

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
WEDNESDAY, SEPTEMBER 24, 2008**

COMMITTEE MEMBERS PRESENT:

Walter L. Alcorn, At-Large
Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large
Kenneth Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

OTHER COMMISSIONERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Peter F. Murphy, Jr., Springfield District

PLANNING COMMISSION OFFICE STAFF PRESENT:

Barbara J. Lippa, Executive Director
Kara A. DeArrastia, Deputy Clerk

DEPARTMENT OF PLANNING AND ZONING STAFF PRESENT:

Eileen McLane, Zoning Administrator, Zoning Administration Division (ZAD)
Lorrie Kirst, Deputy Zoning Administrator, ZAD
Brian Parsons, Senior Assistant to the Zoning Administrator, ZAD
David Marshall, Assistant Director, Planning Division

OTHERS PRESENT:

Ed Donohue, Esquire, Donohue & Blue, PLC, Sprint-Nextel representative
Jim Michal, Esquire, Jackson & Campbell, PC, AT&T (Cingular) representative
Tamara Slade, NBGC, LLC
Frank Stearns, Esquire, Venable LLP, Verizon Wireless representative
Fran Wallingford, Providence District citizen

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In the absence of Chairman Janet R. Hall, Planning Commission Vice Chairman Walter L. Alcorn called the meeting to order at 7:08 p.m. in the Board Conference Room at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Sargeant MOVED THAT THE MINUTES OF JUNE 11, 2008 BE APPROVED.

Commissioner Hart seconded the motion which carried unanimously.

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Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), reported that on September 22, 2008, the Board of Supervisors had deferred the authorization to advertise public hearings on the proposed amendments to the Zoning Ordinance regarding maintaining neighborhood character for approximately six weeks, with the understanding that staff return to the Board no later than the December meeting with modifications. She said that staff planned to meet with building industry representatives and citizens to revise the proposed language.

Commissioner Flanagan noted that the Northern Virginia Building Industry Association had sent the Board of Supervisors a letter requesting that advertisement of the amendments be deferred.

Commissioner Hart commented that the workshop meetings on the proposed amendments had generated a wide range of opinions, but participants had never reached a consensus about the issue of maintaining the character of older neighborhoods. He said the estimated engineering and surveying costs ranging from \$3,500 to \$7,000 per angle of bulk plane analysis might be too expensive.

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Ms. Kirst called attention to a memorandum dated September 18, 2008, from Eileen McLane, Zoning Administrator, ZAD, DPZ, regarding possible amendments to the County's mobile and land-based telecommunication Zoning Ordinance regulations. (A copy of the memorandum is in the date file.)

Commissioner Sargeant said that as an employee of a utility company, Virginia Dominion Power, he would recuse himself from this discussion since telecommunication facilities were sometimes co-located on a transmission line or utility pole.

Ms. Kirst explained staff's justification for proposing revisions to Section 2-514 of the Zoning Ordinance that outlined the installation requirements for mobile and land-based telecommunication facilities. She noted that per the Board of Supervisors' directive on May 5, 2008, Planning Commission Chairman Murphy had conducted two meetings this past summer with an ad hoc group composed of telecommunications industry representatives, citizens, and staff, to discuss potential modifications to the regulations.

Ms. Kirst indicated that the chart dated September 18, 2008, attached to the memorandum, outlined seven issues, the applicable Zoning Ordinance regulations, comments, and recommendations that had been derived from the telecommunications ad hoc group discussions. (A copy of the chart is in the date file.)

Ms. Kirst reviewed the recommendation to address placement of antennas on utility poles in any street right-of-way. Ms. McLane pointed out that taller utility poles could be replaced by-right with new systems placed on them. Ms. Kirst noted that this was a loophole in the current Ordinance.

In response to a question from Commissioner de la Fe, Ms. Kirst explained how the height of a pole was measured.

Responding to a question from Commissioner Flanagan, Ms. Kirst said that because higher antennas provided wider coverage, fewer were needed along a given roadway. Ed Donohue, Esquire, with Donohue & Blue, PLC, representing Sprint-Nextel, added that antennas located above the tree cover expanded the coverage area.

In response to a question from Commissioner Hart, Ms. Kirst explained how the height for accessory structures was measured.

Ms. Kirst next reviewed the recommendation to address panel antenna height, to increase antenna height from six to eight feet.

After a brief discussion about the height of antennas on a pole, Ms. Kirst noted that the issue was whether it was more desirable to have taller but fewer antennas on a pole or shorter but more antennas on a pole.

