

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 17, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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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

Commissioner Alcorn reminded the Commission that the Development Criteria Review Committee would meet on Thursday, January 24, 2002 at 6:30 p.m. in the Board Conference Room.

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Commissioner Smyth announced that the Transportation Committee would meet on Wednesday, January 23, 2002 at 7:30 p.m. in the Board Conference Room.

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Chairman Murphy reminded Commissioners to return their Committee preference forms for 2002 to staff no later than Wednesday, January 23, 2002.

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ORDER OF THE AGENDA

Secretary Harsel set the following order of the agenda items:

1. S01-CW-2CP - OUT-OF-TURN PLAN AMENDMENT
2. SE-01-V-039 - COSTCO WHOLESALE CORPORATION
3. 2232-D01-23 - SPRINT PCS

This order was accepted without objection.

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S01-CW-2CP - OUT-OF-TURN PLAN AMENDMENT - to consider proposed revisions to the Comprehensive Plan in accordance w/the *Code of Virginia*, Title 15.2, Chap. 22, which would provide a new section on the subj. of Revitalization & related policy & background text. Changes to the County's Revitalization Goal & the definition of revitalization that is part of the Plan's glossary will also be considered. PUBLIC HEARING.

Mr. Fred Selden, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the Amendment.

In response to a question from Commissioner Harsel, Mr. Selden said that the proposed amendment would clarify revitalization efforts aimed at older commercial areas and their adjacent neighborhoods. He added that there were policy guidelines in the Land Use Section addressing neighborhood redevelopment and preservation. Mr. Selden added that business development was one component of revitalization strategy in order to stimulate economic development.

Commissioner Smyth and Mr. Selden discussed Objective 3, Policy b. concerning establishing streamlined administrative procedures for properties within designated Commercial Revitalization Districts and Areas, and proposed changes to the Land Use Section.

Commissioner Hall recognized Mr. Frank Sellars, Baileys Crossroads Revitalization Corporation and noted that he supported the proposed Out-of-Turn Plan Amendment.

Commissioner DuBois commented that she would be deferring a decision on this matter after the public hearing was held.

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

Mr. Jack Wilbern, 6718 Whittier Avenue, McLean, Chairman, McLean Revitalization Corporation, expressed support for the proposed Amendment.

Ms. Jody Bennett, 1459 Hunter View Farms, Vienna, representing the Citizens Committee on Land Use and Transportation, read a statement on behalf of the Committee outlining their proposed revisions to the Amendment. (A copy of this statement is in the date file.)

Ms. Bennett responded to a question from Commissioner Kelso about the Committee's recommendation for Objective 1, Policy e., concerning affordable housing.

Mr. Selden responded to questions from Commissioners Wilson and de la Fe about the impact of commercial revitalization on adjacent residential areas.

In response to a question from Commissioner de la Fe, Mr. Selden confirmed the fact that the proposed Plan Amendment included the revitalization of both residential and commercial areas.

Ms. Sarah Larson, 1668 Wainwright Drive, Reston, Executive Director, Reston Historic Trust and Reston Revitalization Area, and Chair, Lake Anne Revitalization area, expressed support for the proposed amendment, with revisions as shown in her handout dated January 17, 2002. (A copy of the handout is in the date file.)

Ms. Larson responded to questions from Commissioners Byers and de la Fe regarding the recommended revision to Policy c. concerning funding for revitalization efforts.

Commissioner Kelso commented that it was difficult to write a Policy Plan broad enough to cover every section of the County because revitalization areas throughout the County varied greatly.

Mr. Selden responded to a question from Commissioner DuBois about the definition of mixed uses and from Commissioner Wilson concerning the changes to Objective 3 recommended by Ms. Larson.

Mr. John Lynch, 4333 Upland Drive, Alexandria, speaking on behalf of the Southeast Fairfax Development Corporation, expressed support for the proposed Amendment. (A copy of his remarks is in the date file.)

Mr. Arthur Morrissette, 8230 Old Court House Road, Vienna, Fairfax County Chamber of Commerce, strongly endorsed the proposed Amendment. (A copy of his remarks is in the date file.)

Mr. Roger Diedrich, 3322 Prince William Drive, Fairfax, representing the Sierra Club, expressed support for the proposed Amendment. (A copy of his remarks is in the date file.)

Ms. Laurie Blackburn, President Mount Vernon/Lee Chamber of Commerce, noted that there was strong community support for revitalization efforts in Fairfax County and expressed support for the proposed amendment.

Commissioner DuBois noted that the McLean Citizens Association supported the proposed amendment as expressed in a letter dated January 7, 2002 from Ms. Adrienne Whyte, Chairman of the Planning and Zoning Committee. (A copy of the letter is in the date file.)

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner DuBois for action on this item. (A verbatim transcript is in the date file.)

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Commissioner DuBois MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON S01-CW-2CP, OUT-OF-TURN PLAN AMENDMENT ON REVITALIZATION POLICY, TO A DATE CERTAIN OF JANUARY 30, 2002.

Commissioners Hall and Byers seconded the motion which carried unanimously.

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SE-01-V-039 - COSTCO WHOLESALE CORPORATION - Appl.
under Sect. 9-620 of the Zoning Ord. to permit a waiver of certain sign regulations on property located at 7373 Boston Blvd. on approx. 14.80 ac. zoned C-6 & NR. Tax Map 99-1((12))C. MT. VERNON DISTRICT.
PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated December 27, 2001. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of the application because it was not in harmony with the Comprehensive Plan or in conformance with applicable Zoning Ordinance provisions.

Mr. Martin stated that the applicant was seeking a waiver of sign regulations to permit three building-mounted signs totaling 451 square feet with one sign in excess of 200 square feet. He explained at the time Price Club had become Costco Wholesale, the sign had been repainted with the same size letters which had increased the size of the sign. He said the existing non-conforming sign was appropriate in scale to the building; there was no free-standing sign close to the intersection which identified the Costco use; and that the sign had no deleterious affect on adjacent properties. He noted that the Mount Vernon Council had overwhelmingly recommended approval of the application and requested favorable consideration.

Mr. Martin responded to questions from Commissioners Wilson and Byers about the visibility of the site from Fullerton Road and about the size of the sign.

Commissioner Kelso said because the site was difficult to identify and because the sign was in scale with the building, he had no problem supporting the application.

Chairman Murphy and Commissioner Hall agreed that the Sign Ordinance should be reviewed.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, he closed the public hearing and recognized Commissioner Byers for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DENY SE-01-V-039.

Commissioner Alcorn seconded the motion which carried by a vote of 8-3-1 with Commissioners Kelso, Koch and Wilson opposed; Commissioner Murphy abstaining.

Chairman Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, AGAIN, THAT IT REVIEW THE SIGN ZONING ORDINANCE.

Commissioners Wilson and Byers seconded the motion which carried unanimously.

Commissioner Byers MOVED THAT THE MOTION BE AMENDED TO REQUEST THAT THEY REVIEW THE ZONING ORDINANCE IN AN EXPEDITIOUS MANNER BEFORE ANOTHER CASE COMES UP.

Chairman Murphy accepted the amendment which carried unanimously.

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The Commission went into recess at 10:05 p.m. and reconvened in the Board Auditorium at 10:20 p.m.

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Commissioner Kelso recused himself from the following case.

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2232-D01-23 - SPRINT PCS - under provisions of Sects. 15.2-2204 & 15.2-2232, of the *Code of Virginia*, as amended, to construct a telecommunications facility, consisting of an 80-ft. tall monopole (designed to look like a flagpole, w/internal antennas) & equipment cabinets, at 8107 Old Dominion Dr., McLean. Tax Map 20-4((1))69. DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning

Commission find the application to be substantially in accord with the provisions of the adopted Comprehensive Plan.

Mr. James Michal, Esquire, with Jackson and Campbell, PC, stated that the Planning Commission had considered an application three years ago for a tree pole at the location now being proposed for a stealth monopole. He noted, however, that there were significant differences between the two applications. He explained that the proposed stealth monopole would be lower in height with completely concealed antennas and cabling and located as far away as possible from adjoining residential properties. He said the pole would be most visible from commercial development at the intersection of Spring Hill Road and Old Dominion Drive and nearby residential development would be screened by a significant tree buffer. He showed the Commission photos of the site and a simulated photo of the pole. (Copies of these photos are in the date file.) Mr. Michal explained that the pole was in accord with the Comprehensive Plan because it would be located on commercial property and because its visual impact would be mitigated by a stealth design and natural screening. He said the equipment cabinet would not be visible from residential properties and would be screened by a board-on-board fence. He noted a crane test had been conducted, and that the application had the support of the McLean Citizens Association with three conditions: (1) that no other pole would be located on the property; (2) the flag would be raised and lowered each day, requiring no need for lighting; and (3) the flag would be removed if so requested by the two nearby homeowners associations. He said the applicant was in agreement with these three requests. He emphasized the need for coverage in the subject area and noted that the Council of Governments had recommended that all area jurisdictions implement measures to address emergency situations, including improving wireless communications. Mr. Michal submitted a letter from Mr. Jack Goehring expressing his support for the application (a copy of which is in the date file). He requested favorable consideration.

Mr. Michal responded to questions from Commissioner Byers about the scale of the proposed pole as shown in the simulated photo. Responding to another question from Commissioner Byers, Mr. Michal assured the Commission that if the application were approved, he would be available to address any issues which might arise.

In response to a question from Commissioner de la Fe, Mr. Michal said that when the flag was lowered it would be folded into a sheath and be self-contained.

Mr. Michal responded to a question from Commissioner Wilson about the accuracy of the representation of the proposed pole as shown in the photo simulation.

Commissioner DuBois announced that she would be deferring a decision on this matter after the close of the public hearing. She noted that Dr. Zbigniew Brzezinski had requested that the transcript of the AT&T application heard by the Planning Commission in 1998, the subsequent appeal, and the testimony of Supervisor Stuart Mendelsohn at the Board of Supervisors' hearing be put on the public record for this hearing.

Chairman Murphy called the first listed speaker.

Dr. Zbigniew Brzezinski, 1061 Spring Hill Road, McLean, expressed opposition to the proposed monopole because the area was planned for residential development. (A copy of his remarks is in the date file.)

Mr. William Thomas, 8202 Hampton Oak Court, McLean, who said he lived within a few hundred feet of the proposed pole, expressed his objection to the application because the surrounding development was residential. He noted that he had also been opposed to the previous application for a tree pole on the subject property. He questioned the need for a pole in the area, saying his cell phone worked fine.

Chairman Murphy pointed out that the reason Mr. Thomas' cell phone worked fine was because a pole somewhere else in the vicinity provided his service.

Mr. James Tracy, 1114 Spring Hill Road, McLean, expressed opposition to the proposed application for the same reasons the AT&T application had been denied in 1998. He submitted a list of alternative sites, a copy of which is in the date file.

Ms. Adrienne Whyte, 6704 W. Falls Way, Falls Church, McLean Citizens Association, said the Association supported the application with the three conditions explained by Mr. Michal. She said this support was based on the fact that the applicant had demonstrated that there was a critical coverage gap; that other carriers would co-locate on the pole; and that it would not be visually prominent from residential neighborhoods.

In response to a question from Commissioner Moon, Ms. Whyte said that the Association's resolution to support the application was unanimous.

Responding to a question from Commissioner Wilson, Mr. Michal said that Mr. Franklin Eaton, owner of the application property, had sent a letter to Dranesville District Supervisor Mendelsohn stating that he would not allow any other poles to be erected on his property.

In response to a question from Commissioner Moon, Mr. Michal said that while Mr. Eaton's assurance that no other poles would be located on his property was not legally binding, another pole would require Planning Commission approval. Chairman Murphy requested that a determination be made as to whether a covenant could be placed on the property.

