

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, SEPTEMBER 30, 2010**

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District

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The meeting was called to order at 8:19 p.m. by Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that Philip Edward Zanfagna, Jr., had passed away on Friday, September 24, 2010, in Falls Church, Virginia. He said Mr. Zanfagna had served as the Dranesville District representative on the Planning Commission from July 16, 1973 until January 4, 1977 when his term expired. He noted that while Mr. Zanfagna was on the Commission, he served as Parliamentarian in 1974, Secretary in 1975, and Vice Chairman in 1976. Chairman Murphy added that following his tenure on the Commission, Mr. Zanfagna had remained involved in land use issues affecting the Dranesville District. On behalf of the current and former Planning Commissioners and staff, Chairman Murphy expressed sympathy and condolences to the Zanfagna family, in particular Mr. Zanfagna's daughter, Debbie Bass and her family, and his son, Gary Zanfagna and his family. He announced that a Memorial Service would be held on Saturday, October 2, at 10 a.m., at the Lewinsville Presbyterian Church located at 1724 Chain Bridge Road in McLean, with interment to follow at the Lewinsville Cemetery.

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Commissioner Hart noted that the Planning Commission's Environment Committee had met earlier this evening to receive a staff presentation on the Green Building Policy Plan revisions. He announced that the Committee would again meet at 7 p.m., in the Board Conference Room of the Government Center, on the following dates:

- Wednesday, October 6 – Staff presentation on stormwater management.
- Thursday, October 28 – Discussion with staff regarding data collection for the Green Building Policy Plan update.
- Thursday, December 2 – Review of a strawman document prepared by staff for an amendment to the Green Building Policy Plan.

Commissioner Hart said everyone was welcome to attend these meetings.

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FS-D10-20 – CLEARWIRE, 1633 Davidson Road (McLean High School)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR THAT THE "FEATURE SHOWN" DETERMINATION CONCERNING FS-D10-20, CLEARWIRE AT McLEAN HIGH SCHOOL, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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2232A-D09-2-1 – NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC (Decision Only) (The public hearing on this application was held on September 16, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION FIND 2232A-D09-2-1, AS AMENDED, CONCERNING NODES GFE17A AND GFE27A ONLY, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Sargeant recused; Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

Commissioner Donahue MOVED THAT THE DECISION ONLY ON NODE GFE12A ON SENECA ROAD, BE DEFERRED TO A DATE CERTAIN OF OCTOBER 20, 2010, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Sargeant recused; Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. AR 93-S-003-02 – THE FARM AT CLIFTON STATION, LLC (DONNA J. AND MARK D. KNAUFF) (Springfield District)
2. AREA PLANS REVIEW (APR) ITEM #09-III-2FC – FAIRFAX CENTER AREA: SUB-UNIT Q9; "RIDGWOOD" (Springfield District)
3. RZ 2010-SU-002 – STEVEN C. BRYANT
4. RZ 2010-SU-004 – JAMES G. MILLER, TRUSTEE FOR THE J.G. MILLER REVOCABLE TRUST
5. 2232-H10-2 – CLEARWIRE WIRELESS BROADBAND AND MILESTONE COMMUNICATIONS (James Madison High School)

This order was accepted without objection.

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The next two items were in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Secretary Harsel.

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AR 93-S-003-02 – THE FARM AT CLIFTON STATION, LLC (DONNA J. AND MARK D. KNAUFF) – Appl. authorized by Chapter 115 (County Code), effective June 30, 1983. Located at 13442 Compton Road on approx. 28.0 ac. of land zoned R C and WS. Tax Map 75-1 ((1)) 8Z. SPRINGFIELD DISTRICT. PUBLIC HEARING.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE FARM AT CLIFTON STATION LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS LISTED IN APPENDIX 1 OF THE STAFF REPORT, CONCERNING AR 93-S-003-02.

Commissioners Litzenberger and Sargeant seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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AREA PLANS REVIEW (APR) ITEM #09-III-2FC – FAIRFAX CENTER AREA: SUB-UNIT Q9; "RIDGEWOOD" (Springfield District) (Nominators: David R. Gill and Gregory A. Riegle) – To consider a proposed revision to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. APR Nomination #09-III-2FC concerns approx. 22.1 acres generally located north of Lee Highway (Route 29) between Waples Mill and Ridge Top Roads in the Fairfax Center Area. The area is planned for office use up to 0.70 FAR at the overlay level with an option for residential mixed use up to 1.2 FAR with consolidation and other conditions. Any unconsolidated parcels are planned for office mixed use up to 1.0 FAR under this option. The proposed amendment will consider modifying the option to recommend residential mixed-use up to 1.08 FAR with consolidation and other conditions. The recommendation for the unconsolidated parcels would be removed and guidance which recommends the overall sub-unit for mixed use up to 1.15 FAR would be added. Recommendations relating to the transportation network may also be modified.
SPRINGFIELD DISTRICT. PUBLIC HEARING.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE STAFF ALTERNATIVE AND TASK FORCE ALTERNATIVE FOR APR 09-III-2FC, AS FOUND ON PAGES 12 THROUGH 14 OF THE STAFF REPORT.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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At the conclusion of this item, Chairman Murphy resumed the Chair.

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RZ 2010-SU-002 – STEVEN C. BRYANT – Appl. to rezone from I-3, AN, and WS to I-5, AN, and WS to permit industrial uses with an overall FAR of 0.04. Located on the W. side of Stonecroft Blvd. approx. 400 ft. N. of its intersection with Murdock St. on approx. 2.15 ac. of land. Comp. Plan Rec: 0.35. Tax Map 33-2 ((2)) 13A and 34-1 ((2)) 13B. SULLY DISTRICT. PUBLIC HEARING.

David Roll, Esquire, reaffirmed the affidavit dated March 8, 2010. There were no disclosures by Commission members.

William O'Donnell, 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 approval of the application.

Commissioner Litzenberger commended staff and the applicant for their hard work on Area Plans Review (APR) nomination 08-III-7DS, noting that the subject application would implement that Plan Amendment.

Mr. Roll explained that the proposed rezoning of the subject property would bring it into compliance with the amended Comprehensive Plan and allow the continued operation of an already existing use, which would be in harmony with the surrounding community and not cause any impacts to the community.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. 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 Litzenberger for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-SU-002, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 23, 2010.

Commissioners de la Fe and Hart seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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RZ 2010-SU-004 – JAMES G. MILLER, TRUSTEE FOR THE J.G. MILLER REVOCABLE TRUST – Appl. to rezone from I-3, AN, and WS to I-5, AN, and WS to permit industrial uses with an overall FAR of 0.07. Located in the S.W. quadrant of the intersection of Stonecroft and Thompson Blvds. on approx. 2.61 ac. of land. Comp. Plan Rec: Industrial Use up to 0.35. Tax Map 33-2 ((2)) 13. SULLY DISTRICT. PUBLIC HEARING.

William McCauley Arnold, Esquire, with McCandlish & Lillard, PC, reaffirmed the affidavit dated May 25, 2010. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two pending cases with Mr. Arnold's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

William O'Donnell, 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 approval of the application.

Mr. Arnold said the application was in compliance with the Comprehensive Plan. He noted that the applicant had amended the proffers to include rental and service establishments as one of the permitted uses.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-SU-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 23, 2010.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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2232-H10-2 – CLEARWIRE WIRELESS BROADBAND AND MILESTONE COMMUNICATIONS (James Madison High School) – Appl. to develop a telecommunications facility and related equipment located at James Madison High School, 2500 James Madison Drive, Vienna, VA, 22181. Tax Map: 38-3 ((1)) 52. Area II. HUNTER MILL DISTRICT. PUBLIC HEARING.

Anita Capps, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

In response to questions from Commissioner de la Fe, Ms. Capps said the applicant had reduced the height of the replacement light pole monopole from 125 feet to 105 feet. Edward Donohue, Esquire, with Donohue & Stearns, PLC, indicated that the new pole would be located near 12 to 14 other light poles on the James Madison High School site, but it would be approximately 15 to 16 feet taller than the others.

Mr. Donohue stated that the proposed telecommunications facility would be similar to those installed at other County high schools. He explained that the equipment compound would be located immediately behind the southern bleachers on the football field in an unused grass area surrounded by a fence that would help screen it from view, in accordance with the *Code of Virginia*.

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

Marion May, 1806 Horseback Trail, Vienna, noted that she had two children who currently attended James Madison High School. She said although she supported the monopole, she was opposed to its location and the eight-foot tall wood fence because it would restrict the use of the only open green space on the site, create a safety hazard, and obstruct the view from behind the bleachers. She also expressed concern that if access was blocked under the bleachers, people sitting on bleachers who dropped items would not be able to retrieve them. Ms. May requested that the decision be deferred so the applicant could consider relocating the pole farther away on the school site near other poles in a less obtrusive and safer location. She said if the pole could not be relocated, the application should be denied.

Commissioner Litzenberger pointed out that monopoles generated revenue for the hosting school. Ms. May said she thought that the school received a nominal amount of the rental income received by the school system. She reiterated her suggestion that the applicant consider a more appropriate place on the subject school site to locate the monopole.

Haiyan Han, 2582 Glengyle Drive, Unit 132, Vienna, spoke in opposition to the monopole citing concerns about harmful health effects associated with exposure to radiation. (A copy of her presentation is in the date file.)

Joan Graham, 1441 Hunter View Farms, Vienna, noted that she was a parent of a James Madison High School student. She also expressed opposition to the monopole because of the unknown health and safety risks to the students.

Commissioner de la Fe pointed out to Ms. Graham that the Planning Commission was precluded by law from considering health impacts of a proposed telecommunications facility. He said the amount of radiation emitted from a television set, microwave, or cell phone was far higher than that from a telecommunications facility and the radiation emitted from a cell phone was stronger if the tower was farther away. Commissioner Hart added that Congress had precluded the Commission from denying the installation of a telecommunications facility on the basis of health effects of RF emissions if the facility complied with the federal minimum standard.

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

Mr. Donohue stated that the applicant had held community meetings and balloon tests. He said the proposed pole had been selected because it was centrally located and would achieve the maximum setbacks. He disagreed with Ms. May's statement that the equipment would occupy the only used open space on the site. Mr. Donohue said the proposal conformed to the Comprehensive Plan guidelines that public lands should be considered as the preferred location for telecommunications facilities. He noted that at the request of Commissioner Hall, he had provided information regarding scientific research on RF emissions from the Federal Communications Commission's Office of Engineering and Technology, and recommended that Commissioners read that information.

Commissioner de la Fe pointed out that the other poles considered were located within open space used by the school for recreational and sports activities. He said he believed that the area under the bleachers was not used for activities sanctioned by the school.

Answering questions from Commissioner de la Fe, Mr. Donohue indicated that the fence would help screen the visibility of the equipment compound. He said the proposed location was preferred by school staff.

In reply to questions from Commissioner Lawrence, Mr. Donohue noted that people sitting on the bleachers who dropped items would be able to retrieve them underneath the bleachers because this area would remain accessible. He explained that more telecommunications facility installations were needed to accommodate the demand for greater bandwidth for mobile communications devices and provide the robust signal needed to make data transmission reliable. Mr. Donohue said a taller monopole that blended well with other poles on a school site would be able to obtain greater signal strength than one located within a residential community. He noted that although the height reduction of 20 feet represented a compromise, it would still be able to meet the coverage objective for the target area.

Commissioner Lawrence recommended that telecommunications industry representatives work with the government in conducting studies to solve the considerable problem of teenagers who text while driving.

Responding to a question from Commissioner Hart, Len Forkas, President of Milestone Communications, noted that only the equipment and generator compounds would be fenced. He added that the proposed facility was designed to accommodate additional carriers.

Replying to a question from Commissioner Litzenberger, Mr. Donohue explained that the monopole could not be located in the northeast corner adjacent to the northern bleachers due to restricted vehicle access and close proximity to residences.

Chairman Murphy reiterated that the Federal Telecommunications Act of 1996 specifically prohibited a local jurisdiction from denying the installation of a telecommunications facility on the basis of health effects of RF emissions if it complied with established regulations concerning such emissions. He commented that wireless communication was an integral part of today's society.

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 de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND 2232-H10-2, BY CLEARWIRE WIRELESS BROADBAND AND MILESTONE COMMUNICATIONS, TO DEVELOP A TELECOMMUNICATIONS FACILITY IN A REPLACEMENT LIGHT POLE, LOCATED AT MADISON HIGH SCHOOL, 2500 JAMES MADISON DRIVE, VIENNA, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.

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The meeting was adjourned at 9:35 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: September 29, 2011

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