In response to a question from Commissioner Lawrence, Frank Stearns, Esquire, with Venable LLP, representing Verizon Wireless, said the telecommunications industry representatives who had attended the ad hoc group meetings had agreed that an antenna panel height of eight feet would sufficiently meet the current needs of the industry.

Ms. Kirst said she believed that within the next 5 to 10 years the County should reexamine the regulations because telecommunications technology was constantly evolving.

Commissioner Lawrence suggested that language be included in the proposed amendment indicating that eight-foot tall antennas might be justified depending on the situation. Mr. Donohue pointed out that staff and the Planning Commission would evaluate the impact of telecommunication facilities during 2232 review.

Responding to a question from Commissioner Lawrence, Ms. Kirst explained that the Comprehensive Plan recommended the installation of screening walls and provided criteria for antenna design to mitigate the visual impact.

In response to a question from Commissioner Murphy, David Marshall, Assistant Director, Planning Division, DPZ, noted that antennas would continue to be required to be flush-mounted and screened. He said the proposed revision would allow more flexibility to accommodate applications for antennas taller than six feet although the applicants would still be required to minimize the visual impact.

Responding to a question from Commissioner Hart, Jim Michal, Esquire, with Jackson & Campbell, PC, representing AT&T (Cingular), said that Loudoun and Prince William Counties allowed 9-10 foot tall panel antennas because they did not want to revisit the issue in the near future. He explained that taller antennas were needed to accommodate new services such as downloading movies. Mr. Michal said flexibility to exceed eight feet would preclude the need for special exception approval and that the visual impact of a pole would be evaluated during 2332 review.

In response to a question from Commissioner Hart, Ms. McLane said she would verify with Zoning Enforcement staff but to her knowledge, the County had not received any complaints about the visual clutter of panel antennas.

Mr. Marshall, Ms. Kirst, and Mr. Stearns responded to questions from Commissioner Flanagan regarding the replacement of existing antennas on penthouses.

Ms. Kirst commented that the Comprehensive Plan provided incentives for the better design of telecommunication facilities through the 2232 review process; whereas, the Zoning Ordinance only regulated the height and size of such facilities.

Commissioner Donahue pointed out that since he had been appointed to the Commission, the Great Falls Citizens Association and McLean Citizens Association had not expressed any concerns about 2232 applications in the Dranesville District.

Ms. Kirst also reviewed the following: ground mounted dish antennas; antenna types; hub sites for mobile and land-based telecommunication systems; FCC regulations that equipment cabinets associated with telecommunications facilities contain a back-up generator; and buildings of a certain height be designed to accommodate the future installation of antennas on building rooftops.

Responding to a question from Commissioner de la Fe, Mr. Marshall indicated that the proposed revision on a hub site would allow such location on residentially-zoned property developed with a public use.

Commissioner Murphy explained the telecommunications ad hoc group's justification for recommending that language be added to the Comprehensive Plan to accommodate the increased need for telecommunication facilities due to Base Realignment and Closure development.

Commissioner Lawrence proposed that the Plan language also recommend that tall buildings be designed for the future installation of alternative energy techniques.

Commissioner de la Fe said that although he was not a voting member of this Committee, he supported the proposal.

Commissioner Lawrence MOVED THAT THE POLICY AND PROCEDURES COMMITTEE ENDORSE THE STAFF RECOMMENDATIONS, AS OUTLINED IN THE CHART ENTITLED "POTENTIAL REVISIONS TO THE MOBILE AND LAND-BASED TELECOMMUNICATION FACILITY REGULATIONS AS RECOMMENDED BY THE TELECOMMUNICATIONS ADVISORY GROUP," AND DATED SEPTEMBER 18, 2008, WITH THE FOLLOWING MODIFICATION: PROPOSAL NUMBER SEVEN BE REVISED TO INCLUDE THAT BUILDINGS OF A CERTAIN HEIGHT BE DESIGNED TO ACCOMMODATE THE FUTURE INSTALLATION OF SOLAR PANELS, WIND TURBINES, AND OTHER ALTERNATIVE ENERGY TECHNIQUES.

Vice Chairman Alcorn seconded the motion which carried unanimously.

Commissioner Hart MOVED TO AMEND THE MOTION TO INCLUDE FLEXIBILITY IN THE PROPOSED REVISIONS AS PART OF THE ADVERTISEMENT.

Commissioners Lawrence and Alcorn accepted the amendment to the motion which carried unanimously.

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Commissioner Murphy suggested that Vice Chairman Alcorn forward this recommendation with the two modifications to the entire Planning Commission on Thursday, September 25, 2008.

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The meeting was adjourned at 8:01 p.m.
Janet R. Hall, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: February 18, 2009

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission