

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 24, 2009**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart noted that the Planning Commission's Environment Committee had met earlier this evening to review the strawman proposal to amend the Policy Plan regarding Environmental Quality Corridor (EQC) disturbances. He announced that the Committee would meet again on Thursday, November 19, 2009, at 7:30 p.m., in the Board Conference Room of the Fairfax County Government Center. Commissioner Hart also announced that a workshop on the strawman proposal was tentatively scheduled on Wednesday, December 16, 2009, at 7:30 p.m., in the Board Auditorium.

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON RZ 2008-MV-007 AND SEA 85-L-137, JK INVESTMENTS, INC., TO A DATE CERTAIN OF NOVEMBER 5, 2009.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners Alcorn and Lusk not present for the vote.

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON 2232-D09-2, NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC, NODE GFE9, TO A DATE CERTAIN OF OCTOBER 15, 2009, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously.

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Commissioner Harsel MOVED THAT THE FOLLOWING MINUTES BE APPROVED:

APRIL 9, 2008	APRIL 10, 2008	APRIL 17, 2008
APRIL 23, 2008	APRIL 30, 2008	

Commissioner de la Fe seconded the motion which carried by a vote of 11-0-1 with Commissioner Litzenberger abstaining.

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Commissioner Lawrence noted his intent to defer the decisions only on RZ 2008-PR-010 and SE 2008-PR-021, James W. Jackson, from Thursday, October 1, 2009, to a date to be determined.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2008-LE-027, TRUSTEES, SPRINGFIELD MASONIC LODGE 217, TO A DATE CERTAIN OF OCTOBER 22, 2009.

Commissioner Lawrence seconded the motion which carried unanimously.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, September 30, 2009, at 7:00 p.m., in Conference Rooms 4 and 5 of the Fairfax County Government Center, to continue discussions on the second strawman of proposed changes to the Comprehensive Plan language for Tysons Corner.

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2232A-D00-14-1 – VERIZON WIRELESS, I-495 at GW Parkway Interchange

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED SEPTEMBER 2, 2009, CONCERNING 2232A-D00-14-1, VERIZON WIRELESS AT I-495 AND GW PARKWAY.

Commissioner Lawrence seconded the motion which carried unanimously.

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FS-S09-88 – CLEARWIRE, 4201 Stringfellow Road (Chantilly High School)

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN ITEM FS-S09-88.

Commissioner Litzenberger seconded the motion which carried unanimously.

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FS-M09-92 – CLEARWIRE, 8914 Little River Turnpike (Annandale Volunteer Fire Dept.)
FS-M09-77 – CLEARWIRE, 6565 Arlington Boulevard
FS-M09-75 – CLEARWIRE, 4327 Ravensworth Road (Ravensworth Tower)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION FIND THAT FS-M09-92, CLEARWIRE, LOCATED AT 8914 LITTLE RIVER TURNPIKE, BETTER KNOWN AS THE ANNANDALE VOLUNTEER FIRE DEPARTMENT; FS-M09-77, CLEARWIRE, LOCATED AT 6565 ARLINGTON BOULEVARD; AND FS-M09-75, CLEARWIRE, LOCATED AT 4327 RAVENSWORTH ROAD, ARE IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED "FEATURES SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioners Lawrence and Lusk seconded the motion which carried unanimously.

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SE 2009-LE-001 – NAZIR A. BHAGAT AND ASHRAF N. BHAGAT (Decision Only)
(The public hearing on this application was held on July 8, 2009. A verbatim transcript of the decision made is in the date file.)

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2009-LE-001, SUBJECT TO DEVELOPMENT CONDITIONS THAT ARE NOW DATED SEPTEMBER 24, 2009.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Harsel abstaining.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE ADDITIONAL STANDARD FOR INDEPENDENT LIVING FACILITIES REQUIRING THAT SUCH USE BE A PARCEL OF LAND FRONTING ON, AND WITH DIRECT ACCESS TO A

COLLECTOR STREET OR MAJOR THOROUGHFARE, PER SECTION 9-306 OF THE ZONING ORDINANCE.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Harsel abstaining.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN, WESTERN, AND SOUTHERN BOUNDARIES OF THE SITE.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Harsel abstaining.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN, WESTERN, AND SOUTHERN BOUNDARIES OF THE SITE, TO THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Harsel abstaining.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-M09-8 – T-MOBILE NORTHEAST, LLC AND MILESTONE COMMUNICATIONS
2. 2232-V08-6 and SE 2008-MV-031 – TRUSTEES FOR MOUNT VERNON LODGE #219, ANCIENT FREE AND ACCEPTED MASONS, NEW CINGULAR WIRELESS PCS, LLC D.B.A. AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC

This order was accepted without objection.

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2232-M09-8 – T-MOBILE NORTHEAST, LLC AND MILESTONE COMMUNICATIONS – To develop a telecommunications facility and related equipment located at Thomas Jefferson High School, 6560 Braddock Road, Annandale, VA. Tax Map: 71-4 ((1)) 0060. Area I. MASON DISTRICT. PUBLIC HEARING.

In response to a question from Commissioner Harsel, Commissioner Hall said the proposal was to locate a light monopole at Thomas Jefferson High School, which would provide symmetry with the existing light pole.

Commissioner Hall asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicants be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY T-MOBILE NORTHEAST, LLC AND MILESTONE COMMUNICATIONS TO DEVELOP A TELECOMMUNICATIONS FACILITY, WHICH IS A 125-FOOT REPLACEMENT LIGHT POLE AND RELATED EQUIPMENT, LOCATED AT THOMAS JEFFERSON HIGH SCHOOL, 6560 BRADDOCK ROAD, ANNANDALE, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Alcorn seconded the motion which carried unanimously.

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2232-V08-6 – TRUSTEES FOR MOUNT VERNON LODGE #219, ANCIENT FREE AND ACCEPTED MASONS, NEW CINGULAR WIRELESS PCS, LLC D.B.A. AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit a telecommunications facility. Located at 8717 Fort Hunt Rd. on approx. 1.03 ac. of land zoned R-3. Tax Map 111-2 ((3)) 11. (Concurrent with SE 2008-MV-031.) MOUNT VERNON DISTRICT.

SE 2008-MV-031 – TRUSTEES FOR MOUNT VERNON LODGE #219, ANCIENT FREE AND ACCEPTED MASONS, NEW CINGULAR WIRELESS PCS, LLC D.B.A. AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC – Appl. under Sect. 3-304 of the Zoning Ordinance to permit an existing public benefit association to continue and to install a telecommunications facility (tree pole monopole). Located at 8717 Fort Hunt Road on approx. 1.03 ac. of land zoned R-3. Tax Map 111-2 ((3)) 11. (Concurrent with 2232-V08-6.) MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

James Michal, Esquire, with Jackson & Campbell, PC, reaffirmed the affidavit dated August 11, 2009. There were no disclosures by Commission members.

Kelli Goddard-Sobers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find 2232-V08-6 substantially in accord with the provisions of the adopted Comprehensive Plan. She also noted that staff recommended approval of SE 2008-MV-031.

Mr. Michal explained that in response to community concerns, the original proposal for a 105 foot flag pole had been revised and approval was now being requested for the construction of an 88 foot tree pole. He stated that the applicants concurred with the proposed development conditions. He said the following associations were in support of the applications: Stratford on the Potomac Section IV Homeowners Association, Riverside Gardens Citizens Association, Collingwood Estates Homeowners Association, and Waynewood Citizens' Association. Mr. Michal noted that the Mount Vernon Council of Citizens' Associations (MVCCA) Board of Directors had voted 13-1-1 in favor of the applications. He said the treepole would provide effective wireless coverage along Fort Hunt Road and accommodate four telecommunications carriers. He distributed a map that showed the proposed coverage area, a copy of which is in the date file. Mr. Michal described the proposed landscaping improvements and the accessory structure that would completely enclose all the telecommunications equipment. He indicated that the existing 44-foot tall wood pole adjacent to the Masonic Lodge building would be removed. He explained that the applicants had examined all available alternate sites in the area, including the Waynewood Swim Club and the automobile use near Elkin Street. He said the proposal complied with the Comprehensive Plan, mitigated the visual impact, and addressed the community concerns. Mr. Michal read some of the e-mails from neighbors who supported the proposal. (Copies of the e-mails are in the date file.)

At the request of Commissioner Flanagan, Mr. Michal distributed photo simulations of the proposed treepole. (Copies of the photos are in the date file.) Mr. Michal then responded to questions from Commissioner Flanagan about how a stray wireless signal could be transmitted across water.

Responding to a question from Commissioner Flanagan, Anita Capps, Planning Division, DPZ, said staff believed the photo simulations depicted effective mitigation of the visual impact of the facility.

Mr. Michal replied to questions from Commissioner Flanagan regarding the telecommunications facility inside the steeple of the St. Luke's Episcopal Church, located at 8009 Fort Hunt Road, Alexandria.

In reply to a question from Commissioner Lawrence, Mr. Michal said the accessory structure would replicate the color and architecture of the Masonic Lodge building.

Commissioner Lawrence recommended the following revisions to the proposed development conditions:

- Condition 10 – Indicate that the equipment shelter would be designed and finished to reflect the architecture of the Masonic Lodge building.
- Condition 13 – Delete "...should the need arise to alter the telecommunication tree monopole from that shown on the SE Plat" from the end of the last sentence since this phrase was already included at the beginning of the first sentence.
- Condition 23 – Indicate that if it was determined that water quality controls were required, then the applicants would have to file for a Special Exception Amendment.

Mr. Michal said the applicants did not object to these revisions.

In reply to a question from Commissioner Hart, Ms. Goddard-Sobers said the intent of Condition 13 was to not allow the applicants to make the treepole taller.

Commissioner Hart suggested the following corrections to the development conditions:

- All conditions – Any reference to the tree monopole should remain consistent.
- Condition 8 – Add a period at the end of the last sentence.
- Condition 13 – Add a comma between "SE Plat" and "Engineering" in the second line and change the first "e" in "Engineering" to lowercase.