Referring to Mr. Michal's earlier offer to be available to the community if any issues arose, Commissioner Wilson requested that a Sprint contact also be provided. Mr. Michal agreed to this request.

In response to a question from Chairman Murphy, Mr. Jillson said that he believed the conditions discussed could be incorporated into an amendment to the application, but suggested that the County Attorney be consulted on this issue.

Responding to a question from Commissioner Hall, Ms. Whyte said she had placed a notice in the *McLean Connection* advertising the crane test. Mr. Michal added that 125 flyers notifying the community of the crane test had been hand delivered on November 6, 2001.

Ms. Rhonda Davis, 1008 Eaton Drive, McLean, President, Ridings of McLean Homeowners Association, expressed opposition to the pole because it was out of character with the community, too large, and would set a precedent for other commercial ventures in the area. She suggested that the applicant should incur a financial penalty if all conditions agreed to were not fulfilled.

Chairman Murphy explained to Ms. Davis that the Planning Commission could not impose a monetary fine on the applicant.

Mr. Robert Peterson, 1122 Duchess Drive, McLean, expressed opposition to the application, citing the history of the previous application for a monopole on the subject property.

Mr. Siva Raparla, 1029 Spring Hill Road, McLean, said he was opposed to the subject facility because it would have an adverse affect on the surrounding residential development. (A copy of his remarks is in the date file.)

Mr. Ruediger Kratz, 1124 Duchess Drive, McLean, said he felt strongly that the monopole would set a precedent for future commercial uses in the area and questioned the need for it. He also said he was not notified of the application in a timely manner.

Mr. Harvey Fireman, 1008 Eaton Drive, McLean, said he was opposed to the pole for the reasons stated by Ms. Davis. He added that the pole would be aesthetically displeasing.

Ms. Ai-wen Kratz, 1124 Duchess Drive, McLean, expressed opposition to the application because it would have an adverse affect on her quality of life.

There were no further speakers, therefore, Chairman Murphy called upon Mr. Michal for a rebuttal statement.

Mr. Michal emphasized that Sprint needed the site to provide coverage for its customers. Addressing the issue raised by several speakers about commercialization, he pointed out telecommunications was a public utility and that the nature of public utilities was commercial. He cited an article appearing in the *Washington Post* dated December 28, 2001 entitled "More Cell Phone Users Cut Ties to Traditional Service" which said that wireless phones were the wave of the future and the demand for land lines was decreasing. He explained that the public wanted and demanded wireless communication and that Sprint was trying to provide such service in the least conspicuous manner possible. He said the application was in conformance with the Comprehensive Plan, and respectfully requested favorable consideration.

Commissioner Byers agreed that cellular communication was the wave of the future, but pointed out the possibility that satellites, not monopoles, would provide it.

Responding to questions from Commissioner Byers, Mr. Michal confirmed that two other providers could co-locate on the pole and that the antennas would be approximately 8-10 feet apart. Commissioner Byers then asked Mr. Michal why the height of the pole could not be lowered to 55 feet with only one provider. Mr. Michal responded by saying that to do so would open up significant coverage gaps for Sprint which could necessitate additional sites. He also cited the County's policy for co-location.

Addressing Commissioner Byers' comment about the possibility of cellular communication being provided by satellite, Mr. Michal said that one company had attempted to do so and after spending six billion dollars on 66 satellites had declared bankruptcy. Mr. Michal added, however, that because of changing technology, Sprint only signed leases for an initial five years with the right of renewal.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner DuBois for action on this application. (A verbatim excerpt is in the date file.)

Commissioner DuBois MOVED THAT THE DECISION ONLY ON 2232-D01-23, SPRINT PCS, BE DEFERRED TO A DATE CERTAIN OF FEBRUARY 13, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT .

Commissioners Wilson, Alcorn and Hall seconded the motion which carried unanimously with Commissioner Kelso not present for the vote.

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The meeting was adjourned at 11:55 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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

Minutes by: Linda B. Rodeffer

Approved on: June 12, 2003

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