAY 24, 1995, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioners Byers and Hunter seconded the motion which carried unanimously with Commissioners Hartwell and Sell absent from the meeting.

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The Commission recessed at 11:00 p.m. and reconvened at 11:15 p.m.

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RZ-94-Y-061 – BATAL BUILDERS, INC. – Appl. to rezone approx. 41.32 ac. located in the S.E. quadrant of the intersection of Westbrook Dr. & Lincoln Dr. & at the N. terminus of Willowmeade Dr. & the S. terminus of Marshall Dr. from R-1 & WS to PDH-2 & WS to permit residential development at a density of 1.09 du/ac. & approval of the CDP. Comp. Plan Rec: 1-2 du/ac & 1-2.5 du/ac. Tax Maps 55-4((1))8A, 8B & 8C (Formerly 55-4((1))8); 55-2((3))P & Q. (Concurrent with FDP-94-Y-061.) SULLY DISTRICT.

FDP-94-Y-061 – BATAL BUILDERS, INC. – Appl. to approve the FDP for RZ-94-Y-061 to permit residential development on property located in the S.E. quadrant of the intersection of Westbrook Dr. & Lincoln Dr. & at the N. terminus of Willowmeade Dr. & the S. terminus of Marshall Dr. on approx. 41.32 ac. zoned PDH-2 & WS. Tax Maps 55-4((1))8A, 8B & 8C [Formerly 55-4((1))8]; 55-2((3))P & Q. (Concurrent with RZ-94-Y-061.) SULLY DISTRICT.
JOINT PUBLIC HEARING.

Francis A. McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated March 31, 1995. There were no disclosures by the Commission.

Ms. Leslie Johnson, Zoning Evaluation Division (ZED), Office of Comprehensive Planning (OCP), presented the staff report, a copy of which is in the date file. She noted that the

applicant had submitted revised proffers dated May 8, 1995 which were distributed that night and consisted of only minor editorial changes. Ms. Johnson also advised that she had distributed a revised set of development conditions dated May 8, 1995 but after discussions between the applicant and the Planning Commissioner, it was agreed to recommend the April 26, 1995 development conditions contained in the staff report which stipulated a singular word change. She stated that staff recommended approval.

Mr. McDermott pointed out that the applicant was committed to protecting the existing lots and homes through tree preservation, ample screening and buffering, and access into the site from Lincoln Drive. He noted restrictive covenants which limited and controlled the development and the ample open space. Mr. McDermott pointed out how the design was particularly sensitive to the existing vegetation and topography. He requested the Commission's recommendation of approval.

Mr. McDermott responded to questions from Commissioners Downer and Koch regarding lot lines, the environmental quality corridor (EQC) and resource protection areas (RPAs), blasting, extension of water lines, the protection of an existing pond, tree preservation, the location of the trail, and the location of a tot lot.

In response to Commissioner Koch's question, Ms. Johnson explained how citizens would be protected through the provisions of the Public Facilities Manual (PFM) if any road damage was sustained from construction vehicles.

Mr. McDermott responded to Commissioner Harsel's question regarding Proffer #21 and the responsibility to damaged wells and provision of public water.

Chairman Murphy called for speakers from the audience for these applications.

Ms. Millie Schoepe, 12910 Westbrook Drive, Centreville, President of the Civic Association of Westbrook Drive, voiced her concern over the safety of the children playing in the tot lot.

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

In rebuttal, Mr. McDermott explained the location of the tot lot and the measures taken to assure childrens' safety.

Ms. Kristen Abrahamson, ZED, OCP, responded to Chairman Murphy's question concerning an applicant's responsibility, under the PDH Ordinance, of providing active recreation or making a contribution to a homeowners association.

RZ-94-Y-061 – BATAL BUILDERS, INC.
FDP-94-Y-061 – BATAL BUILDERS, INC.

May 10, 1995

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

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Commissioner Koch MOVED THAT WE DEFER, FOR DECISION ONLY, RZ-94-Y-061 AND FDP-94-Y-061, TO A DATE CERTAIN OF MAY 11, 1995.

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

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RZ-94-M-039 – HAROLD O. MILLER, TRUSTEE FOR GORDON TUCK ESTATE – Appl. to rezone approx. 1.01 ac. located in the S.E. quadrant of the intersection of Leesburg Pike & Charles St. from C-2, R-3, HC & SC to C-2, HC & SC to permit office development with an overall FAR of 0.39. Comp. Plan Rec: 2-3 du/ac & office use. Tax Map 61-2((18))1-4. MASON DISTRICT. PUBLIC HEARING.

Harold O. Miller, Esquire, agent for the applicant, reaffirmed the affidavit dated May 2, 1995. There were no disclosures by Commission members.

Ms. Lorrie Kirst, 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 denial because the proposed FAR of .38 was higher than the Comprehensive Plan recommendation for the subject property.

Mr. Miller disagreed with staff's determination that the FAR was too high as they calculated it to be .24. He noted that over 20 percent of the site was committed to road dedication. Mr. Miller pointed out that the applicant had agreed to proffer substantial landscaping and plantings, had significantly increased the buffer area, and would provide a walkway within the site as well as a sidewalk along Route 7, all of which would make the application compatible with the surrounding area. He requested the Commission's favorable recommendation.

Chairman Murphy called for speakers from the audience for this application.

Mr. Nicholas J. Fern, 3427 Charles Street, Falls Church, voiced his concern over increased traffic that the development would generate. He worried that it would exacerbate an already bad situation.

Mr. Paul Byers, address unknown, Falls Church, requested that two mature trees not be removed and that the lighting be soft and indirect. He also requested that the buildings be used for strictly office purposes and not food services.

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

Mr. Miller assured Mr. Byers that the applicant had proffered to direct lighting away from the residential area, that the buffer area had been increased beyond what was required by Ordinance, and that the building would be used solely for office purposes. To address the traffic situation, Mr. Miller pointed out that Charles Street would be realigned. He said that all efforts would be made to save trees.

Commissioner Byers pointed out the importance of adhering to the Comprehensive Plan's recommendations. He said that the applicant's parcel 4 could not be included in their calculations for FAR because the Plan did not allow it.

Mr. Miller responded that he believed there was adequate flexibility in the Plan to allow it in this instance.

Commissioner Hall called attention to a letter from Buth, Houry, and Sanyos, a copy of which is in the date file, which listed seven provisions which they believed should be satisfied before the rezoning was approved. Commissioner Hall noted issues of building height, a dividing wall, hours of operation, hours for construction activities, acceptable noise levels, sufficient parking, and assurance that the building would not change its class 2 status.

Mr. Miller addressed each issue explaining the applicant's resolutions.

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

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Commissioner Hall MOVED THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ-94-M-039 BE APPROVED, SUBJECT TO THE MAY 2, 1995 EXECUTED PROFFERS.

Commissioner Thomas seconded the motion which carried by a vote of 6-2 with Commissioners Byers and Harsel opposed; Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

Commissioner Hall then MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE EASTERN AND WESTERN BOUNDARIES BE WAIVED.

May 10, 1995

Commissioner Thomas seconded the motion which carried by a vote of 6-2 with Commissioners Byers and Harsel opposed; Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

Commissioner Hall lastly MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 7 BE WAIVED.

Commissioner Thomas seconded the motion which carried by a vote of 6-2 with Commissioners Byers and Harsel opposed; Commissioners Hanlon and Koch not present for the vote; Commissioners Hartwell and Sell absent from the meeting.

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The meeting was adjourned at 12:23 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Paula A. McFarland

Approved on: January 16, 1997


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