Mr. Michal pointed out that under the "Proposed Telecommunication Facility" paragraph on page 3 of the staff report addendum, the end of the fourth to last sentence should be changed to read, "T-Mobile will occupy the RAD center at an elevation of 72 feet." He added that the 72-foot elevation was depicted on the Special Exception Plat.

Commissioner de la Fe noted that Development Condition 5 stated that the telecommunications facility could not exceed 88 feet in height; therefore, any alterations to the treepole could not affect the height. Ms. Goddard-Sobers agreed.

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

Darci Vanderhoff, 8716 Plymouth Road, Alexandria, noted that she had sent an e-mail to Mount Vernon District Supervisor Gerald Hyland on January 6, 2009, voicing her opposition to the proposal. She claimed that the applicants refused to address her and her neighbors' concerns and that the Masonic Lodge was only concerned with benefiting financially from the lease agreement with New Cingular Wireless PCS, LLC and T-Mobile and not with performing community service. Ms. Vanderhoff said she adamantly opposed the treepole, citing concerns about adverse visual impact, removal of vegetation, absence of trees, proximity to residential properties, reduction in property values, and increased exposure to radioactivity.

Eileen McCormack-Cabral, 8712 Plymouth Road, Alexandria, indicated that 70 to 75 residents of the Plymouth Haven community had signed a petition in opposition to the applications. She said the community's main concern was incompatibility of a commercial structure in a residential area. She recommended that the treepole instead be constructed in the Waynewood or Riverside Gardens neighborhoods since they had endorsed this proposal. She pointed out that she and her neighbors were considering forming a Plymouth Haven homeowners association.

Commissioner Lawrence suggested that Ms. McCormack-Cabral contact the Mount Vernon District Supervisor's Office to establish a civic association, noting that civic associations did not require dues, only met when necessary, and were treated at the same level as homeowners associations.

Responding to questions from Commissioner Sargeant, Ms. McCormack-Cabral noted that approximately a dozen people in the Plymouth Haven neighborhood had received public hearing notices. She said that since only three people had attended the balloon test, she thought that the neighborhood had not been well informed of this proposal. She stated that she had presented her community's concerns at a meeting of the MVCCA Planning and Zoning Committee.

Ms. McCormack-Cabral responded to questions from Commissioner Flanagan regarding the petition and the Plymouth Haven community.

Commissioner Flanagan pointed out to Ms. McCormack-Cabral that the Stratford Landing Citizens' Association had voted in favor of the proposal although this neighborhood was located within eyesight of the subject property. Ms. McCormack-Cabral claimed that several residents of the Stratford Landing neighborhood had signed her petition.

In reply to questions from Commissioner Hart, Ms. McCormack-Cabral indicated that there were more than 100 homes within the Plymouth Haven community, which also included the subject site. She said she subscribed to Verizon Wireless and that her cell phone service worked well inside and outside her house.

Replying to questions from Commissioner Harsel, Ms. McCormack-Cabral commented that the purpose of the Masonic Lodge was to support the community, not to make a profit. She expressed concerns about the future condition of the facility if the lodge were to close and about maintenance vehicles accessing the site. She said she preferred that the lodge receive funding from a different source. Ms. McCormack-Cabral said she did not know where the treepole should be located in the Waynewood neighborhood.

Commissioner Harsel outlined some of the major differences between a civic association and a homeowners association. She then encouraged Ms. McCormack-Cabral to form a civic association.

In response to a question from Commissioner Sargeant, Cathy Lewis, ZED, DPZ, identified the perimeters of the Plymouth Haven community on a map.

Ronald Elliott, Trustee and Master, Mount Vernon Lodge #219, 8717 Fort Hunt Road, Alexandria, assured the Commission that the lodge would remain operational on the property. He then listed some of the community services provided by the lodge.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Michal.

Mr. Michal stated that the vast majority of the Stratford on the Potomac Section IV Homeowners Association Board supported the applications. He noted that the petition circulated by Ms. McCormack-Cabral did not accurately reflect the current proposal. He also pointed out that there were residents of the Plymouth Haven neighborhood who supported the applications. Mr. Michal said the proposal had been further refined since Ms. McCormack-Cabral had attended the presentation before the MVCCA Planning and Zoning Committee. He reiterated that the MVCCA Board had voted 13-1-1 to support the applications. He explained that the applicants had resolved most of the concerns expressed by the neighbors who lived immediately adjacent to the site. He commented that hundreds of people would benefit from the facility.

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 Flanagan for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-V08-6, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

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

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2008-MV-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 23, 2009, AS AMENDED BY THE MEMBERS OF THE COMMISSION THIS EVENING.

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

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN AND WESTERN PROPERTY LINES

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

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE SOUTHERN AND EASTERN PROPERTY LINES, IN FAVOR OF THE VEGETATION SHOWN ON THE SE PLAT, AND AS CONTAINED IN THE DEVELOPMENT CONDITIONS.

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

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

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

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The meeting was adjourned at 9:37 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia
Approved on: May 26, 2011

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission