

**MINUTES OF
PLANNING COMMISSION MEETING
JUNE 29, 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
Robert v. L. Hartwell, Commissioner At-Large
John W. Hunter, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Carl L. Sell, Jr., Lee District
Alvin L. Thomas, Commissioner At.-Large

ABSENT: John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:37 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Secretary Harsel MOVED FOR APPROVAL OF THE FOLLOWING SETS OF MINUTES:
March 7, 1990, April 4, 1990, April 11, 1990, April 25, 1990, and April 26, 1990.

Commissioner Thomas seconded the motion which carried by a vote of 5-0-5 with
Commissioners Downer, Hall, Hanlon, Hartwell, and Hunter abstaining; Commissioner
Koch not present for the vote; Commissioner Palatiello absent from the meeting.

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Commissioner Hunter announced the cancellation of the July 12, 1995 Transportation
Committee meeting. He added that a new date had not yet been set.

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Commissioner Byers announced a meeting of the Policy and Procedures Committee on July 12,
1995 at 7:30 p.m. He noted that the agenda would consist of final review of the procedures for
the 1996 changes to the Comprehensive Plan and that the meeting was open to the public.

Commissioner Sell announced the July 10, 1995 Telecommunications Committee meeting at 7:30 p.m. in Room 232 which would be open to the public.

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At the request of the applicant, Commissioner Downer MOVED TO DEFER THE PUBLIC HEARING ON SE-94-D-068 AND 456-D94-11, AMERICAN PCS LP, FROM JUNE 29, 1995 TO A DATE CERTAIN OF JULY 20, 1995.

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

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In the absence of Commissioner Palatiello, Chairman Murphy MOVED TO DEFER THE PUBLIC HEARING ON CSP-86-C-121, RESTON SPECTRUM, LTD. PARTNERSHIP, FROM TONIGHT TO JULY 27, 1995.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Palatiello absent from the meeting.

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Commissioner Byers announced his intention to defer the public hearing on SE-95-V-027, Martin Media, from July 27, 1995 to a date sometime in the fall.

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In the absence of Commissioner Palatiello, Chairman Murphy MOVED TO DEFER ACTION ON SITE PLAN #8911-SP-01, DULLES TOWN CENTER, PHASE I, TO JULY 12, 1995.

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

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ARCHITECTURAL ELEVATIONS – JADE DEVELOPMENT (Lee District)

Commissioner Sell MOVED THAT THE PLANNING COMMISSION FIND THAT THE BUILDING ELEVATIONS SUBMITTED BY JADE DEVELOPMENT FOR THE VAN DORN CONDOMINIUMS ARE CONSISTENT WITH THE PROFFERS AND WITH THE ELEVATIONS SHOWN ON SHEET 3 OF THE FDPA, APPROVED PURSUANT TO PCA-90-L-039, SUBJECT TO THE APPLICANT CERTIFYING TO DEM THAT AT LEAST 25 PERCENT OF THE FRONT FACADES WILL BE EITHER BRICK OR STONE MASONRY.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Palatiello absent from the meeting.

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RZ-94-D-058 - L. RANDOLPH WILLIAMS & KENNETH M. THOMPSON
FDP-94-D-058 - L. RANDOLPH WILLIAMS & KENNETH M. THOMPSON (Decisions Only)
(The public hearing on these applications was held on June 15, 1995. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-94-D-058, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 27, 1995 WITH THE ADDITION OF THE FOLLOWING SENTENCE TO PROFFER 14 AT THE END OF THE FIRST PARAGRAPH: "IF THE 28-INCH BEECH AND/OR 20-INCH AMERICAN HOLLY ARE REMOVED, AS SET FORTH IN PROFFER 10 ABOVE, THE APPLICANT AGREES TO REMOVE THE WOOD BOARD-ON-BOARD FENCING AND INSTALL A BRICK WALL MATCHING THE EXISTING BRICK WALL TO THE EXTENT PRACTICAL."

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Sell abstaining; Commissioners Harsel and Hartwell not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Downer then MOVED THAT THE PLANNING COMMISSION APPROVE FDP-94-D-058, SUBJECT TO THE BOARD'S APPROVAL OF RZ-94-D-058 AND SUBJECT TO THE EXECUTION OF PROFFERS DATED JUNE 27, 1995, WITH THE ADDITION IN THE LAST MOTION AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 3, 1995.

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Sell abstaining; Commissioners Harsel and Hartwell not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Downer next MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF OPEN SPACE.

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Sell. abstaining; Commissioners Harsel and Hartwell not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Downer also MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF A SERVICE DRIVE ALONG DOLLEY MADISON.

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Sell abstaining; Commissioners Harsel and Hartwell not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Downer MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MODIFICATION OF TRANSITIONAL SCREENING ALONG THE NORTHERN SIDE OF THE SITE.

Commissioner Thomas seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Sell abstaining; Commissioners Harsel and Hartwell not present for the vote; Commissioner Palatiello absent from the meeting.

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ORDER OF THE AGENDA ITEMS

In the temporary absence of Secretary Harsel, Chairman Murphy established the following order for tonight's agenda items:

1. PCA-84-L-020-7 – Albert J. Dwoskin, Trustee
FDP-84-L-020-4 – Albert J. Dwoskin, Trustee
SE-95-L-010 – Albert J. Dwoskin, Trustee
2. RZ-94-P-057 – The Lawrence Doll Company
FDP-94-P-057 – The Lawrence Doll Company
3. RZ-93-H-032 – Richard N. Davis, Trustee
FDP-93-H-032 – Richard N. Davis, Trustee
4. SE-95-H-013 – Exxon Corporation

This order was accepted without objection.

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PCA-84-L-020-7 – ALBERT J. DWOSKIN, TRUSTEE – Appl. to amend the proffers for RZ-84-L-020 to permit retail use w/an overall FAR of 0.22 on property located on the N. side of Telegraph Rd. approx. 500 ft. S. of its intersection with Beulah Rd. & at the S. terminus of Morning Glen Lane on approx. 8.91 ac. zoned PDH-4. Comp. Plan Rec: Residential use at 3-4 du/ac. Tax Map 100-1((1))10B. (Concurrent with SE-95-L-010 & FDP-84-L-020-4.) LEE DISTRICT.

PCA-84-L-020-7 – ALBERT J. DWOSKIN, TRUSTEE
FDP-84-L-020-4 – ALBERT J. DWOSKIN, TRUSTEE
SE-95-L-010 – ALBERT J. DWOSKIN, TRUSTEE

June 29, 1995

FDP-84-L-020-4 – ALBERT J. DWOSKIN, TRUSTEE – Appl. to approve the 4th FDP for RZ-84-L-020 to permit retail use on property located on the N. side of Telegraph Rd. approx. 500 ft. S. of its intersection with Beulah Rd. & at the S. terminus of Morning Glen Lane on approx. 8.91 ac. zoned PDH-4. Tax Map 100-1((1))10B. (Concurrent with SE-95-L-010 & PCA-84-L-020-7.) LEE DISTRICT.

SE-95-L-010 – ALBERT J. DWOSKIN, TRUSTEE – Appl. under Sec. 6-105 of the Zoning Ord. to permit fast food restaurants on property located on the N. side of Telegraph Rd. approx. 500 ft. S. of its intersection with Beulah St. & at the S. terminus of Morning Glen Lane on approx. 8.91 ac. zoned PDH-4. Tax Map 100-1 ((1)) 10B. (Concurrent with FDP-84-L-020-4 & PCA-84-L-020-7.) LEE DISTRICT. JOINT PUBLIC HEARING.

Robert A. Lawrence, Esquire, with Hazel & Thomas PC, reaffirmed the affidavit dated June 9, 1995. There were no disclosures by Commission members.

Ms. Mary Ann Godfrey, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She noted that there were outstanding transportation issues including the lack of a local street connection to the community, provision for a signal light, and failure to provide full frontage improvements along both street frontages and that staff recommended denial of the applications.

Mr. Lawrence informed the Commission that the Lee District Land Use and Advisory Committee and residents of the Lansdowne community supported the applications after reviewing the June 29th proffers contained in the staff report. He explained that the applications merely sought to implement what had been previously approved. He explained the layout and proposed use and noted that the applicant had proffered substantial transportation improvements as well as providing building space, rent free for 20 years, for a public library. Mr. Lawrence conceded that citizens' concern had been access to the shopping center through a subdivision street but that it had been resolved by providing access via Beulah Street.

Chairman Murphy called for speakers from the audience. Receiving no response, he noted that no rebuttal was necessary. Ms. Godfrey had no closing staff comments.

Commissioner Sell commented that transportation was the key issue in these cases but with the proffered funding for the road improvements, he believed the issue had been resolved.

PCA-84-L-020-7 – ALBERT J. DWOSKIN, TRUSTEE
FDP-84-L-020-4 – ALBERT J. DWOSKIN, TRUSTEE
SE-95-L-010 – ALBERT J. DWOSKIN, TRUSTEE

June 29, 1995

There being no further questions or comments by the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Sell for action on these applications. (Verbatim excerpts are in the date file.)

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Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-84-L-020-7, SUBJECT TO THE PROFFERS DATED JUNE 29, 1995.

Commissioner Hartwell seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Sell MOVED THAT THE PLANNING COMMISSION APPROVE FDP-84-L-020-4, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF PCA-84-L-020-7, AND TO THE: PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 WITH ONE CORRECTION: IN #12, "THE HOURS OF OPERATION OF THE SERVICE STATION SHALL NOT EXCEED 6:00 A.M. TO MIDNIGHT."

Commissioner Hartwell seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Sell then MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE-95-L-010, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT DATED JUNE 22, 1995.

Commissioner Hartwell seconded the motion which carried by a vote of 9-0-1 with Commissioner Byers abstaining; Commissioner Koch not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Sell lastly MOVED THAT THE PLANNING COMMISSION RECOMMENDED TO THE BOARD OF SUPERVISORS MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENTS AND WAIVER OF THE BARRIER AROUND THE SITE PERIPHERY.

Commissioner Hartwell seconded the motion which carried by a vote of 9-0-1 with Commissioner, Byers abstaining; Commissioner Koch not present for the vote; Commissioner Palatiello absent from the meeting.

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RZ-94-P-057 - THE LAWRENCE DOLL COMPANY – Appl. to rezone approx. 6.21 ac. located on the N. side of Idylwood Rd., approx. 285 ft. E. of Sandburg St. from R-1 to PDH-3 to permit residential development at a density of 2.90 du/ac. & approval of the CDP. Comp. Plan Rec: 3-4 du/ac. Tax Map 39-4((I))125 & 126. (Concurrent with FDP-94-P-057.) PROVIDENCE DISTRICT.

FDP-94-P-057 – THE LAWRENCE DOLL COMPANY – Appl. to approve the EDP for RZ-94-P-057 to permit residential development on property located N. of Idylwood Rd., approx. 285 ft. E. of Sandburg St. on approx. 6.21 ac. zoned PDH-3. Tax Map 39-4((1))125 & 126. (Concurrent with RZ-94-P-057.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, et al, reaffirmed the affidavit dated March 16, 1995.

Chairman Murphy disclosed that his employer had retained the firm of Walsh, Colucci, et al., to handle a land use matter, but he had no dealings with it and therefore it wasn't necessary for him to recuse himself.

Mr. Otis Robinson, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. Because staff found the following issues remained outstanding: VDOT approval for an entrance on Idylwood Road, left and right turn lanes and adequate sight distance, provisions of right-of-way dedication, reduction of interior noise levels, buffer for BMP ponds, and justification for development under the planned development district regulations, Mr. Robinson stated that staff recommended denial.

Commissioner Hanlon advised the Commission and audience that he intended to defer the decision on these applications in order to work out the outstanding issues.

Mr. Walsh pointed out that the density they were requesting was less than the low end of the density range recommended in the Comprehensive Plan. He noted the preservation of the historic Shreve House as well as substantial tree save. Mr. Walsh stated that access to the site would be provided from Idylwood by restricted turn lanes. He explained that Elm Street and Morgan Street were not viable right-of-ways and that he would request that the Board of Supervisors abandon or vacate them.

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

Mr. Peter Salter, 2419 Sandburg Street, Dunn Loring, voiced his concern over the environmental impact, He was worried over the prevalent practice of developers to level a site before beginning construction. Mr. Salter requested that the developer submit a plan specifying the tree save.

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During the temporary absence of Chairman Murphy, Secretary Harsel chaired the meeting.

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Mr. Gaston Weakley, 7917 Idylwood Road, Dunn Loring, representing the Dunn Loring Improvement Association, stated that the Association had not yet taken a vote on the development, but that most of the members were in agreement with the staff report. He cited concerns over the dangerous traffic situation and drainage.

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Chairman Murphy resumed the Chair.

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Mr. Seji Kuniyoshi, 7977 Foxmoor Drive, Dunn Loring, submitted a petition and a copy of his statement for the record, a copy of each are contained in the date file. He stressed the already dangerous traffic situation which he said would be exacerbated by the proposed development.

Dr. Harry Irvine, 8016 North Park Street, Dunn Loring, voiced his opposition of the proposed development. He stated that the area should be considered to be within a historic overlay district and that the Architectural Review Board be consulted regarding the development.

Ms. Kathryn Chavez, 7930 Idylwood Road, Dunn Loring, said that the applicant's reduced density proffer to save the Shreve House and his substantial tree save were commendable. She submitted a copy of her testimony and a booklet she co-authored evidencing the historic nature of Dunn Loring, both of which are contained in the date file.

Ms. Rochelle Small, 2419 Sandburg Street, Dunn Loring, voiced her concern over the already dangerous traffic situation and how it would only be exacerbated by the development. She requested that the Commission consider the residents contiguous to the development who will be impacted.

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

Mr. Walsh maintained that the access issue had been resolved through an agreement with VDOT, which would also correct the sight distance problem. In response to Mr. Weakley's statement concerning the drainage, Mr. Walsh assured that the applicant would work with Mr. Weakley to

resolve that situation.

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

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Commissioner, Hanlon MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THESE APPLICATIONS TO A DATE CERTAIN OF JULY 19, 1995 WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Sell not present for the vote; Commissioner Palatiello absent from the meeting.

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Chairman Murphy announced that the remaining two public hearings were in the Hunter Mill District and in the absence of Commissioner Palatiello, who was on travel and unable to attend tonight's meeting, Commissioner Hunter would handle the public hearings for the two cases and defer decisions for Commissioner Palatiello's action upon his return.

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The Commission recessed at 10:15 p.m. and reconvened at 10:32 p.m.

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RZ-93-H-032 – RICHARD N. DAVIS TRUSTEE – Appl. to rezone approx. 12.82 ac. located at the intersection of Frying Pan Rd., Fox Mill Rd. & Greg Roy Lane from R-1 to PDH-12 to permit residential development at an overall density of 12.87 du/ac. including bonus density for ADUs & approval of the CDP. Comp. Plan Rec: 8-12 du/ac w/an option for office/industrial use. Tax Map 16-3((1))pt.24; 16-4((I))30. (Concurrent with FDP-93-H-032.) HUNTER MILL DISTRICT.

FDP-93-H-032 – RICHARD N. DAVIS TRUSTEE – Appl. to approve the FDP for RZ-93-H-032 to permit residential development on property located at the intersection of Frying Pan Rd., Fox Mill Rd. & Greg Roy Lane on approx. 12.82 ac. zoned PDH-12. Tax Map 16-3((1))pt.24; 16-4((1))30. (Concurrent with RZ-93-H-032.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Robert A. Lawrence, Esquire, with Hazel & Thomas, reaffirmed the affidavit dated June 29, 1995. There were no disclosures by Commission members.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is contained in the date file. She stated that, with the draft proffers dated June 29, 1995 and the proposed development conditions, staff recommended approval.

In response to Commissioner Hunter's query, Ms. Murray addressed the issue of wetlands, explaining that a wetlands study was performed which determined that the wetland area identified was not larger than an acre and therefore construction was allowed. She pointed out that staff had identified an environmental corridor which the applicant had agreed to preserve.

Mr. Lawrence pointed out that the applications were in conformance with the amended Comprehensive Plan, satisfied the development criteria for the density requested, provided sorely needed moderate cost housing, and the requisite number of affordable dwelling units (ADUs).

He noted that they were providing recreational facilities, extensive landscape and buffering, and a contribution to the Park Authority for off-site facilities. He noted that the revised proffers addressed the blasting issue and access to water and sewer lines and were devised at the request of the Greg-Roy Subdivision, Mr. Lawrence reported that they disagreed with staffs June 14, 1995 proposed Development Conditions 1 and 2. He pointed out that the applicant had proffered a \$10,000 contribution towards the installation of a traffic signal as well as extensive road improvements and that too many financial commitments burdening the applicant would render their affordable housing less affordable. Mr. Lawrence requested that Development Conditions 1 and 2 be deleted.

In response to Commissioner Hunter's question, Mr. Lawrence explained that the eleven ADUs would be distributed throughout the site, not clustered in one area, and would be no different in appearance than the other units.

Chairman Murphy called the first speaker.

Mr. Patrick MacAuley, President of the Greg-Roy Homeowners Association, residing at 2344 Fox Mill Road, Herndon, voiced the association's disapproval of the proposed apartment-like development, citing that it was not compatible with the existing housing, was too dense, would reduce property values, would exacerbate the already overcrowded condition of the schools, would worsen a dangerous traffic intersection problem, and there were serious concerns about blasting damaging the septic fields and wells of the neighbors. He conceded that the June 29th proffers addressed the blasting issue but was skeptical that it afforded them any protection. Mr. MacAuley clarified that they were not opposed to development but it should be townhouses. In response to Commissioner Hunter's question, he explained how the blasting proffer could be made more protective.

Ms. Lois Gonzales, President of the McNair Farms HOA, residing at 13124 Ashnut Lane, Herndon, submitted a petition in opposition to the proposed development, a copy of which is contained in the date file. She pointed out segments of Fox Mill Road which would be made more dangerous due to increased traffic and ingress and egress to the site and requested that the condition of Fox Mill Road be further discussed with Commissioner Palatiello. Ms. Gonzales cited overcrowded schools as another issue of concern.

Mr. Paul Dumas, 13114 Ashnut Lane, Herndon, spoke in opposition of the development, listing concerns of crowded schools, the sensitivity of the environmental corridor area and water quality downstream, and the displacement of wildlife and potential danger to motorists of animals crossing the roads.

The next listed speaker, Ms, Jean Weaver, 13118 Ashnut Lane, Herndon, was unable to attend the public hearing. Her list of seven questions concerning the blasting was read by Ms. Michelle Mayer (address unknown) and a copy is contained in the date file. Ms. Weaver questioned the frequency, time-frame expected to complete the project, the monitoring methods, inspection of homes, and notification of adjoining homeowners of blasting schedules. Ms. Mayer, speaking for herself, expressed concern about the parking arrangements noting that the minimum for each unit should be two. She was concerned that residents would park on the street and cause traffic safety problems.

Chairman Murphy requested that Ms. Mayer provide the list of questions to the applicant's representative, Mr. Lawrence, to be addressed during his rebuttal.

Mr. Greg Giordano, 2468 Cloverfield Circle, Herndon, listed concerns about the blasting and traffic safety and road improvements. He requested a meeting with Commissioner Palatiello to address these concerns.

Mr. Stephen K. Miller, 13138 Fox Hunt Lane, Herndon, registered his concerns about the traffic volume and patterns the development would generate which would impact the Greg-Roy community. He worried about turn-around traffic through his development.

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

Mr. Lawrence clarified that the property had never been considered for townhouse development, pointing out that the surrounding zoning was high density and that they had proffered a substantial buffer. He said that the buildings' height and architecture was similar and compatible with that of the adjoining neighborhoods, that the dangerous intersection issue was addressed through clearing and road improvements which corrected the sight distance problem, that they were providing adequate parking spaces, and the applicant concurred with staff's determination about the EQC area. Mr. Lawrence noted the applicant's extensive blasting proffer, revised at Mr. MacAuley's request, addressed citizen concerns and that Ms. Weaver's questions would be specifically addressed at the time of blasting. He assured that the procedures were well monitored. He stated that sewer and water lines would be extended for taps in but that the

applicant could not be responsible for expensive hookup fees.

Chairman Murphy suggested that the applicant give adequate notification when blasting was to be scheduled.

Mr. Lawrence responded that, at the time of the pre-blast survey, notice would be given. Ms. Murray, referencing page 9 of the staff report, responded to Commissioner Hall's question regarding density recommended in the Plan and the requested density. In her closing staff comments she further clarified the Plan's density recommendation for the property.

In response to Commissioner Harsel's question, Mr. Lawrence explained the responsibility and provision of private streets.

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

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Commission Hunter MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ-93-H-032 AND FDP-93-H-032, RICHARD N. DAVIS, TRUSTEE, UNTIL JULY 12, 1995 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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SE-95-H-013 – EXXON CORPORATION – Appl. under Sec. 4-604 & 9-613 of the Zoning Ord. to permit renovation of an existing service station, addition of a quick service food store & a fast food restaurant, & a waiver of the minimum lot width requirements on property located at 2601 Quincy Adams Dr. on approx. 40,163 sq. ft. of land zoned C-6. Tax Map 25-4((1)) 2C. HUNTER MILL DISTRICT. PUBLIC HEARING.

Jay du Von, Esquire, with Compton & Duling, LC, reaffirmed the affidavit dated June 1, 1995. There were no disclosures by the Commission.

Ms. Regina Murray, 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.

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Vice Chairman Hanlon chaired the proceedings during Chairman Murphy's temporary absence from the room.

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Mr. du Von explained the proposed renovations. He pointed out the substantial buffer and landscaping to be retained and that the applicant would supplement existing trees with evergreen trees. He noted that three homeowners associations that he had contacted supported the application. Because of the site's location, Mr. du Von stated, the use would not adversely impact the roadways.

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Chairman Murphy resumed the Chair and called the first speaker.

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Ms. Margaret O'Hare, 2610 Quincy Adams Drive, Herndon, submitted written testimony, a copy of which is contained in the date file. She said that the McDonald's restaurant had brought trash, noise, and vandalism and she worried that Exxon's proposed selling of fast-food/snacks would encourage more of the same. Ms. O'Hare asked that Exxon reestablish its service bays and discontinue the selling of snacks.

Ms. Kathleen McGuire, 2610 Quincy Adams Drive, Herndon, said that the use of pumping gas and selling snacks would cause a queue of cars to backup onto Quincy Adams Drive. She cited the vandalism generated by patrons of the McDonald's restaurant and believed that this use would exacerbate an already intolerable situation.

Ms. Regina Rohlfs, 12417 Wendell Homes Road, Herndon, voiced her disapproval of the use stating that the area did not need another hangout for young people or another fast-food restaurant. She said that their area needed a service station where one could get car repairs not a place to pick up more snacks. Ms. Rohlfs cited problems with noise, traffic, and trash.

Ms. Karen Conroy, 13436 Wendell Holmes Road, Herndon, stated, for the record, that the Fox Mill HOA had not made a recommendation on the application. She submitted a copy of her written testimony, a copy of which is in the date file, expressing her strong opposition to the development. She noted that the late night convenience store would attract crime, would be another place for undesirables to hang out and would only increase the disgusting proliferation of trash and litter.

Mr. James Ferrer, 2605 Liz Court, Herndon, stated for the record that to his knowledge, his Fox Mill Estates HOA had not made a recommendation on the application. He cited an atrocious litter problem which would only be exacerbated with another fast food establishment.

Ms. Cynthia Heiney, 2602 Quincy Adams Drive, Herndon, voiced her displeasure with the proposed use, citing an increase in traffic, noise, pollution, and litter.

Mr. Mark Sohasky, 2614 Quincy Adams Drive, Herndon, concurred with the previous speakers stating that the fast food use was inappropriate for the area. He said that he wished Exxon would reinstall the service bays.

Mr. Charles Matincheck, 2580 John Milton Drive, Herndon, pointed out that the applicant had not maintained their plantings and landscape. He said that there were inadequate parking spaces on the site and in order to accommodate 13 spaces, they would have to cut into a berm. Mr. Matincheck concurred that noise would be a real problem and he respectfully asked that the Commission deny the application.

Mr. Mark Grimley, 2874 John Milton Drive, Herndon, professed that he was not against development but opposed this use because of its adverse impact on traffic. He also noted that there already existed a parking problem. He cited the special exception regulations quoting: "Service stations shall not include any ancillary use such as a vehicle or tool rental and shall be limited to the servicing and retail of sales of products used primarily by passenger vehicles." Mr. Grimley believed that that language excluded a use such as a mini-mart because servicing a vehicle was one thing and people requirements were another. He stressed that what the applicant was requesting was a privilege, not a right, and urged that the Commission deny them.

There being no further speakers, Chairman Murphy called upon Mr. du Von for a rebuttal.

Mr. du Von clarified that he had communicated with several of the homeowners associations about the application and had several meetings with citizens. He informed the audience that they were subject to a food list which was essentially those items sold in vending machines. He noted that the addition of one pump would alleviate a queuing problem and that they had separated the islands so that there was passing room for cars to move through even when cars are at both islands. Mr. du Von said that they would not permit loitering and they would compose a condition stipulating that they had no magazine racks if it would alleviate residents' concerns. He said that they would proffer additional buffering and would be happy to meet with citizens to address their concerns.

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

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Commissioner Hunter MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE-95-H-013, EXXON CORPORATION, TO JULY 12, 1995 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Byers, Hanlon and Thomas seconded the motion which carried unanimously

with Commissioners Hartwell and Sell not present for the vote; Commissioner Palatiello absent from the meeting.

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The meeting was adjourned at 12:35 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Hamel, 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: February 19, 1997


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