

**MINUTES OF
PLANNING COMMISSION MEETING
DECEMBER 3, 1992**

PRESENT: Lawrence C. Baldwin, Commissioner At-Large
David P. Bobzien, Centreville District
John R. Byers, Mount Vernon District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Stephen J. Hubbard, Dranesville District
Maya A. Huber, Commissioner At-Large
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Carl L. Sell, Jr., 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

Due to an error printed in the "Burke Connection" newspaper, Mr. Greg Chase, planner with the Office of Comprehensive Planning, clarified that staff's recommendation had been for approval not the Planning Commission's as the article erroneously stated. After his verification, Commissioner Harsel MOVED THAT THE PLANNING COMMISSION DEFER SE-85-B-082, EXXON CORPORATION, TO A DATE CERTAIN OF FEBRUARY 10, 1993, AT THE REQUEST OF THE APPLICANT.

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

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Commissioner Byers referred to RZ-89-V-062, Gunston Land Company, and at the request of the applicant, MOVED THAT WE DEFER THAT HEARING TO A DATE CERTAIN OF JANUARY 7, 1993.

Commissioner Koch seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote; Commissioner Sell absent from the meeting.

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Commissioner Baldwin announced his intent to defer the decision only on the Zoning Ordinance Amendment regarding Pro Rata Road Reimbursement Districts from December 9, 1992 to December 16, 1992.

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At the request of the applicant, Commissioner Hubbard MOVED THAT THE PLANNING COMMISSION DEFER RZ-92-D-021, WILLIAM J. DALEY, TO A DATE CERTAIN OF FEBRUARY 11, 1993.

Commissioner Huber seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote; Commissioner Sell absent from the meeting.

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At the request of the applicant, Commissioner Koch MOVED TO DEFER RZ-92-Y-003, PCA-74-2-077, AND SE-92-Y-016, EXXON CORPORATION, TO A DATE CERTAIN OF MARCH 3, 1993.

Commissioner Bobzien seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote; Commissioner Sell absent from the meeting.

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Commissioner Strickland MOVED TO (FURTHER) DEFER THE DECISION ONLY ON SEA-81-P-021-2, GESHER SCHOOL & JEWISH COMMUNITY CENTER OF NORTHERN VIRGINIA, INC., TO A DATE CERTAIN OF DECEMBER 16, 1992. He added that if the outstanding issues were not resolved before the 16th, he would again defer the decision.

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

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In Commissioner Hanlon's absence, Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ-92-P-023, BOBBY L. & JEAN R. ROWZIE, TO A DATE CERTAIN OF FEBRUARY 11, 1993.

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

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Chairman Murphy reminded everyone that on Thursday, December 10, 1992, the Route 28 Task Force Workshop would be held at 7:00 p.m. in the Board Auditorium. He added that the Planning Commission's regularly scheduled public hearings would convene at 8:15 p.m. following the workshop.

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SE-91-B-056 - EXXON CORPORATION (Decision Only)

(The public hearing on this application was held on September 10, 1992. A complete verbatim transcript of the decision made on this item is included in the date file.)

Listing reasons that she believed that the applicant was proposing to intensify the site, Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY SE-91-B-056.

Commissioners Baldwin and Bobzien seconded the motion which passed unanimously with Commissioner Sell absent from the meeting.

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456-V92-11 - BAHMAN BATMANGHELIDJ

RZ-92-V-013 - BAHMAN BATMANGHELIDJ

FDP-92-V-013 - BAHMAN BATMANGHELIDJ (Decisions Only)

In order to allow the Commission members ample opportunity to review the proffers submitted tonight, Commissioner Byers MOVED THAT WE (FURTHER) DEFER THE DECISION ON RZ-92-V-013, 456-V92-11, AND FDP-92-V-013, TO NEXT THURSDAY, DECEMBER 10, 1992.

Commissioners Harsel and Thomas seconded the motion which passed unanimously with Commissioner Hanlon not present for the vote; Commissioner Sell absent from the meeting.

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PCA-87-P-021-2 - RK/W THREE JOINT VENTURE (Decision Only)

(The public hearing on this application was held September 23, 1992. A complete verbatim transcript of the decision made on this item is included in the date file.)

Prior to making a motion on this application, Commissioner Hanlon suggested addition of the following language to Proffer E:

"The developer shall provide, subject to the approval of the Urban Forestry Branch, an eight-foot high chain link fence around the area which contains

the large trees that are dedicated on the GDP for preservation and which lie between the dwelling on lot 8, 2728 Hidden Road, and Hidden Road. This fence shall be installed within 15 days after approval of this PCA. Prior to the issuance of any permit allowing any activity (for example, building and demolition) on lot 8, the fence shall be inspected by the Urban Forestry Branch and the applicant will implement all recommendations of the Urban Forestry Branch for purposes of insuring protection of those trees. In addition, the applicant will, within 15 days of approval of this PCA, and from time to time, as required, mulch the trees on lot 8 where grading has occurred around the Norwegian Spruce trees."

Commissioner Hanlon then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-87-P-021-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 3, 1992, WITH THE DEVELOPMENT CONDITION E AMENDED AS I READ A MOMENT AGO, AND AS MR. LAWRENCE ACCEPTED.

Commissioner Bobzien seconded the motion which passed unanimously with Commissioner Sell absent from the meeting.

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ORDER OF THE AGENDA

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

1. SEA-80-M-060-2 - The Salvation Army
2. RZ-92-C-009 - Richard N. Davis, Trustee
FDP-92-C-009 - Richard N. Davis, Trustee
3. 456-C92-14 - American Mobile Satellite Corporation
SE-92-C-036 - AMSC Subsidiary Corporation

This order was accepted without objection.

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SEA-80-M-060-2 - THE SALVATION ARMY - Appl. under Sects. 4-204 & 4-504 of the Zoning Ord. to amend SE-80-M-060 for a public benefit association to permit an increase in parking & improvements to drop-off area & site circulation on property located at 6528 Little River Turnpike on approx. 5.57 ac. zoned C-2, C-5 & HC. Tax Map 72-1((1)) 22B. MASON DISTRICT. PUBLIC HEARING.

Melanie M. Reilly, Esquire, of McGuire, Woods, Battle & Boothe, 8280 Greensboro Drive, Suite 900, McLean, representing the Salvation Army, reaffirmed the affidavit. The Commission members had no disclosures.

Mr. Gregory Chase, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which may be found in the date file. He stated that staff recommended approval. At the request of Commissioner Strickland, Mr. Chase explained the minor changes in the development conditions regarding the stormwater management facility.

Ms. Reilly noted that there were no changes in the use; the applicant only sought to amend their special exception plat to provide additional parking for the thrift store and a one-way drop-off area. She voiced concern over any stringent BMPs (best management practices) which might be imposed which could affect the wooded buffer adjoining Green Spring Park. A revised plat would be presented which could accommodate a dry pond, Ms. Reilly pointed out, if an additional BMP were necessary. Ms. Reilly took issue with staff's contention that modification to the screening and a waiver of the barrier requirements were necessary because that area remained unchanged. She pointed out that that area had been approved in the original special exception but that it would be done again in order to facilitate approval.

Ms. Reilly responded to questions from Commissioners Strickland and Baldwin regarding the necessity of stormwater management and Proffer #18 which she said was obsolete since there was no test driving of vehicles on site.

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

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Following summary remarks, Commissioner Strickland MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA-80-M-060-2, SUBJECT TO THE PROPOSED CONDITIONS DATED DECEMBER 3, 1992.

Commissioners Huber and Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Strickland next MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE WAIVER OF THE TRANSITIONAL SCREENING AND THAT IT BE MODIFIED AS SHOWN ON THE SE PLAT, AND THAT THE BARRIER REQUIREMENTS BE WAIVED ALONG THE NORTHERN AND NORTHEASTERN PROPERTY LINES PURSUANT TO PARAGRAPH 7 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioners Huber and Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Strickland finally RECOMMENDED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT WAIVE THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE WESTERN BOUNDARY OF THE SITE ADJACENT TO THE R-2 ZONED PROPERTY PURSUANT TO PARAGRAPH 5 OF SECTION 13-304 OF THE ZONING ORDINANCE.

Commissioner Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

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RZ-92-C-009 - RICHARD N. DAVIS, TRUSTEE - Appl. to rezone approx. 38.58 ac. located on the W. side of Monroe St. approx. 600 ft. N. of its intersection with Dwight St. from R-1 to PDH-3 to permit residential development at a density of 2.98 du/ac. & approval of the conceptual development plan. Comp. Plan Rec: 2-3 du/ac. Tax Maps 25-2((1)) 2, 17; 16-3((1)) pt.24, & 25-1((1)) 5A. (Concurrent with FDP-92-C-009.) CENTREVILLE DISTRICT.

FDP-92-C-009 - RICHARD N. DAVIS, TRUSTEE - Appl. to approve the final development plan for RZ-92-C-009 to permit residential development on property located on the W. side of Monroe St. approx. 600 ft. N. of its intersection with Dwight St. on approx. 38.58 ac. zoned PDH-3. Tax Maps 25-2((1)) 2, 17; 16-3((1)) pt.24; & 25-1 ((1)) 5A. (Concurrent with RZ-92-C-009.) CENTREVILLE DISTRICT.
JOINT PUBLIC HEARING.

Robert A. Lawrence, Esquire, of Hazel & Thomas, representing the applicant, reaffirmed the affidavit. There were no disclosures made.

Mr. Gregory Chase, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which may be found in the date file. He stated that staff recommended approval of both applications.

Mr. Lawrence noted that there were no outstanding issues, that the application was in conformance with the Comprehensive Plan, and that staff recommended approval. He responded to Commissioner Bobzien's questions regarding a temporary easement and an active recreation area. Mr. Lawrence explained the question regarding pipestem driveways in response to Commissioner Strickland's query.

Chairman Murphy noted that there were no listed speakers and asked if there was anyone present who wished to address the application. Receiving no response, he noted no rebuttal was necessary. Mr. Chase declined making any closing staff comments; therefore, Chairman Murphy closed the public hearing and turned to Commissioner Bobzien for action on this case. (Verbatim excerpts are in the date file.)

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After making final comments, Commissioner Bobzien MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ-92-C-009 BE APPROVED, SUBJECT TO PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT DATED NOVEMBER 4, 1992.

Commissioner Hubbard seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Bobzien next MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE CONCEPTUAL DEVELOPMENT PLAN CDP-92-C-009 BE APPROVED.

Commissioners Hubbard and Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Bobzien then MOVED THAT THE PLANNING COMMISSION APPROVE FDP-92-C-009, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Hubbard and Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

Commissioner Bobzien lastly MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING REQUIREMENTS BE MODIFIED AND THE BARRIER REQUIREMENTS BE WAIVED, PURSUANT TO PARAGRAPH 3 OF 13-304 OF THE ZONING ORDINANCE, TO PERMIT EXISTING VEGETATION TO SATISFY THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE PERIPHERY OF THE PROPERTY.

Commissioners Hubbard and Thomas seconded the motion which passed unanimously with Commissioners Hanlon and Harsel not present for the vote; Commissioner Sell absent from the meeting.

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456-C92-14 - AMERICAN MOBILE SATELLITE CORPORATION

- Under provisions of Sect. 15.1-456 of the *Code of Virginia*, as amended, to utilize approx. 0.57 ac. for a Satellite Earth Station facility on property located in the Parkridge Development, between the Dulles Airport Access Rd. & Sunrise Valley Dr., approx. 500 ft. W. of Parkridge Blvd. Tax Map 27-1((1))pt.1B. CENTREVILLE DISTRICT.

SE-92-C-036 - AMSC SUBSIDIARY CORPORATION - Appl. under Sect. 5-304 of the Zoning Ord. to permit a satellite earth station facility on property located at 10800 & 10802 Parkridge Blvd. on approx. 0.57 ac, zoned I-3. Tax Map 27-1((1)) pt.1B. CENTREVILLE DISTRICT. JOINT PUBLIC HEARING.

Antonio J. Calabrese, Esquire, McGuire, Woods, Battle & Boothe, 8280 Greensboro Drive, Suite 900, McLean, representing the applicant, AMSC Subsidiary Corporation, reaffirmed the affidavit. There were no disclosures by Commission members.

Ms. Lorrie Kirst, Zoning Evaluation Division, Office of Comprehensive Planning, pointed out the site's location and noted its existing use. A copy of the staff report is in the date file. She explained that Mr. Calabrese would describe the applicant's request.

Mr. Calabrese submitted an extensive report for the record which may be found in the date file. He explained the different sites' configurations, the earth satellites proposed and the surrounding protective wall. He also reviewed the AMSC's charter, the safety of the satellite dishes, and the screening and buffering of the facilities. Mr. Calabrese pointed out the very extensive availability and scope of the uses to all manner of subscribers. He emphatically stated that there was no danger of microwave radiation and referenced an inflammatory flier circulated which raised unfounded fear in the communities. Mr. Calabrese noted two community-wide meetings held to address citizens concerns which resulted in an ad hoc community committee which retained an independent consultant to evaluate the AMSC proposal. The result, Mr. Calabrese pointed out, was a complete agreement with everything AMSC had submitted. An on-site demonstration was conducted, he said, to prove that the proposed facility and dish would not be visible. Mr. Calabrese noted numerous letters which voiced community approval of the proposal and he requested that the Commission also give its support.

Chairman Murphy called the first speaker and reviewed the rules for presenting oral testimony.

Mr. Joseph Stowers, representing the Planning and Zoning Committee of the Reston Citizens Association, 11448 Waterview Cluster, Reston, voiced support of the application. He referenced a letter from the president, Ivan F. Cole, which listed four conditions and noted that they had been agreed to by the applicant. (A copy of the letter is contained in the date file.)

Mr. Steve Shantz, (address unknown) Villaridge, Reston, suggested that a qualified independent engineer inspect the equipment's initial installation to assure proper operation. He commented on the proposed development conditions dated December 1, 1992 with regard to the safe levels of microwaves and the testing of the surrounding neighborhoods to ensure no exposure. Mr. Shantz suggested that a different standard for testing be considered which would both allow ample latitude in the safe and effective operation of the facility while greatly increasing the public's assurances that all was being operated in a safe manner.

Mr. Kenneth Poole, (address unknown), Reston, informed the Commission that a community committee, of which he had been appointed the Chairman, hired an independent engineer to review and analyze the data on the American Mobile Satellite Corporation. Their conclusion, he stated, was that the information generated from AMSC was accurate and that there was no perceived danger from the operation of the equipment. Mr. Poole stated that all the citizen questions and concerns had been addressed and that he was in support of the application.

In response to Commissioner Baldwin's question, Mr. Calabrese noted advantages the new system offered such as employment opportunities for the area and the coast to coast communication services available to all law enforcement personnel. Mr. Calabrese also pointed out that the AMSC system could operate before and after natural disasters such as Hurricane Andrew because the system complemented existing cellular systems. In response to Commissioner Byers' question, he informed the Commissioners that both the community and the company had suggested the two community-wide meetings.

In rebuttal, Mr. Calabrese responded to Mr. Shantz's comment regarding microwave standards assuring that the standards in place were substantial and safe. With regard to insulation, operation, and inspection, he noted that one of their development conditions stipulated that the Division of Communications was allowed random testing of the facility to ensure proper and safe operation.

Commissioner Bobzien requested that Mr. Calabrese's client work with Mr. Mullet, the Director of the Division of Communications, and consider the suggestions made by Mr. Shantz. Mr. Calabrese agreed.

At this time, Miss Lorrie Kirst gave staff's recommendation for approval of 456-C92-14, American Mobile Satellite Corporation and SE-92-C-036, AMSC Subsidiary Corporation.

Chairman Murphy closed the public hearing and recognized Commissioner Bobzien for action on this case. (Verbatim excerpts are in the date file.)

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Following summary remarks, Commissioner Bobzien MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE-92-C-036 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS THAT ARE CONTAINED IN THE STAFF REPORT DATED DECEMBER 3, 1992.

Commissioners Byers and Hanlon seconded the motion which passed unanimously with Commissioner Sell absent from the meeting.

Commissioner Bobzien then MOVED THAT THE PLANNING COMMISSION, PURSUANT TO SECTION 15.1-456 OF THE *CODE OF VIRGINIA*, AS AMENDED, FIND THAT THE PROPOSED AMERICAN MOBILE SATELLITE CORPORATION'S SATELLITE STATION

IS IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Byers seconded the motion which passed unanimously with Commissioner Sell absent from the meeting.

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The meeting was adjourned at 10:02 p.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: April 7, 1993



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